

MINUTES
CITY COUNCIL MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, SEPTEMBER 28, 2009
CITY HALL
6:30 PM

A. CALL TO ORDER AND ROLL CALL

Mayor Kemp called the meeting to order and led the Pledge of Allegiance. Those present on roll call were: Alderman Polete, Alderman Wright, Alderman Thomas, Alderman Walts, Alderman Brown, and Alderman Merriman. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Deputy Clerk Harbison, Finance Officer Shinn, Department Heads and visitors.

B. APPROVAL OF MINUTES

- 1) Minutes of the regular council meeting of September 14, 2009. A motion was made by Polete with a second by Wright to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

- 1) Additions or deletions.
Add: To New Business discussion concerning a city marshal incident.
- 2) A motion was made by Walts with a second by Brown to approve the agenda as amended. Motion carried.

D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS

- 1) None.

E. PRESENTATIONS

- 1) **Financial report – August (Shinn)**

F. REPORTS OF OFFICERS

- 1) **Mayor's report.**

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) **City Administrator's report.**
- 2) **Police Captain's report – August.**

H. OLD BUSINESS

- 1) None.

I. NEW BUSINESS

- 1) **An Ordinance authorizing the Mayor to execute a release agreement between City and Poor Boy Tree Services relative to a release of claims for damages to city electric lines.** A motion was made by Merriman with a second by Walts that as the ordinance was made available prior to the meeting it be read the first time by title only.

Motion carried. Moore read: "An Ordinance authorizing the Mayor to execute a release agreement between City and Poor Boy Tree Services relative to a release of claims related to damage to city property. . ." A motion was made by Brown with a second by Wright to read the ordinance the second time by title only. Motion carried. **Ordinance 09-48 duly adopted.**

2) **An Ordinance amending the fiscal year 2008/2009 Budget for Operations.** A motion was made by Merriman with a second by Brown that as the ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read: "An Ordinance amending the fiscal year 2008/2009 Budget for Operations." A motion was made by Polete with a second by Wright to read the ordinance the second time by title only. Motion carried. **Ordinance 09-49 duly adopted.**

3) **An Ordinance adopting the fiscal year 2009/2010 Budget for Operations.** A motion was made by Walts with a second by Merriman that as the Ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read "An Ordinance adopting the fiscal year 2009/2010 Budget for Operations". A motion was made by Merriman with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-50 duly adopted.**

4) **An Ordinance authorizing the mayor to execute an agreement between City and University Missouri 4-H Center for Youth Development relative to EYE VISTA Program (Second Year-February 2009 to February 2010).** A motion was made by Merriman with a second by Thomas that as the Ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read "An Ordinance authorizing the mayor to execute an agreement between City and University Missouri 4-H Center for Youth Development (VISTA) . . ." A motion was made by Merriman with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-51 duly adopted.**

5) **An Ordinance amending Title IV, Chapter 405, Section 405.080 B7.** A motion was made by Merriman with a second by Thomas that as the Ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read "An Ordinance amending Title IV, Chapter 405, Section 405.080 B7 . . . by deleting bicycle and motorcycle repair, sales and retail and adding in lieu thereof bus, truck or freight terminal, commercial garage or repair shop . . ." A motion was made by Polete with a second by Wright to read the ordinance the second time by title only. Motion carried. **Ordinance 09-52 duly adopted.**

6) **An Ordinance amending Title IV, Chapter 405, Section 405.080 B10.** A motion was made by Merriman with a second by Wright that as the Ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read "An Ordinance amending Title IV, Chapter 405, Section 405.080 B10 . . . deleting restaurant or theater except drive-in restaurant or theater with special use permit only and adding in lieu thereof restaurant or theater as a permitted use . . ." A motion was made by Brown with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 09-53 duly adopted.**

7) **An Ordinance amending Title IV, Chapter 405, Section 405.090 B.** A motion was made by Merriman with a second by Polete that as the Ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read "An Ordinance amending Title IV, Chapter 405, Section 405.090B . . . by deleting bus, truck

or freight terminal, commercial garage or repair shop as a permitted use . . .” A motion was made by Brown with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-54 duly adopted.**

8) **An Ordinance amending Title IV, Chapter 410, Section 410.035 entitled filing fees.** A motion was made by Merriman with a second by Wright that as the Ordinance was made available prior to the meeting it be read the first time by title only. Motion carried. Moore read “An Ordinance amending Title IV, Chapter 410, Section 410.025 entitled filing fees . . .” A motion was made by Brown with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 09-55 duly adopted.**

9) **Recommendation from the Planning and Zoning Committee to approve the addition of one more lot to the original plat for Madison Village-Phase One (I.Kranjec’s property) (Baer/Macke)** Baer began by stating this proposal differs from the one presented and approved in March of this year in that Kranjec has included the addition of Lot 2. He went on to say the approval by P&Z was contingent on the following: 1) he must finish the improvements (utilities and streets) or post the required performance bond and 2) add an additional width to the utility easement around Lot 2 due to the depth of the sewer line. A motion was then made by Merriman with a second by Walts to table the approval until Kranjec complies with contingent one above. Motion carried.

10) **Discussion concerning a recent city marshal incident. (Merriman)** Merriman proceeded to relay to council an incident which took place at Murphy Oil in which the City Marshal was involved in a physical altercation with someone. The incident was caught on surveillance tape. The tape indicates the marshal threw the first punch. Merriman said council needs to decide how to handle this situation. Moore said it was up to council. He suggested our police department or highway patrol could handle the investigation and report to council their findings. Mayor Kemp instructed Police Captain Tomlinson to contact the highway patrol for their assistance. A motion was then made by Brown to place the Mayor in charge of the procedure. Alderman Merriman then amended the motion to include making sure the council receives a copy of the findings. Alderman Merriman seconded the original motion plus the amendment. Motion carried.

J. ADDITIONAL BUSINESS

1) **Accounts payable I.** A motion was made by Walts with a second by Brown to approve the bills. Motion carried.

K. REMARKS FROM GENERAL PUBLIC

L. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN

M. CLOSED SESSION BUSINESS (As authorized RSMo Section 610.021) Motion was made by Polete with a second by Walts to go into Closed Session. Roll call vote resulted in six ayes, zero nays and zero absent. The account of the Closed Session is exempt from the public record and is on file in the office of the City Clerk pursuant to RSMo 610.024. The following motions and votes were taken in Closed Session:

1) Personnel matter – After a brief discussion, a motion was made by Brown with a second by Merriman to approve the recommendation of Josh Clauser as the replacement for the recycling laborer position. Motion carried with all voting aye.

A motion was made by Brown with a second by Wright to return to open session. Motion carried.

N. **ANY OTHER BUSINESS**

1) None.

O. **ADJOURNMENT.** Motion by Polete with a second by Brown to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
PUBLIC HEARING
CITY COUNCIL
FREDERICKTOWN, MISSOURI
SEPTEMBER 28, 2009
5:30 PM CITY HALL

Mayor Kemp declared the Public Hearing open at 5:30 pm. Kemp stated the purpose of the public hearing was to receive comments from the public concerning the proposal for the Operating Budget for Fiscal Year 2009/2010 for the City of Fredericktown. The public hearing was closed at 6:30 pm after hearing no comments or questions from the public.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
SEPTEMBER 28, 2009
5:30 PM

A. CALL TO ORDER AND ROLL CALL

Mayor Kemp called the meeting to order. Those present on roll call were: Alderman Polete, Alderman Merriman, Alderman Walts, Alderman Wright, Alderman Thomas, and Alderman Brown. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Deputy Clerk Harbison, Finance Officer Shinn, department heads and visitors.

B. APPROVAL OF MINUTES

1) **Minutes of the work session meeting of September 14, 2009.** A motion was made by Merriman with a second by Thomas to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

1) **Additions or deletions.** Alderman Walts added to Work Session Business: update on the MPUA conference.

2) **Approval of agenda.** A motion was made by Polete with a second by Merriman approve the agenda as amended. Motion carried.

D. WORK SESSION BUSINESS

1) **Consideration of a request by the Downtown Revitalization Committee to close the downtown area to traffic for a community wide Halloween event on October 31, 2009 (Heidi Steck)** Steck addressed council explaining the intent of the event was to work with other organizations to put together an event to take place around the courthouse. Steck went on to explain the area would need to be closed to traffic during the usual trick or treating time (which will be 5:00 pm to 8:00 pm on the 31st). Hopefully other businesses will also participate in the event. A motion was then made by Walts with a second by Merriman to approve the event. Motion carried.

2) **Consideration of a request by the Fredericktown R-1 School District for the Homecoming Parade prior to the game on October 9th. (Tomlinson)** Tomlinson explained the high school would like to have permission for their annual parade for homecoming. The parade will start at the high school and run through town. A motion was made by Walts with a second by Wright to approve the request. Motion carried.

3) **Discussion concerning the revised engineering fee proposal from BWR Engineers relative to the MODOT Aviation Project for a terminal at the airport.** Dismuke said since its inception for this project, the fees have been excessive by BWR. The fees represent 30% of the total contract including the inspection fees. Dismuke said MODOT is willing to pay up to a certain amount but the city would have to make up the difference. Dismuke felt the city should contact MODOT and find another solution. A motion was then made by Walts with a second by Merriman to table further discussions and/or decisions until we hear back from Dismuke. Motion carried.

4) **Planning & Zoning/Planning, Development & Ordinance Committee recommendations for review:**

a) Ordinance amending Title IV, Chapter 405, Section 405.080 B.7. No comments or questions.

b) Ordinance amending Title IV, Chapter 405, Section 405.080 B10. No comments or questions.

c) Ordinance amending Title IV, Chapter 405, Section 405.090 B. No comments or questions.

d) Ordinance amending Title IV, Chapter 410, Section 410.035 entitled filing fees. No comments or questions.

A motion was made by Merriman with a second by Walts to take the ordinances to full council. Motion carried.

5) **Update on the MPUA conference (Walts).** Alderman Walts gave updates on the conference he attended with Dismuke.

E. **CLOSED SESSION** (As authorized by RSMo Section 610.021). None

F. **ADJOURNMENT**

1) Motion was made by Merriman with a second by Walts to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk