

MINUTES  
CITY COUNCIL MEETING  
FREDERICKTOWN, MISSOURI  
DAY/DATE: MONDAY, DECEMBER 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 Walts, Alderman Thomas, Alderman Brown and Alderman Merriman. Absent was: Alderman Wright. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Department Heads and visitors.

**B. APPROVAL OF MINUTES**

- 1) Minutes of the special council meeting December 9, 2009. A motion was made by Merriman with a second by Brown to approve the minutes as presented. Motion carried.
- 2) Minutes of the regular council meeting of December 14, 2009. A motion was made by Merriman with a second by Polete to approve the minutes as presented. Motion carried.

**C. APPROVAL OF AGENDA**

- 1) Additions or deletions.  
Add to New Business: Consideration of an extension for Lappe Cement Refinishing for the Commercial Drive project.  
Add to Closed Session: One contract matter and two real estate matters.
- 2) A motion was made by Brown with a second by Thomas to approve the agenda as amended. Motion carried.

**D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS**

- 1) None.

**E. PRESENTATIONS**

- 1) **MIRMA presentation of risk management awards for police department purchases.** Jeff Arp, Risk Manager representative, presented a check of \$5056.13 to the police department for the purchase of camera tasers and a dash mounted camera.
- 2) **Financial report – November (Shinn).**

**F. REPORTS OF OFFICERS**

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

**G. REPORT FROM SPECIAL COMMITTEES AND STAFF**

- 1) **City Administrator's report.**
- 2) **Police Captains report - November**

**H. OLD BUSINESS**

- 1) None

**I. NEW BUSINESS**

- 1) **Ordinance amending Chapter 605 relative to sale of intoxicating liquors.** A motion was made by Brown 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 amending Sections

605.010,605.020,605.050,605.060,605.075,605.080 and 605.090 relative to license for sale of intoxicating liquors. . ." A motion was made by Polete with a second by Brown to read the ordinance the second time by title only. Motion carried. **Ordinance 09-72 duly adopted.**

2) **Ordinance authorizing the Mayor to execute a contract between City and Zoellner Construction relative to hangar replacements at the airport.** 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 authorizing the Mayor to execute a contract between City and Zoellner Construction relative to construction of replacement hangars at the airport. . ." A motion was made by Brown with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-73 duly adopted.**

3) **Ordinance authorizing the Mayor to execute a first addendum to the airport hangar contract with Zoellner Construction.** 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 authorizing the Mayor to execute a first addendum to the Fredericktown Airport hangar building design/build agreement (Change order #1). . ." A motion was made by Brown with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-74 duly adopted.**

4) **Ordinance authorizing the Mayor to execute an agreement between City and Baer Engineering relative to providing construction inspection services for the replacement hangars at the airport.** 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 authorizing the Mayor to execute a contract between City and Baer Engineering LLC relative to providing inspection service for replacement hangars at the airport. . ." A motion was made by Brown with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 09-75 duly adopted.**

5) **Ordinance authorizing the Mayor to execute an agreement between City and B&A Automation and Controls, Inc. relative to the warehouse substation/Ameren connection upgrade.** 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 B&A Automation and Controls, Inc. relative to the warehouse substation and Ameren connection upgrades. . ." A motion was made by Brown with a second by Polete to read the ordinance the second time by title only. Motion carried. **Ordinance 09-76 duly adopted.**

6) **Consideration of an extension for Lappe Cement Refinishing for the Commercial Drive project.** Mayor Kemp said he had received a request from Lappe to extend the work on the Commercial Drive project for an additional thirty days past the original date of January 5th due to weather delays. Polete asked if weather should have been included when the project was bid and it was noted that was correct. Mayor Kemp as well as several councilmen felt the extension should not be granted as Lappe has made the project a rather difficult one. A motion was made by Merriman with a second by Brown to deny the request. Further discussion ensued. A motion was then made by Walts with a second by Thomas to amend the original motion to allow an extension until January 12<sup>th</sup> without Commercial Drive being shutdown during the completion stages. Motion carried.

**J. ADDITIONAL BUSINESS**

1) **Accounts payable.** A motion was made by Merriman 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 Merriman to go into Closed Session. Roll call vote resulted in five ayes, zero nays and one 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) One (1) contract/agreement matter. Discussion only, no voting actions taken.
- 2) One (1) real estate matter. Discussion only, no voting actions necessary at this time.
- 3) One (1) real estate matter. Discussion only, no voting actions necessary at this time.

Motion was made by Brown with a second by Polete to return to Open Session. Motion carried.

N. **ANY OTHER BUSINESS**

- 1) None.

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

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk

MINUTES  
CITY COUNCIL WORK SESSION  
FREDERICKTOWN, MISSOURI  
DECEMBER 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 Thomas, Alderman Brown, and Alderman Walts. Absent was: Alderman Wright. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, department heads and visitors.

**B. APPROVAL OF MINUTES**

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

**C. APPROVAL OF AGENDA**

1) **Additions or deletions.** None

2) **Approval of agenda.** A motion was made by Walts with a second by Brown approve the agenda as presented. Motion carried.

**D. WORK SESSION BUSINESS**

1) **Consideration of financing for various equipment purchases and warehouse substation project through MAMU. (Dismuke)** Dismuke said he was getting together numbers for financing of various pieces of equipment already approved by council and the warehouse substation upgrade. The amount totals around \$924,842. Council proceeded to discuss fixed rates as opposed to variable rates. Council asked finance officer Shinn if the numbers were within the city's budget and he concurred they were. The equipment would be financed for five years with the substation financed for 10-15 years. A motion was made by Brown with a second by Walts to proceed with obtaining financing with MAMU. Motion carried.

2) **Discussion concerning setting a cleanup for downtown business owners. (Dismuke)** Dismuke said he Shanna Sorg and Richard Macke took a closer look at the downtown property, particularly behind the buildings. He found a lot of accumulation of junk, storm debris, pallets, etc. Dismuke suggested the city work with the Downtown Revitalization Initiative and clean up the problem areas at the city's cost. Then after the cleanup the property owners would be responsible for maintaining the area. If debris began to build up again, the property owner would be cited. The area affected would be the 100 block off of court square in all directions. Dismuke indicated he had spoken to public works director McDowell who indicated the work could be done by the work release prisoners and the work could be done in one day. A motion was then made by Walts with a second by Thomas to contact the Revitalization group to set up a date. Motion carried.

3) **Continued discussion of utility deposit requirements.** Utility billing clerk Bellew began by explaining how the city presently calculates utility deposits, as it was different than was reported at the last council meeting. A discussion ensued on the pros and cons of the flat rate deposit. Moore suggested landlords could be made responsible for unpaid utility bills. Then deposits could be lowered. Finance officer Shinn and the billing clerks felt the city would be left with a lot of unpaid utility bills if we went to a flat deposit rate. A motion was made by Walts with a second by Brown to table any decision until after the utility rate study. Motion carried.

E. **CLOSED SESSION** (As authorized by RSMo Section 610.021). Motion was made by Polete with a second by Merriman to go into Closed Session. Roll call vote resulted in five ayes, zero nays and one 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) One (1) legal matter. Update only, no voting actions necessary at this time.
- 2) One (1) personnel matter. After some discussion, a motion was made by Walts with a second by Brown set the salary of Ken Tomlinson as police captain at \$42,000 effective January 1<sup>st</sup>. Motion carried with all voting aye.

Motion was made by Merriman with a second by Brown to return to Open Session and table discussion of the remaining closed session items to the regular council meeting. Motion carried with all in attendance voting aye.

F. **ADJOURNMENT**

- 1) Motion was made by Merriman to adjourn.

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Danny E. Kemp, Mayor

ATTEST:

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Barbara Stevens, City Clerk