

MINUTES
CITY COUNCIL MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, APRIL 12, 2010
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 Wright, Alderman Merriman, Alderman Thomas, and Alderman Brown. Also present were: City Administrator Dismuke, City Attorney Moore, City Engineer Baer, City Clerk Stevens, Deputy Clerk Harbison, Department Heads and visitors.

B. **APPROVAL OF MINUTES**

- 1) Minutes of the regular council meeting of March 22, 2010. A motion was made by Merriman with a second by Wright to approve the minutes as presented. Motion carried.

C. **APPROVAL OF AGENDA**

- 1) Additions or deletions.
Reverse Sections D and E.
- 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) Mayor Kemp gave his final report thanking everyone for all the cooperation and support he received from his staff and the community during his tenure as mayor.

E. **SPECIAL BUSINESS**

- 1) **Resolution verifying the election results from the general election held on April 6, 2010.** A motion was made by Merriman with a second by Thomas to read the resolution in full. Motion carried. **Resolution 2010-02 duly passed.**

At this time the meeting was turned over to the present President of the Board Rick Polete in the absence of the newly elected mayor.

- 2) **Oaths of Office for the offices of Mayor, Alderman Ward I, Alderman Ward II, Alderman Ward III, and City Marshal.** Board President Polete gave the oaths of office to the newly elected officials.
- 3) **Election of the President of the Board.** Alderman Merriman nominated Alderman Polete and Alderman Reutzel nominated Alderman Walts. There were no other nominations. By a show of hands Alderman Polete was re-elected as President of the Board receiving three votes with Alderman Walts receiving two votes.
- 4) **Recommendation and Oath of Office for the City Clerk and Deputy Clerk.** A motion was made by Thomas with a second by Brown to re-appoint Theresa Harbison as Deputy City Clerk. Motion carried with all voting aye. A motion was then made by Merriman with a second by Brown to re-appoint Barbara Stevens as City Clerk. Motion

carried with all voting aye. Board President Polete then gave the oaths of office to both appointees.

F. PRESENTATIONS

1) None.

G. REPORT FROM OFFICERS

1) Mayor's report.

H. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) City Administrator's report.
- 2) City Marshal's report – March
- 3) Municipal Court docket – March
- 4) Municipal Court statistics – March
- 5) Building inspector report – March
- 6) Madison County Collector's report – March

I. OLD BUSINESS

1) None

J. NEW BUSINESS

1) **Recommendation from the Planning and Zoning Commission to approve the Special Use Permit renewals for 2010.** A motion was made by Thomas with a second by Walts to approve the recommendation of the Special Use Permits for 2010. Motion carried.

2) **Request for liquor license for Wayne O's Seafood & Grill located at 24 Court Square. (Clerk Stevens)** Stevens referred discussion to Attorney Moore. Moore said during a routine background check it was discovered the individual had past charges which would prevent him from having a liquor license. A motion was then made by Merriman with a second by Brown to deny the liquor license application. Motion carried.

3) **Resolution appointing director and alternate director for MJMEUC.** A motion was made by Merriman with a second by Brown to read the resolution in full. Motion carried. **Resolution 2010-03 duly passed.**

4) **Ordinance regulating the sale of ephedrine and pseudoephedrine related products.** 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 the ordinance. A motion was made by Brown with a second by Thomas to read the ordinance the second time by title only. Motion carried. **Ordinance 2010-23 duly adopted.**

5) **Ordinance amending 605.060 and 605.090 relative to liquor licenses.** A motion was made by Brown 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 the ordinance. A motion was made by Brown with a second by Merriman to read the ordinance the second time by title only. Motion carried. **Ordinance 2010-24 duly adopted.**

6) **Resolution relative to changing signatures of City banking accounts.** A motion was made by Merriman with a second by Thomas to read the resolution in full. Motion carried. **Resolution 2010-04 duly passed.**

K. ADDITIONAL BUSINESS

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

2) **Accounts payable II.** A motion was made by Brown with a second by Walts to approve the bills. Motion carried with Alderman Thomas abstaining.

L. **CLOSED SESSION BUSINESS** (As authorized RSMo Section 610.021). None

M. **ANY OTHER BUSINESS**

1) Alderman Merriman requested the reinstatement of Remarks of Personal Privilege and General Public to the regular council agenda. Moore indicated they were presently not part of the order of business listed in the Municipal Code Book. A motion was then made by Merriman with a second by Walts to amend the order of business. Motion carried. Attorney Moore will have an ordinance prepared to adopt at the next meeting.

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

Rick Polete, President of the Board

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
APRIL 12, 2010
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, department heads and visitors.

B. APPROVAL OF MINUTES

1) **Minutes of the work session meeting of March 22, 2010.** A motion was made by Merriman with a second by Brown to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

1) **Additions or deletions.**

Add to Work Session Business: Hay mowing of city property by Ken McDowell and Pickin' in the Park discussion.

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

D. WORK SESSION BUSINESS

1) **Discussion concerning batting cages at the old tennis courts owned by Fredericktown R-1 School District (Polete)** Polete began by stating the board had discussed this issue previously and determined some sort of sale of property or agreement would have to be made with the school board. He went on to say he attended the last Park Board meeting and explained the board's decision. The Park Board relayed the information to the School Board who agreed to allow the city to use the property with a lease. Attorney Moore agreed the lease option was acceptable. Alderman Polete said he would pass the information to the Park Board.

2) **Travel request by Police Captain Gordon for three officers to attend criminal drug highway interdiction course June 9th through June 11, 2010 in Rolla. (Gordon)**

Council asked Gordon for the approximate cost, which was reported as \$100 per officer for the course plus two nights in Rolla. A motion was then made by Merriman with a second by Walts to approve the request. Motion carried.

3) **Request to purchase street paint for annual street marking. (McDowell)** After a brief discussion a motion was then made by Brown with a second by Merriman to approve the paint purchase from Sherwin-Williams, Farmington. Motion carried.

4) **Travel request by Deputy Clerk to attend one day (including one night) MIRMA seminar in Columbia for Employment/Human Resource issues (Harbison).** A motion was made by Merriman with a second by Thomas to approve the travel request. Motion carried.

5) **Consideration of bids for the Dixie Chopper for the Parks Department. (McDowell)** McDowell reviewed the two bids received for a Dixie Chopper, recommending the low bid of Farm Equipment Sales, Farmington. A motion was then made by Merriman with a second by Polete to approve the bid from Farm Equipment Sales. Motion carried.

6) **Review of ordinance regulating the sale of ephedrine and pseudoephedrine related products.** Moore explained the purpose of this ordinance. Surrounding counties in our area have already adopted this ordinance, which has prompted our county to be bombarded with individuals seeking to purchase these products over the counter. Moore also explained he used this opportunity to strengthen our existing substance abuse ordinance. A motion was then made

by Merriman with a second by Walts to recommend this ordinance to full council for passage. Motion carried.

7) **Request by Police Captain Gordon to replace another reserve officer due to resignation. (Gordon)** Gordon explained to council one of our reserve officers resigned this week and he would like to replace him. This would be an additional one to the two already approved for hire at the last meeting. A motion was made by Thomas with a second by Walts to approve the additional reserve officer. Motion carried.

8) **Discussion concerning water and sewer bill accommodations. (Merriman)** Merriman gave some background to his request. There was a glitch in the utility billing program which has caused some water and sewer bills to appear high. He would like council to consider allowing some payment accommodations to these particular bills. A discussion ensued on the billing issues, software issues as well as problems with the handhelds. Dismuke said he would get some prices on replacement of handhelds and bring them back to the next council for consideration. It was the consensus of council to have the utility billing department work with customers on their utility bills if the problem was due to system errors.

9) **Request by Kenny McDowell to mow hay on city property for 2010.** A motion was made by Brown with a second by Walts to allow McDowell to cut hay on city property for 2010. Motion carried.

10) **Discussion on Pickin' in the Park.** Mayor Kemp said he had been contacted by some of the musicians who participate in the event and they indicated their disapproval of moving the event to the park instead of the square. Alderman Walts asked if anyone had contacted the event coordinator Fredericktown Revitalization Initiative and/or Ruth Ann Skaggs. The Mayor said he had not. The council felt this should be referred to the FRI committee for their review.

E. **CLOSED SESSION** (As authorized by RSMo Section 610.021). Motion was made by Brown 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 – Part time work release guard. A motion was made by Brown with a second by Polete to approve the recommendation of Harold Tesreau. Motion carried with all voting aye.

2) Personnel matter – Seasonal Park worker. A motion was then made by Walts with a second by Thomas to approve the recommendation of Chris Gallagher. Motion carried with all voting aye.

3) Legal matter – EPA. After some discussion, a motion was made by Walts with a second by Merriman to agree to pay the EPA imposed fine and, in addition, request for delay of payment until next fiscal year. Motion carried with all voting aye.

4) Real estate matter – Discussion only, no voting actions necessary.

A motion was made by Polete with a second by Walts to return to Open Session. Motion carried.

F. **ADJOURNMENT**

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

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk