

MINUTES
CITY COUNCIL REGULAR MEETING
FREDERICKTOWN, MISSOURI
DAY/DATE: MONDAY, AUGUST 11, 2008
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 Merriman, Alderman Fritch, Alderman Hale, and Alderman Tripp. Also present were: City Attorney Moore, City Engineer Baer, City Clerk Stevens, Department Heads and visitors.

B. APPROVAL OF MINUTES

- 1) Minutes of the regular meeting of July 28, 2008. A motion was made by Polete with a second by Tripp to approve the minutes as amended. Motion carried.
- 2) Minutes of the special council meeting of August 1, 2008. A motion was made by Polete with a second by Fritch to approve the minutes as amended. Motion carried.

C. APPROVAL OF AGENDA

- 1) Additions or deletions.

Add: One (1) announcement item by Jim Dismuke.

Table discussion of the Planning, Development and Ordinance and Budget, Finance and Personnel Committees to next council meeting.

- 2) A motion was made by Hale with a second by Fritch to approve the agenda as amended. Motion carried.

D. PUBLIC COMMUNICATIONS AND ANNOUNCEMENTS

- 1) Jim Dismuke announced the City of Fredericktown has received the Capital Community Award from the FHLB (Federal Home Loan Bank). Fredericktown was chosen to receive Missouri's award and will received \$15,000 to be used as the City chooses. FHLB will host a community celebration with 150-200 invitees. Dismuke suggested two of the council members be a part of the committee to put the date, time, and place together.

E. PRESENTATIONS

- 1) None.

F. REPORTS OF OFFICERS

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

- a) Announced he will be speaking at the Chamber luncheon on the 13th.
- b) Said the recent "Dive-In" at the pool had over 400 attendees and the recent "Movie in the Park" had over 300 hundred attending.
- c) Announced he will be attending the MOPEP pool meeting on Tuesday, August 12th.
- d) Recommended to Council the appointment of the following: Industrial Development Authority: Chris Follis, Harold Thomas and Don Middendorf and to the Parks and Recreation Board: Al Kopitsky, Angela Souden and Kelly Korokis. A

motion was then made by Fritch with a second by Hale to approve the mayor's recommendations. Motion carried.

G. REPORT FROM SPECIAL COMMITTEES AND STAFF

- 1) **Finance information.** Wienecke proceeded to review the information sheets included in the council packets. She explained the aviation grant as it relates to an ordinance on the agenda for approval tonight. A discussion ensued over the use of Transportation Tax funds for the airport project(s). A motion was made by Tripp to take the money needed to fund the city's portion of the grant from the Transportation Tax fund one time only. The motion failed for lack of a second. Wienecke then proceeded to update council on the recycling grant which had already funded the cost of a shredder. The information sheets on purchased power were discussed next.
- 2) **Municipal Court docket - July.**
- 3) **Municipal Court monthly statistics – July.**

H. OLD BUSINESS

- 1) **An Ordinance amending Section 605.020, 605.030, 605.060, 605.085, 605.090, 605.100, 605.105 and 605.110 and enacting new Sections 605.101, 605.106 and 605.107 of Chapter 605.** A motion was made by Polete with a second by Fritch that as the Ordinance was made available prior to the meeting it can be read the first time by title only. Motion carried. Moore read: "An Ordinance amending Section 605.020, 605.030, 605.060, 605.085, 605.090, 605.100, 605.105 and 605.110 and enacting new Sections 605.101, 605.106 and 605.107 of Chapter 605 . . ." A motion was made by Fritch with a second by Tripp to read the ordinance the second time by title only. Motion carried. **Ordinance 08-39 duly adopted.**
- 2) **An ordinance authorizing the Mayor to execute an engagement letter between City and Thurman, Shinn & Company.** A motion was made by Polete 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 authorizing the Mayor to execute an engagement letter between City and Thurman, Shinn & Company relative to the performance of special financial services." A motion was made by Fritch with a second by Tripp to read the ordinance the second time by title only. **Ordinance 08-40 duly adopted.**
- 3) **An Ordinance authorizing the Mayor to execute a settlement agreement and full, complete and general release of all claims.** A motion was made by Polete to read the ordinance the first time by title only, then a discussion ensued by Hale who questioned where the funds to pay the \$150K due under the settlement were coming from. Moore said we have to fund it no matter what since it was part of the original agreement with Wal-Mart. Hale questioned the second paragraph regarding the private drive. He wanted council to be aware the private drive exists. Moore went on to explain why the private drive exists as it relates to a street naming issue with the property owner, Ivan Kranjec. On the funding issue, Wienecke explain the funds were available in the collector's fund, court and other due to/due from accounts. Polete then withdrew his original motion to further discuss the road issue. He went on to say we should have the road issue clarified by next council then revisit the ordinance. A motion was then made by Polete with a second by Hale to table this ordinance. Motion carried. Tripp stated he would like Wienecke to present a breakdown of where the funds being used for the \$150,000 were coming from. Ivan Kranjec, property owner of the area in question (who was in attendance) addressed

council stating he would be giving 6.5 acres to the City, which included the road in question, and he felt the City should be able to promise him the road would remain named Kranjec Drive. Moore then stated the City could not commit decisions of future councils.

I. **NEW BUSINESS**

- 1) **An Ordinance amending Section 225.430 of Chapter 225 entitled “Enclosure of Swimming Pools”.** Hale asked about “semi-permanent” materials. Moore indicated BOCA codes would apply. Fritch then asked why the word “wall” was removed. Moore explained a previous city building inspector had interpreted the “wall of the pool” could act as a wall. This ordinance corrects that interpretation. A motion was made by Tripp with a second by Fritch 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 Section 225.430 of Chapter 225 entitled ‘Enclosure of Swimming Pools’ relative to required fences for swimming pools . . .” A motion was made by Fritch with a second by Tripp to read the ordinance the second time by title only. Motion carried. **Ordinance 08-41 duly adopted.**
- 2) **An Ordinance authorizing the Mayor to execute Amendment #1 to the agreement between City and MoDOT relative to airport project.** A motion was made by Fritch with a second by Merriman to table this ordinance until Wienecke presents the financial information requested earlier. Motion carried.
- 3) **Resolution relative to voluntary annexation under the provisions of Section 71.012, RSMo (1986), as amended.** Moore explained the City Clerk received today the voluntary annexation petition, the clerk must then present it to the Board, then hold a public hearing. Once this takes place, then the City can annex the property into the city limits. Fritch asked about utilities on the property. Engineer Baer said the site had all three city utilities (water, sewer, electric) available to connect. It was noted it is the property owner’s responsibility to pay for connecting to these services. A motion was then made by Fritch with a second by Polete to read the resolution in full. Moore read: “A resolution relative to voluntary annexation under the provisions of Section 71.012, RSMo (1986), as amended. **Resolution 2008-10 duly adopted.**
- 4) **An Ordinance authorizing the Mayor and City Clerk to attest to the City’s acceptance of certain properties dedicated to the City by the Rotary Foundations of Madison County.** Moore was asked why the city could agree to naming the Rotary Park soccer fields specific names since earlier it was noted the council could not commit to decisions made by future councils. Moore responded by stating State Statutes are different for parks. It is a different set of circumstances . . . as indicated in the deed attachment the land will revert back to the original landowner if the conditions are not kept. A motion was made by Fritch 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 and the City Clerk to attest to the City’s acceptance of certain park property dedicated to the City by the Rotary Foundation and containing certain conditions, restrictions and reversion rights. . .” A motion was made by Polete with a second by Merriman to read the ordinance the second time by title only. **Ordinance 08-42 duly adopted.**
- 5) **Discussion concerning obtaining bids for information technology services. (Hale)** Hale felt the city needed to request bids for this service. Moore said there are no State Statutes requiring bidding out this type of service, but it’s always a good idea to get

other pricing. Moore suggested a proposal of services such as price, qualifications and availability. Fritch suggested having something ready for the next council meeting.

J. ADDITIONAL BUSINESS

- 1) **Accounts payable.** A motion was made by Hale with a second by Fritch to pay the bills. Motion carried.

K. REMARKS FROM GENERAL PUBLIC

- 1) Wienecke responded to an earlier question regarding the per kilowatt hour price used for budget purposes which is \$.07.
- 2) Ivan Kranjec asked council to consider allowing the new McDonald's to contract with Black River Electric for their electric service.

L. REMARKS OF PERSONAL PRIVILEGE BY ALDERMEN

M. CLOSED SESSION BUSINESS (As authorized RSMo Section 610.021) Motion was made by Fritch with a second by Tripp 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) Contract matter. After a lengthy discussion, a motion was made by Hale with a second by Tripp to hire Jim Dismuke as interim city administrator for twenty hours per week for a six month term, renewable at the end of the six months with a salary of \$52,000 per year. Motion carried with the following vote: voting aye-Wright, Fritch, Tripp and Hale. Voting nay-Merriman, Polete.
- 2) Legal matter. Discussion only. No voting actions necessary.

Motion was made by Tripp with a second by Fritch to return to Open Session. Motion carried.

N. ANY OTHER BUSINESS

O. ADJOURNMENT. Motion by Fritch to adjourn.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk

MINUTES
CITY COUNCIL WORK SESSION
FREDERICKTOWN, MISSOURI
August 11, 2008
5:30 PM

A. CALL TO ORDER AND ROLL CALL

Mayor Kemp called the meeting to order. Those present on roll call were: Alderman Tripp, Alderman Polete, Alderman Merriman, Alderman Hale, Alderman Fritch, and Alderman Wright. City Attorney Moore, City Clerk Stevens, department heads and visitors.

B. APPROVAL OF MINUTES

1) **Minutes of the work session meeting of July 28, 2008.** A motion was made by Polete with a second by Merriman to approve the minutes as presented. Motion carried.

C. APPROVAL OF AGENDA

1) **Additions or deletions.**

Move closed session item to open work session business: Discussion on the electric infrastructure by Ray Blakely.

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

D. WORK SESSION BUSINESS

1) **Discussion concerning the electric infrastructure by Ray Blakely.** Blakely proceeded to review the City's electric infrastructure utilizing a cd presentation. He reviewed the City's present system highlighting areas of concern as well as presenting to council his recommendations on addressing those areas. He said the downtown sub was in a temporary "fix" situation from earlier power failures. The city presently has four (4) substations (not including the Cap A site). The only sub with the higher voltage was the one located at the Business Park. He suggested taking one of the unutilized Cap A substation transformers and placing it at the wastewater plant sub. The sub located at the warehouse on Kelley was one of the oldest wooden structures known and needs upgrading. He suggested placing the wastewater sub at the warehouse. He felt the City's number one priority was the downtown sub. He further suggested taking some of the steel and breakers from the Cap A site to the downtown sub plus the one transformer. Blakely's second priority would be to change the warehouse sub. He also said the cost of these upgrades, while expensive, would be drastically reduced since we already have a lot of the upgrade material from the Cap A sub. Blakely suggested the downtown sub be upgraded some time this winter while the load was light. Blakely indicated the downtown sub and warehouse sub could be fixed at a figure somewhere between \$150K and \$250K. He closed with the statement "with a good capital improvement plan and the City's own staff the city could save money" getting these upgrades made.

2) Closed Session (As authorized by RSMo Section 610.021). None

E. ANY OTHER BUSINESS

1) None.

F. ADJOURNMENT

1) Motion was made by Fritch to adjourn. Motion carried.

Danny E. Kemp, Mayor

ATTEST:

Barbara Stevens, City Clerk