

**CITY OF CAMERON  
MINUTES  
JANUARY 4, 2016**

**REGULAR SESSION**

Darlene Breckenridge	P
Dennis M. Clark	P
Jerri Ann Eddins	P
Ronnie Jack	P
Lynn Rogers	P

The City Council of the City of Cameron, Missouri met in Regular Session on Monday, the 4<sup>th</sup> day of January 2016, at six o'clock p.m. at City Hall. Mayor Dennis M. Clark led the Pledge of Allegiance to the flag of the United States of America.

Mayor Dennis M. Clark presided with the following Councilmembers present: Darlene Breckenridge, Jerri Ann Eddins, Ronnie Jack and Lynn Rogers. Absent: none.

Present were City Manager Mark Gaugh, Attorney for the City Troy Dietrich and City Clerk/Finance Clerk Barbara J. O'Connor.

Minutes of the December 21, 2015, Council Session were approved as submitted with a unanimous voice vote on motion made by Councilmember Rogers and seconded by Councilmember Jack. Councilmembers Breckenridge and Eddins abstained from voting noting their absence from the December 21, 2015 Council Session.

**PUBLIC PARTICIPATION**

John Feighert, 202 Golden Eagle Lane, asked why a letter sent to the Council and published in the *Citizen-Observer* was not on the agenda. Mayor Clark referred Mr. Feighert to item "d. Council Correspondence" under New Business on the agenda.

**COMMUNITY PROJECT REPORT**

None.

**MUNICIPAL POOL/BALL FIELD STATUS**

None.

**CITY MANAGER'S REPORT**

1. Highway 36 Crossing/Sidewalks. Bids will be opened on January 28, 2016 for the sidewalk projects that extends sidewalks from north of Sutherlands to the north side of Highway 36.
2. Patching Machine. Bid packets will be sent out in the near future. Staff hopes to have the pothole patching machine by mid-April.
3. Sidewalk Repairs from Utility Cuts. There are locations within the City where sidewalks have been cut for the extension of utility service lines, sump pump discharges, etc. that have not been restored at the completion of the work. Staff will be sending letters to the adjacent property owners to get those sidewalk repairs made.
4. Water Plant High Service Pumps. The second high service pump has been overhauled and placed back into service.
5. Sixth/Lathrop Area Street Reconstruction. The engineer drawings are in final review stage. Meetings will be held with area residents prior to construction. The project is on schedule for spring construction.
6. Crossroad Corporate Center. Forty-six acres of land has been certified by the Missouri Department of Economic Development. Community Development Director Tim Hamilton was successful with his efforts to have the land certified and ready for development.
7. Alliance Water Resources. Verlon Persinger, Wastewater Treatment Plant Operator for Alliance, presented the Council with a refund check for \$34,471 from the 2014-2015 contract year.

## **UNFINISHED BUSINESS**

**Bill 2015-46, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR AMENDMENT No. 2 TO THE ORIGINAL STATE BLOCK AGREEMENT PROJECT No. 13-013A-1& 13-013A-2, (Cameron Memorial Airport)** (attached) was read by title on second reading by City Clerk/Finance Clerk O'Connor. Copies of said Bill 2015-46 were available for the public. Motion was made by Councilmember Jack and seconded by Councilmember Eddins to pass said bill on second reading. Discussion. No Additional information was presented. Bill 2015-46 passed on second reading with a unanimous voice vote.

Motion was made by Councilmember Breckenridge and seconded by Councilmember Jack to pass said bill on third reading. Discussion. No additional information was presented. Bill 2015-46 passed by the following roll call vote: "Aye": Councilmembers: Breckenridge, Clark, Eddins, Jack and Rogers. "Nay" none. The Mayor thereupon declared said bill duly adopted and said bill was numbered **ORDINANCE 5909**, was thereupon signed by the Mayor and attested by the City Clerk/Finance Clerk.

**Bill 2015-47, AN ORDINANCE FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI PROVIDING FOR SUBMISSION OF A PROPOSAL TO CONTINUE APPLICATION AND COLLECTION OF THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS, AND OUTBOARD**

**MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER TO THE QUALIFIED VOTERS OF THE CITY FOR THEIR APPROVAL AT THE PRIMARY ELECTION CALLED AND TO BE HELD IN THE CITY ON TUESDAY, AUGUST 2, 2016**, was read by title on second reading by City Clerk/Finance Clerk O'Connor. Copies of said Bill 2015-47 were available for the public. Motion was made by Councilmember Jack and seconded by Councilmember Eddins to pass said bill on second reading. Discussion. No Additional information was presented. Bill 2015-47 passed on second reading with a unanimous voice vote.

**Bill 2015-48, AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF CAMERON, CLINTON AND DEKALB COUNTIES, MISSOURI AND SAFE HAVEN ANIMAL RESCUE TO OPERATE A CAT SHELTER FACILITY ON PROPERTY CURRENTLY OCCUPIED BY THE CITY OF CAMERON POUND**, was read by title on second reading by City Clerk/Finance Clerk O'Connor. Copies of said Bill 2015-48 were available for the public. Motion was made by Councilmember Eddins and seconded by Councilmember Rogers to pass said bill on second reading. Discussion. No Additional information was presented. Bill 2015-48 passed on second reading with a unanimous voice vote.

Motion was made by Councilmember Eddins and seconded by Councilmember Rogers to pass said bill on third reading. Discussion. No additional information was presented. Bill 2015-48 passed by the following roll call vote: "Aye": Councilmembers: Breckenridge, Clark, Eddins, Jack and Rogers. "Nay" none. The Mayor thereupon declared said bill duly adopted and said bill was numbered **ORDINANCE 5910**, was thereupon signed by the Mayor and attested by the City Clerk/Finance Clerk.

## **NEW BUSINESS**

**Bill 2016-1, AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, TO ENTER INTO AN AGREEMENT WITH VISU-SEWER, INC. TO COMPLETE THE COLLECTION SYSTEM IMPROVEMENTS PROJECT AND TO EXECUTE CHANGE ORDER NUMBER 1**, was read by title by City Clerk/Finance Clerk O'Connor. Copies of said Bill 2016-1 were available for the public. Motion was made by Councilmember Eddins and seconded by Councilmember Rogers to pass said bill on first reading. Discussion. Utility Director Zac Johnson said Staff has been working with HDR Engineers on the collection basin in the northwest section of the City for removal in inflow and infiltration of storm water which is overloading the system. The project includes, among other things, replacement of 2,100 feet of sewer along Harris Street between Eighth Street and Grand Avenue with a larger line. Lorrie Hill, HDR Project Manager, said Visu-Sewer submitted the low bid of \$1,456,787. The bid came in higher than the HDR estimate. HDR and Staff were able to reduce the quantity to get the project under budget and keep the project intact. Change order one (1) is authorized in Bill 2016-1 reducing the contract price to \$1,212,416. Bill 2016-1 passed on first reading only with a unanimous voice vote.

**Bill 2016-2, AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES MISSOURI, TO ENTER INTO AN AGREEMENT WITH IRVINBILT CONSTRUCTORS, INC. TO COMPLETE THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT AND TO EXECUTE CHANGE ORDER NUMBER 1**, was read by title by City Clerk/Finance Clerk O'Connor. Copies of said Bill 2016-2 were available for the public. Motion was made by Councilmember Jack and seconded by Councilmember Eddins to pass said bill on first reading. Discussion. Utility Director Johnson said Bill 2016-2 deals with the Waste Water Treatment Plant. Lorrie Hill, HDR Engineers, said the contract will replace aging infrastructure, oxidation mixers and meet future regulations expected to come from the Missouri Department of Natural Resources. Irvinbilt Contractors submitted the low bid of \$3,337,400 which was higher than the engineer's estimate. In an effort to get the cost down and keep the project intact, all parties are agreeable to change order number one (1). Change order one (1) is authorized in Bill 2016-2 reducing the contract price to \$3,255,000. Bill 2016-2 passed on first reading only with a unanimous voice vote.

**Bill 2016-3, AN ORDINANCE OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AMENDING SECTION 6-156.3 OF ARTICLE V-ALCOHOLIC BEVERAGES, IN CHAPTER 6-LICENSES AND BUSINESS REGULATIONS OF THE CITY OF CAMERON CODE TO ALLOW THE CITY OF CAMERON TO ISSUE A TEMPORARY PERMIT TO CATERERS WITH A VALID STATE AND LOCAL LIQUOR LICENSE TO SELL INTOXICATING LIQUOR BY THE DRINK** , was read by title by City Clerk/Finance Clerk O'Connor. Copies of said Bill 2016-3 were available for the public. Motion was made by Councilmember Breckenridge and seconded by Councilmember Eddins to pass said bill on first reading. Discussion. City Manager Gaugh said potential vendors have requested the City streamline the application process for a Caterer Liquor License. Bill 2016-3 amends the City of Cameron Code to allow a temporary City Liquor License if the applicant possesses a valid state and local liquor license. Bill 2016-3 passed on first reading only with a unanimous voice vote.

Council Correspondence. Mayor Clark said this portion of the Session is to address an anonymous letter received by the Council and published in the *Cameron Citizen-Observer*. Councilmember Breckenridge requested the correspondence regarding Resolution 2015-23 establishing the appointment procedure to fill a vacant Council seat be placed on the agenda for Council response.

- Councilmember Breckenridge said she feels she has done her due diligence by voting no on Resolution 2015-23 and by making a motion to open the floor for more nominations at a subsequent Council Session (motion failed on a tie vote).
- Councilmember Eddins said she did all she knew to do and noted she had requested the verbiage allowing a tie breaker be removed from Resolution 2015-23.
- Councilmember Jack stated nothing illegal was done. Councilmember Jack said City Counselor Troy Dietrich said the Resolution establishing procedure was legal.
- Councilmember Rogers said with his years of service on various boards, anonymous letters were not discussed. If someone wants to debate an issue, they need to sign the letter and then discussion follows. Councilmember Rogers disposed of the letter.

- Mayor Clark said he also disposed of the letter noting the author or authors of the letter are entitled to their opinion but he is not required to agree with the opinion stated. The City's law firm, Griffin, Dietrich and Elliott, opinion is Resolution 2015-23 was lawful and an appropriate way to fill the vacancy. Council is obligated to choose the candidate that will best do the job for the community.

Mayor Clark asked City Attorney Dietrich to respond. City Attorney Dietrich stated he has had no conversations with anyone regarding the anonymous letter. City Attorney Dietrich read aloud the December 1, 2015 letter sent to City Manager Gaugh regarding the opinion of Griffin, Dietrich and Elliott Law Firm on the legality of the Resolution and also cited sections of State Statutes that support the Resolution. City Attorney Dietrich said he had been contacted about the statutory support for the appointment process before the anonymous letter was received. Case law and the City Code were silent on the selection process and his Law Firm provided a procedural guide for the appointment which included: an application process; public notice; special Council Session; candidates' presentations of their qualifications; Council nomination(s); Council vote; and, appointment.

Tax Increment Financing (TIF) Commission Appointment. Community Development Director Hamilton reported that Richard Kessler has resigned from the Tax Increment Financing Commission (TIF). David Lee requested consideration for the vacant seat. Councilmember Rogers moved to appoint David Lee to the TIF Commission. Councilmember Jack seconded the motion which passed with a unanimous voice vote.

## **PUBLIC PARTICIPATION**

Sue Manion, 11742 Packard Lane, said she endorses the anonymous letter and feels the Resolution is a legal issue which needs to settle by a court decision.

John Feighert, 202 Golden Eagle Lane, said he also endorses the anonymous letter noting the City needs to follow State Statues. On a different topic, Mr. Feighert suggested instead of spending money on the Walnut Street sidewalks, the funds should go toward storm water and sewer improvements. Also, the cost to consumers for the water pipe line needs to be addressed.

Troy Green, 416 Clifton Drive, requested the City reconsider improvements to a drainage ditch servicing Howenstein, Clifton Drive and Lovers Lane. During heavy rains the ditch does not handle the water and creates a safety concern for children in the area.

Pat Jones, 116 East Evergreen, referenced the pothole patch machine discussed earlier in the Session and asked if the City ever considers purchasing used equipment. City Manager Gaugh responded that the City does explore used equipment as well as new equipment.

Frank Buck, 203 West 13<sup>th</sup> Street, asked for clarification on the recent Council appointment and inquired what State law allows the Mayor to make the appointment.

Quinten Lovejoy, 807 Rosewood Drive, expressed his frustration with the Council response to the anonymous letter. Mr. Lovejoy said the main problem is two (2) votes for one

Councilmember on the appointment process and asked for justification. Mr. Lovejoy stated he endorses the letter and appreciates Councilmember Rogers stepping up and filling the vacancy.

Becky Curtis, 311 Oak Avenue, said she has had contact with City Attorney Dietrich regarding State Statutes and the Council vacancy process. Ms. Curtis also said she can find no legal precedence in the State of Missouri for any city of our class to have made an appointment using the process set out in Resolution 2015-23.

## MISCELLANEOUS

Mayor Clark:

- Stated he understands some citizens are unhappy with the process used to fill the Council vacancy. The process used was reasonable for this Council and future Councils or other cities with similar circumstances. The intent was to appoint the best candidate.

There being no further business on motion made by Councilmember Jack and seconded by Councilmember Eddins, the meeting was adjourned at 6:58 p.m. on a unanimous voice vote.

APPROVED:

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Mayor Dennis M. Clark

ATTEST:

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City Clerk/Finance Clerk