CITY OF CAMERON
MINUTES
JUNE 13, 2011

SPECIAL SESSION

Frank A. Buck	P
Mark L. Carr	P
Dennis M. Clark	P
Jerri Ann Eddins	P
David Fry	P

The City Council of the City of Cameron, Missouri met in Special Session on Monday, the 6th day of June 2011, at four o'clock p.m. at City Hall. Mayor Pro-Tem Frank Buck led the Pledge of Allegiance to the flag of the United States of America.

Mayor Pro-Tem Frank A. Buck presided with the following Councilmembers present: Mark L. Carr, Dennis M. Clark, Jerri Ann Eddins and David Fry. Absent: none.

Present were Attorney for the City Mitch Elliott and City Clerk Barbara J. O'Connor.

Election of Mayor and/or Mayor Pro-Tem. On June 8, 2011 Mayor Dennis M. Clark submitted his resignation as Mayor of the City of Cameron, but not as a Councilmember. Councilmember Carr asked to move Public Participation up on the agenda to allow citizen input before electing a Mayor and/or Mayor Pro-Tem. There were no objections from Council.

PUBLIC PARTICIPATION

Gary Frazier, 103 East Fourth Street, asked what has been going on and how can the community help to pull together for a better Cameron.

Mayor Pro-Tem Buck asked City Attorney Elliott to explain the process used for the Personnel Session held June 6, 2011 which lead to the termination of employment of City Manager David Watson. City Attorney Elliott noted that he had conducted an ethics training session at a recent Council Session, but open meetings was not addressed. He proceeded to address that training at this time. RSMo 610 requires all business to be done in a public meeting with records kept. There are recognized exceptions for real estate, litigation and personnel. When purchasing or selling real estate, public knowledge could affect the purchase price. Also with litigation, public knowledge could have an adverse affect on the outcome of the litigation. Meetings can be closed for personnel if there are identifiable issues for hiring, firing or disciplining a particular employee. It is under the City Council's authority to deal with personnel issues for the City Manager and the City Clerk. All other employees fall under the duties of the City Manager.

The first portion of the Executive Session June 6, 2011 was held under RSMo 610.021[1] for litigation. The Council then excused all others from the Session and met under RSMo 610.021 [3] for personnel. Any votes made during Executive Session must be made by roll call vote and reported within 72 hours to the public. An error was made at the June 6, 2011 Executive Session when the Session was not closed properly. Council needed to return to Regular Session to close the June 6, 2011 Regular Council Session. The purpose of closing a meeting in this fashion is to ascertain that no public business was conducted after the closed session. Mayor Pro-Tem Buck apologized for the error. City Attorney Elliott said it was not a serious error because no public business was discussed. It is, however, a technical violation and the Missouri Attorney General or the Clinton County Prosecutor could file charges. They both also have the authority not to prosecute. A fine of up to $1,000 could be levied for the violation. City Attorney Elliott said the Council has the authority to say who is included or excluded during an executive session. The exception to that is Council cannot exclude a member of the Council.

City Attorney Elliott asked Council if they all had the Missouri Sunshine Law booklet published by the Attorney General's office. All Councilmembers acknowledged they do have the booklet. City Attorney Elliott said the Question and Answer portion of the booklet is very good and should be referenced by Council. No business is required to be conducted in executive session, but it can be done for the exceptions reviewed by City Attorney Elliott. All votes must be taken by roll call and reported within 72 hours to the public. City Attorney Elliott closed by quoting former US President Gerald Ford on how to handle adverse circumstances using the four (4) C's: communication, cooperation, conciliation and compromise. City Attorney Elliott asked each Councilmember to start today as the first day of the rest of Cameron history and to ignore the past and move forward.

When asked for comment on the legality of the personnel closed session, City Attorney Elliott responded that he was not in attendance during the session but stated he did not know of anything that was illegal and knows of no improprieties.

Bud Linder, 607 West Sixth Street, asked what had to be done in order for the public to elect the Mayor rather than the Council. City Attorney Elliott explained the City of Cameron held an election a number of years ago and voted to become a City Manager/Council form of government. The government form is a five (5) person Council with the members of Council electing the Mayor. The only way to change the form of government is to have a petition drive to ask voters to change to a charter form of government which is allowed to have the public vote for mayor.

Zack Workman, 405 Aquila Drive, said there is a professional way to conduct business and questioned the Council's method of actions taken in terminating David Watson as City Manager during the Personnel Executive Session June 6, 2011. Mr. Workman stated he felt decisions had been made outside City Hall by three (3) Councilmembers. Mr. Workman also said it was his understanding that there was no evaluation performed or targets given to Mr. Watson so he would have the opportunity to improve his performance. The actions in Mr. Workman's opinion were totally unprofessional when Councilmembers meet outside City Hall and affect an individual and also the direction of the City. It will be hard to find anyone who

would want to be part of the Council or to serve as City Manager. Decisions cannot be made outside of City Hall.

Councilmember Clark stated he received an email from former City Manager Watson informing him of a request from Councilmember Eddins to place an Executive Session on the June 6, 2011 Council agenda for personnel with no Staff in attendance and a Councilmember recording minutes. Councilmember Clark said as Mayor he contacted Councilmember Eddins and Councilmember Buck to find out what was going on. Both stated that there was a need to discuss some things. Councilmember Clark said there was also an email from Councilmember Carr to former City Manager Watson asking how to replace the Mayor.

Councilmember Clark said he again contacted Councilmember Buck to see what was going on and the response was not to worry, Council just needs to talk. Councilmember Clark reviewed a personal email from Councilmember Carr where he perceived a threat of removal from his position as Mayor was made. Councilmember Clark stated he responded to all Councilmembers regarding the email. Other emails were also discussed by Councilmember Clark and the public in attendance was informed the emails are public records and available to anyone who would like to have them.

Councilmember Clark gave a brief rundown of recent history. For the past two (2) years Council has promoted transparency and openness to help build public trust. Councilmember Clark noted that Councilmember Fry was not informed of the purpose of the Personnel Session and having two (2) Councilmembers uninformed was not serving the transparency, openness and trust building that have been a priority over the past two (2) years.

Councilmember Carr gave a background of a culmination of years stating that when Everett Ice served as Mayor there was discussion about replacing the City Manager. Assignments from the Vision list items (Walnut Street and storm water issues) with timeframes were not met by former City Manager Watson. Councilmember Carr said there had been no positive reviews of former City Manager Watson. The monthly budget reports did not add up. Expenses, such as the aerial photography and $40,000 for street improvements, were approved when there was no money allotted for repairs Eighth Street. Councilmember Carr noted no money had been spent on Eighth Street yet money was spent on ice storm clean-up work. Former City Manager Watson said he would check into issues and then gave no answers. At a Street Committee meeting former City Manager Watson said he was not sure where the General Fund stands. There was $2.8 million dollars in the budget for an Automatic Meter Reading (AMR) system. Councilmember Carr stated the email sent to Councilmember Clark was a personal letter between himself and Councilmember Clark.

Councilmember Clark stated when former City Manager Watson's the evaluation was scheduled, all five (5) Councilmember were aware of the date and agenda. Mayor Buck was in the emergency room at the hospital and unable to attend, but called and informed Staff he could not attend the Session. Councilmember Carr was not at the Session nor did he call and let anyone know he would be absent. Councilmember Clark said absence of a Councilmember does not call off City business. The General Fund was broke when former City Manager Watson was hired in 2008. Deferred maintenance was not something that was done in an underhanded way

by Staff of Council. There have been debatable decisions made over the years regarding deferred maintenance. The City's commitment to public safety has been a priority and has chewed up a chunk of the General Fund. The aerial photography had an impact of $8,000 on the General Fund and the AMR had a zero effect on the General Fund because it was budgeted from the utility funds. Councilmember Clark said there was an accounting misunderstanding and noted Mayor Buck had been on the Finance Committee over a year. Councilmember Eddins is new on the Council. Former City Manager Watson caught the problem and handled it appropriately. Councilmember Clark said the message being sent to employees is if you make a mistake you are fired and if you tell the truth you are fired. This is not the way to do business and does not build any public trust.

Bob Hart, 1004 East Second Street, said he disagreed with the decision but respected the vote. Council has had a history of three (3) to two (2) votes on many issues. Mr. Hart is pleased with the discussions being held by Council on agenda items and he encouraged Council to go forward and to vote as the constituents want.

Julie Becker, 424 East Third Street, expressed concern over how money is being spent and questioned the need to spend money when there is none available.

Gary Frazier, 103 East Fourth Street, asked about control measures and stated the City should not buy things that cannot be afforded. Mr. Frazier stated leadership is needed and encouraged Council to seek a City Manager from within the community.

Councilmember Clark said team efforts were not used and he was upset by being excluded as Mayor from information for the Personnel Session. Councilmember Clark also reiterated the City cannot use electric funds for general fund purposes. Currently, there is approximately $6.5 million in certificates of deposit for the enterprise (utility) funds. It is General Fund that is in difficulty. Councilmember Clark addressed unexpected expenses including: the balloon payment for the payoff of the Public Safety Building and City Hall; Griffon Road improvements which had to be done in order to take advantage of grant money; and, the Mead Street storm water line repairs when the line collapsed within eight (8) feet of a house. Councilmember Clark said the Mead Street repairs were done correctly and cost about $250,000. If the work had been contracted out, the cost could have been over $400,000. The City's decision to purchase the Ambulance District's portion of the Public Safety Building added to the General Fund problems. There is currently no revenue stream to solve the General Fund problem so solutions included cutting staff and reducing service that citizens have become accustomed.

Mitch Swindler, 800 South Chestnut, thanked Mr. Workman and Mr. Frazier for their comments and encouraged Council to leave personal issue outside of the Council Sessions.

Election of Mayor and/or Mayor Pro-Tem. Mayor Pro-Tem Buck opened the floor for comments from Councilmembers interested in serving as Mayor. Comments were made by Mayor Pro-Tem Buck saying he would work toward getting Council to come together for the good of the City. Councilmember Carr nominated Mayor Pro-Tem Buck for Mayor. Frank A.

Buck was elected Mayor by the following vote: Councilmembers: Buck, Carr, Fry and Eddins voted "Aye". Councilmember Clark abstained.

Mayor Buck opened the floor for nomination of Mayor Pro-Tem. Councilmember Carr nominated Councilmember Eddins. Councilmember Eddins was elected Mayor Pro-Tem by the following vote: Councilmembers: Buck, Carr, Fry and Eddins voted "Aye". Councilmember Clark abstained.

UNFINISHED BUSINESS

Discussion of Appointment of Interim City Manager. Mayor Buck said Director of Utilities Mark Gaugh had served as Interim City Manager before former City Manager Watson was hired so he is familiar with the process. City Attorney Elliott stated it is important to note that this is a temporary appointment and Director of Utilities Gaugh will return to his position of Utility Director/Assistant City Manager when a new City Manager is in place. City Attorney Elliott suggested the appointment be made for four (4) to six (6) months and said Council needs to determine the compensation for the position. Council decided to place Interim City Manager Gaugh on the salary matrix on the level for City Manager at Grade 16 Step 1.

Resolution 2011-7, A RESOLUTION APPOINTING MARK GAUGH AS INTERIM CITY MANAGER FOR CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI was read by title by City Clerk O'Connor. Copies of Resolution 2011-7 were available for the public. Motion was made by Councilmember Clark and seconded by Councilmember Carr to pass said resolution. Discussion. Resolution 2011-7 passed with a unanimous voice vote.

Discussion and Direction from Council Regarding City Manager Search. Councilmember Eddins suggested looking for someone local to fill the position. Councilmember Carr agreed but also said it might be good to look for a recruiter. The cost for the recruiter when former City Manager Watson was hired ran between $10,000 and $15,000. Councilmember Clark questioned whether the termination of David Watson was legal and whether there should be a search started for a new City Manager. City Attorney Elliott said he will look into the question and get back with Councilmember Clark. City Clerk O'Connor was instructed to place ads in the *Cameron Citizen-Observer*, the Missouri Municipal League Review, and in the Kansas City and St. Joseph newspapers.

Discussion to Address Media Articles. No discussion was held.

PUBLIC PARTICIPATION

None.

MISCELLANEOUS

Councilmember Eddins:

- Said she brought to former City Manager Watson's attention that the $46,000 for the aerial photography was in the General Fund.
- Asked Staff to research if additional money can be transferred from the Electric Fund to the General Fund. Currently there is a five (5) percent franchise fee transferred.
- Stated she respectfully disagrees with Councilmember Clark.

Councilmember Fry:

- Read a statement requesting Council to put aside differences and come together for the good of the community.

Councilmember Clark:

- Said he has no problem with people who disagree with him noting diversity is a good thing. Councilmember Clark stated he is angry and frustrated about being excluded as Mayor and said he disputes the process.
- Stated he believes in the community and said there needs to be transparency and trust.

Councilmember Carr:

- Expressed his appreciation to Councilmember Fry for his statement. All the Council feels strongly about their service to the City, but the delivery of thoughts might not always be appropriate.

Mayor Buck:

- Said he is willing to take Councilmember Fry's challenge to work together.

City Attorney Elliott:

- Responded to Councilmember Eddins' question about transferring money from the Electric Fund to the General Fund. A recent court case has determined that 100 percent of the electric fund does not have to be used for electric purposes. More money could be allocated from the Electric Fund.

Council Tour. The tour was cancelled and will be rescheduled at a later date.

There being no further business on motion made, seconded and carried, the meeting was adjourned at 5:58 p.m.

APPROVED:

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Mayor Frank A. Buck

ATTEST:

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City Clerk