

MINUTES
NEOSHO CITY COUNCIL
March 19, 2013 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Josh Branham gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Mayor Davidson called the meeting to order at 7:04 p.m.

RECOGNITION

Mayor Davidson announced presentation were to be given by Police Chief McCracken and Captain Leavens with the Newton County Sherriff's Office to Officer John Miller and Deputy Jason Denno for Lifesaving Awards.

ROLL CALL

COUNCIL PRESENT:

Charles Collinsworth
Steve Hart
Tom Workman

Richard Davidson
David Ruth

CITY OFFICERS PRESENT:

Steven Hays, City Attorney
Troy Royer, City Manager
Nora Houdyshell, City Clerk

Mike Eads, Fire Chief
Pete Ramsour, Finance Director
David McCracken, Police Chief
Mike Hightower, Public Works
Pam Baker, Human Resources Director
Dana Daniel, Development Services Director

APPROVAL OF AGENDA

Motion was made to approve the agenda as presented by Councilman Workman and seconded by Councilman Hart. The motion passed unanimously.

CONSENT AGENDA:

Motion to approve the consent agenda items as listed by Councilman Hart and seconded by Councilman Ruth

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes

Motion carried.

MINUTES:

The minutes of March 5, 2013, Regular Session was approved as presented.

VISITOR'S BUSINESS

Donna Wells, James McGinty and Gene Franklin – City Code

Ms. Wells, Mr. McGinty and Mr. Franklin stated concerns regarding property located in the 500 block of South Jefferson which included but not limited to as follows:

1. Trash in the yard
2. Unhealthy living conditions for the many adults and children that reside there
3. Display cruelty to their dogs
4. Lowering property values for neighboring owners

City Attorney Hays stated it is not uncommon for residents with similar violations to be issued multiple citations and still refuse to clean up their property.

Discussion followed.

Councilman Ruth stated concerns regarding the enforcement of the code and encouraged Ms. Wells, Mr. McGinty and Mr. Franklin to come back to the City Council meeting if they do not see improvement at this property.

City Attorney Hays stated there are procedural methods that have to be adhered to or the City could be liable.

Discussion followed.

Mayor Davidson stated the City Council takes the matter seriously and directed City Manager Royer to look into the matter.

UNFINISHED BUSINESS

Bill No. 2013-526...Declaring certain personal property as surplus and setting forth the method for disposing of same...2nd and 3rd reading (Police Department Radios).

Bill No. 2013-526 for Ordinance No. 13-2013 was read by title only by Mr. Hays.

Mayor Davidson reviewed.

Motion to pass Bill No. 2013-526 on second and third readings by Councilman Collinsworth and seconded by Councilman Hart

Roll call vote:

Richard Davidson – Yes
Steve Hart – Yes
David Ruth – Yes
Tom Workman – Yes
Charles Collinsworth - Yes

Motion carried.

Bill No. 2013-527...Authorizing the Mayor to execute an Amendment to State Block Grant Agreement between the City of Neosho and the Missouri Highway and Transportation Commission providing for Upgrade Exhibit "A" Property Map, Project No. 12-096A-2...2nd and 3rd Reading.

Bill No. 2013-527 for Ordinance No. 14-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-527 on second and third readings by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes

Motion carried.

BID

The following bid recommendations were presented for consideration.

Public Works – Wastewater UV Lamp

Mike Hightower, Public Works Director, informed the council there were two bidders for the Wastewater Department U.V. bulbs and recommended the council accept the bid from Xylem Water Solutions in the amount \$6,000. He further stated the UV Doctor is an aftermarket lamp with subpar standards. Mr. Hightower stated the WEDECO 1 amps will provide the City with better results in the disinfection system and longer life, which will offset the 3% cost difference.

**PUBLIC WORKS DEPARTMENT – WASTEWATER DEPARTMENT - U.V. BULBS
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., March 5, 2013 at the Public Works Office. Present for the opening were Stacey Barnes and Ryan Long.

The following bids were received by:

UV Doctor Newport, WA	Bid: \$97.00 each	\$5,820.00
--------------------------	-------------------	------------

Xylem Water Solutions/WEDECO Bid:	\$100.00 each	\$6,000.00
Charlotte, NC (ALT) Bid:	\$130.00 each	\$7,800.00

No bids received from North American UV and Enviro-line Co, Inc.

Motion to award bid to Xylem Water Solutions in the amount of \$6,000.00 was made by Councilman Workman and seconded by Councilman Ruth.

Roll call vote:

David Ruth – Yes
 Tom Workman – Yes
 Charles Collinsworth - Yes
 Richard Davidson – Yes
 Steve Hart – Yes

Motion carried.

Public Works - Backhoe

Mike Hightower, Public Works Director, informed the council there were three bidders for the Water Distribution Department backhoe and recommended the council accept the bid from Victor L. Phillips in the amount \$73,680.60.

BID OPENING SUMMARY

The bid opening was held at 10:00 a.m., March 7, 2013, at the Public Works Building. Present for the opening were Mike Hightower, Adam Wimpey with City of Neosho, Bill Ewan with Victor L. Phillips, Audy Holman with Fabick and Pat Welshofer with Murphy.

The following bids were received by:

Victor L. Phillips	580 SN \$76,950	590 SN \$86,600	Options:
			Front Hyd Coupler \$6,625
			12" Bucket \$702.60
			16" Bucket \$847.60
			Quicker Coupler Fork \$3,235
			Extended Warranty \$2,078
			4 yr/4000 Hr PT&H
Fabick Cat	420 F \$75,500	430 F \$84,900	Options:
			Front Hyd Coupler \$6,100
			12" Bucket \$1,000
			16" Bucket \$1,100
			Quicker Coupler Fork \$2,700
			Extended Warranty \$3,500
			5 yr/5000 Hr PT&H
Murphy Tractor & Equip	310 SK \$69,709	410 K \$77,314	Options:
			Front Hyd Coupler \$8,700
			12" Bucket \$ 900
			16" Bucket \$1,050
			Quicker Coupler Fork \$3,100
			Extended Warranty-Not included
			Later stated \$2,415 5 yr/5000 Hr PT&H

Discussion followed.

Motion to award bid to Victor L. Phillips in the amount of \$73,680.60 by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Tom Workman – Yes
Charles Collinsworth – Yes
Richard Davidson - Yes
Steve Hart – Yes
David Ruth – Yes

Motion carried.

Emergency Management – Outdoor Storm Siren

Mike Eads, Fire Chief, informed the council there was one bid for outdoor warning system upgrade and recommended the council accept the bid from Blue Valley Public Safety in the amount \$23,676.64. He further stated there were six bids mailed and only one received due different types or brands are not compatible with federal sirens. Chief Eads explained this would provide voice and siren coverage for the entire Morse Park area from the RV Park to the soccer fields and the walking trail.

Motion to award bid to Blue Valley Public Safety in the amount of \$23,676.64 and authorize mayor to execute was made by Councilman Collinsworth and seconded by Councilman Ruth

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes

Motion carried.

Development Services – Parks Department Mower

Dana Daniel, Development Services Director, informed the council there were eleven bids received for the Parks Department zero turn mower and recommended the council accept the bid from Swartz Tractor Sales and Service for the eXmark Lazer Ze mower in the amount \$7,599.

The following bids were received by:

Gateway:	Gravelly Pro Turn 260	\$7,841	Swartz:	eXmark Lazer Z	\$7,599
Newco:	Grasshopper 226V	\$6,160	Gateway:	Gravelly ProTurn 460	\$8,699
Sandbagger:	Hustler Super Z	\$9,058	Sandbagger:	Hustler X-One	\$8,332.80
Sandbagger:	Hustler X-One I	\$6,964.45	Rental Store:	Snapper Pro S200XT	\$6,950
Rental Store:	Ferris IS2000Z	\$8,350	Rental Store:	Ferris IS2000Z	\$8,850
Rental Store:	Ferris IS3100Z				

Motion to award bid to Swartz Tractor for the eXmark Lazer Z e in the amount of \$7,599 by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

Richard Davidson – Yes
Steve Hart – Yes
David Ruth – Yes
Tom Workman – Yes
Charles Collinsworth - Yes

Motion carried.

Public Relations/Events Coordinator – Tent for Celebrate Neosho

Wes Franklin, Events Coordinator, informed the council there were three telephone bids solicited for the Celebrate Neosho tent rental and recommended the council accept the bid from Weiser Tent Service in the amount \$900.

The following bids were received by:

Joplin Tent Rental	40x80 (delivery and tear down) \$960
Tents for All Events	40x80 (delivery and tear down) \$960+\$75 mileage fee (Mt. Vernon)
Weiser Tent Service	40x80 (delivery and tear down) \$800+\$100 mileage fee (Monett)

Motion to award bid to Weiser Tent Service in the amount of \$900.00 and authorize Mayor to execute agreement by Councilman Workman and seconded by Councilman Hart

Roll call vote:

Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes

Motion carried.

CORRESPONDENCE

Mayor Davidson read the following letter verbatim:

Mayor Richard Davidson
203 East Main Street
Neosho, Mo 64850

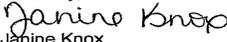
Dear Mayor Davidson,

I am writing this letter on behalf of my family and I, we would like to say thank you. We have been residents of Neosho for over 2 years now and we are very happy with the progress that has been done. We have lived in numerous other towns throughout the U.S. and have never seen a town that cares so much for all that goes on here.

We enjoy visiting Big Spring Park whenever we get a chance. It is very relaxing for our family to listen to the spring while feeding the ducks, and enjoy movie night during the summer months. We have never lived anywhere that offers the opportunity to have a family night movie for free.

We would love to see more activities for the 4th of July celebration, as we have had to go out of town for these festivities. We understand the challenges and commitment that you must face with decisions that must be made, and we do appreciate the effort that you and your team puts into every decision that is made.

I wanted to let you know that my family and I will continue to enjoy Neosho. We ask only that you keep up the good work and continue to make Neosho a family place to live.

Sincerely,

Janine Knox

NEW BUSINESS

Bill No. 2013-528...An ordinance authorizing the issuance of \$3,195,000 principal amount of special obligation refunding bonds, Series 2013, of the City of Neosho, Missouri; prescribing the form and details of said bonds; and authorizing certain other documents and actions in connection therewith...1st Reading.

Bill No. 2013-528 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-528 on first reading and disclosure required for providing bonds and authorize mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Finance Director, Pete Ramsour introduced Toni Stegeman with Gilmore & Bell for review of the Special Obligation Bond terms. Ms. Stegeman stated the issuance of Special Obligation Bonds 2013 in the amount of approximately \$3,195,000 for the purpose of paying and prepaying the City's outstanding COP, Series 2007B will save the City over \$400,000 between now and 2027 without extending the life of the COP Series 2007B. She further stated this would be subject to annual appropriations by City Council.

Roll call vote:

David Ruth – Yes
Tom Workman – Yes
Charles Collinsworth - Yes
Richard Davidson – Yes
Steve Hart – Yes

Motion carried.

Resolution Bill No 2013-04...A resolution of the City of Neosho, Missouri, setting certain regulations and fees for the Neosho Municipal Golf Course.

Resolution Bill No. 2013-04 for Resolution 137-2013 was read by title only by Mr. Hays.

City Manager Troy Royer reviewed amendments to the golf course fees as recommended by him and the Parks Recreation and Golf Course Board.

Motion to adopt Resolution Bill No. 2013-04 by Councilman Ruth and seconded by Councilman Collinsworth

Discussion followed with direction to Mr. Royer to make the following changes:

1. Clarify the twilight fees regarding cart fees
2. Add annual passes due at the time of purchase with a renewal date of April 1st and proration of passes purchased after April 1. Full payment of fees paid at the time of purchase.
3. Amend the junior golfers age 18 from 15

Amended Motion to adopt Resolution Bill No. 2013-04 as amended by Councilman Workman and seconded by Councilman Hart

Roll call vote:

Tom Workman – Yes
Charles Collinsworth – Yes
Richard Davidson - Yes
Steve Hart – Yes
David Ruth – Yes

Motion carried.

Mayor Davidson called for a vote for motion to approve Resolution Bill No. 2013-04 as amended.

Charles Collinsworth – Yes
Richard Davidson – Yes
Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes.

Motion carried.

Consider approval of Police Department MOSCAP II grant application.

Chief McCracken stated this is a grant to obtain car repeaters to make 100% coverage on all portable radios. He further stated this grant covers all funds with no match required.

Motion to authorize the police department to make the application by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Richard Davidson – Yes

Steve Hart – Yes

David Ruth – Yes

Tom Workman – Yes

Charles Collinsworth - Yes

Motion carried.

Consider approval of connection to city water for property located at 13750 Kodiak Road.

Mr. John Harrington, Code Enforcer explained the request for water services at 13750 Kodiak Road.

Discussion followed.

Motion to approve the Irrevocable Consent to Annexation and Agreement Relating Thereto and allow connect to city water by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Steve Hart – Yes

David Ruth – Yes

Tom Workman - Yes

Charles Collinsworth – Yes

Richard Davidson – Yes

Motion carried.

Consider approval of the Allgeier, Martin and Associates agreement for the STP-4700(708) project.

Dana Daniel, Development Services Director reviewed agreement for engineering services on East Spring Street addressing the asphalt overlay. He further stated this is a 20% match.

Motion to approve the agreement and authorize Mayor, City Manager and Finance Director to execute made by Councilman Workman and seconded by Councilman Collinsworth

Mayor Davidson read Attachment B of the document for clarification of the contract ceiling for construction phase of \$24,221.60.

Roll call vote:

David Ruth – Yes

Tom Workman – Yes

Charles Collinsworth - Yes

Richard Davidson – Yes

Steve Hart – Yes

Motion carried.

Consider approval of the Allgeier, Martin and Associates agreement for the STP-4700(707) project.

Dana Daniel, Development Services Director reviewed agreement for engineering services on East Spring Street. He further state it will address sidewalks, curb and gutter as well as a trail and crossing between the Lampo Building and the Helicopter pad. He further stated this is a 20% match.

Motion to approve the agreement and authorize Mayor, City Manager and Finance Director to execute made by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Tom Workman – Yes

Charles Collinsworth – Yes

Richard Davidson - Yes

Steve Hart – Yes

David Ruth – Yes

Motion carried.

REPORT OF CITY OFFICERS

Troy Royer, City Manager – Spring Street Projects

Mr. Royer stated he is glad to see the Spring Street projects moving forward.

Troy Royer, City Manager – Bright Futures Promotion

Mr. Royer reminded City Council of a request received from Bright Futures. He stated that although they are a great civic group, he would concede that there are many great civic groups in Neosho and due to financial situations at the golf course would not recommend fulfilling their request.

Troy Royer, City Manager – Ribbon Cutting

Mr. Royer informed City Council that he attended the ribbon cutting at Prime Health Care/Mitchell's Pharmacy wherein they stated appreciation for all the assistance from City staff with accommodating their needs while preparing to open their business.

Troy Royer, City Manager – Special Road District

Mr. Royer stated the Special Road District requested a meeting with himself and Mike Hightower to discuss Kodiak road and Daugherty. He further stated during this meeting it was said that Mr. Lett, Mr. Hughes and Mr. Duncan met with Mr. Rudy Farber, Mr. Gib Garrow and former City Manager, Jan Blase and entered into a verbal agreement wherein the Special Road District would deed these roads to the City of Neosho. Mr. Royer stated after searching City and County records, this transaction cannot be confirmed. Mr. Royer asked for direction from the City Council.

Mayor Davidson stated since this is not an agenda item this cannot be discussed and recommended he bring this back as an agenda item at the next meeting.

Pete Ramsour, Finance Director – Financials

Mr. Ramsour reviewed financials. Mayor Davidson noted the sales tax is down 5% from last year but we anticipated 6% in the budget.

Mayor Richard Davidson – TDD Board, Quiet Zone

Mayor Davidson clarified that the City has not filed an appeal pertaining to the TDD.

Mayor Davidson stated that no verbal agreements are acceptable.

Mayor Davidson clarified that the trains are still able to blow their horns despite the quiet zone which the City has no control over.

Councilman David Ruth – Big Spring Stairs

Councilman Ruth asked for an update on the Big Spring Stairs project. City Manager Royer stated bids were due to be received within the next two weeks.

APPOINTMENTS & VACANCIES

Mayor Davidson announced the following vacancies:

Airport Industrial Development Board: One vacancy currently exists for a three year term due to the expiring term of Mark Knight beginning October 1, 2012.

Board of Adjustments (Zoning): One vacancy currently exists for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

Economic Development Sales Tax Committee: One vacancy currently exists beginning October 4, 2011 for an Ex-officio non-voting member of a Neosho financial institution.

Parks Recreation and Golf Course Board: The remainder of two three-year term vacancies currently exists due to the resignations of Pat Meredith and Gary Elam. These positions are due to expire August 30, 2015 and shall be resident citizens of the City of Neosho.

Planning and Zoning Commission: One vacancy exists beginning August 30, 2012 for the expiring term of Louise Estes.

CLOSED MEETING:

Motion to close the meeting pursuant to Section 610.021(1) RSMo...Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys by Mayor Davidson and seconded by Councilman Workman

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes.

Motion carried.

Mayor Davidson closed the meeting at 8:55 p.m.

The meeting reconvened in open session at 9:44 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

ADJOURN

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the March 19, 2013, Regular Session City Council meeting.

Motion to adjourn by Councilman Workman
Seconded by Councilman Collinsworth

Unanimous vote to adjourn.

Mayor Davidson adjourned the closed meeting at 9:45 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk