

MINUTES
NEOSHO CITY COUNCIL
April 16, 2013 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Jeremy Bridges gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Mayor Davidson called the meeting to order at 7:00 p.m.

ROLL CALL

COUNCIL PRESENT:

Charles Collinworth
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
Mike Hightower, Public Works
David McCracken, Police Chief
Pam Baker, Human Resources Director
Dana Daniel, Development Services Director
Daphne Pevahouse, Finance Director

AMENDED AGENDA

Mayor Davidson stated the agenda needs to be amended by striking #12 under new business considering approval of Airshow sponsorship.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

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

Roll call vote:

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

Motion carried.

MINUTES:

The minutes of April 2, 2013, Regular Session and April 2, 2013, Closed Session was approved as presented.

PROCLAMATION:

Mayor Davidson stated that the following certification is being issued on April 16, 2013 and stated appreciation.

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City of Neosho - Employee of the Quarter – John Miller

In recognition for his quick actions that prevented injury or loss of life; his contribution to the betterment of the community and going above and beyond his normal duties.

/s/ Richard Davidson, Mayor

UNFINISHED BUSINESS

Bill No. 2013-529...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 (ACO General Supplies)...2nd and 3rd Reading.

Bill No. 2013-529 for Ordinance No. 16-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-529 on second and third readings by Councilman Ruth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Bill No. 2013-530...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 (Park Recreation Swimming Facility Maintenance)... 2nd and 3rd Reading.

Bill No. 2013-530 for Ordinance No. 17-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-530 on second and third readings by Councilman Hart and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Bill No. 2013-531...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 (Recycling Center Uniforms)... 2nd and 3rd Reading.

Bill No. 2013-531 for Ordinance No. 18-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-531 on second and third readings by Councilman Ruth and seconded by Councilman Workman

Roll call vote:

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

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Steve Hart – Yes

Motion carried.

Bill No. 2013-532...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 (Airport Equipment and Facility Maintenance)... 2nd and 3rd Reading.

Bill No. 2013-532 for Ordinance No. 19-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-532 on second and third readings by Councilman Collinsworth and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Bill No. 2013-533...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 (Lampo Facility Maintenance)... 2nd and 3rd Reading.

Bill No. 2013-533 for Ordinance No. 20-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-533 on second and third readings by Councilman Hart and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Bill No. 2103-534...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 (Airport Maintenance Hangar Demo)... 2nd and 3rd Reading.

Bill No. 2013-534 for Ordinance No. 21-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-534 on second and third readings by Councilman Ruth 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.

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Bill No. 2013-535...Canvassing the returns of the Municipal Election held Tuesday, April 2, 2013, submitting to the qualified voters of said city, candidates for city councilman and declaring the results thereof ...1st Reading.

Bill No. 2013-535 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-535 on first reading by Councilman Ruth 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.

Bill No. 2013-535...Canvassing the returns of the Municipal Election held Tuesday, April 2, 2013, submitting to the qualified voters of said city, candidates for city councilman and declaring the results thereof ...2nd & 3rd Readings...under emergency measure.

Bill No. 2013-535 for Ordinance No. 22-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-535 on second and third readings by Councilman Collinsworth 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.

ADJOURN...SINE...DIE

Motion to adjourn...sine...die by Councilman Hart and seconded by Councilman Workman.
Unanimous vote to adjourn.

RECESS

The council meeting was in recess between 7:10 and 7:14.

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEN

Oath of Office

City Clerk Houdyshell administered the oath of office to Councilman-elect Steve Hart and to Councilman-elect Tom Workman.

RECONVENED SESSION - NEOSHO CITY COUNCIL

City Clerk Houdyshell reconvened the meeting with the following council members in attendance: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth and Tom Workman.

ELECTION OF MAYOR

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City Clerk Houdyshell called for nominations for Mayor.

Councilman Hart nominated Councilman Davidson.

There being no other nominations, motion was made by Councilman Hart and seconded by Councilman Workman to cease nominations and elect Councilman Davidson as Mayor by acclamation.

Roll call vote:

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

Motion carried.

ELECTION OF MAYOR PRO TEMPORE

Mayor Davidson assumed the chair and called for nominations for Mayor Pro Tempore.

Councilman Ruth nominated Councilman Hart.

There being no other nominations, motion was made by Councilman Ruth and seconded by Councilman Collinsworth to cease nominations and elect Councilman Hart as Mayor Pro Tempore by acclamation.

Roll call vote:

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

Motion carried.

VISITORS BUSINESS

Mr. Howard Birdsong – Rezoning 222 Businesses 49

Mr. Birdsong preferred to speak during the discussion of Bill No. 2013-544.

Mr. David McGarrah – Planning & Zoning Request

Mr. McGarrah chose to speak during the discussion of Bill No. 2013-545.

BID

The following bid recommendations were presented for consideration.

Police Department – Radios

Police Chief David McCracken, informed the council there was one bidder for the radios and recommended the council accept the bid from Twin Oaks Custom Cabinets, Inc. in the amount \$280.

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Motion to award bid to Twin Oaks Custom Cabinets, Inc. in the amount of \$280.00 by Councilman Hart and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Development Services – Big Spring Stairs

Dana Daniel, Development Services Director, informed the council there were five bidders for the Big Spring Park stairway repair and recommended the council accept the bid from Construction Services Group for repairs and Allgeier, Martin and Associates be approved for engineering services.

Gunlock Homes, LLC	\$31,200	\$23,170	\$ 8,433	\$62,803
Crews Construction, Inc.	\$30,263	\$19,937	\$14,793	\$64,993
Branco Enterprises, inc.	\$44,900	\$18,200	\$ 8,100	\$71,200 + \$5,000 Eng Fee \$76,200
Blue Water Construction	\$28,000	\$ 2,000	No Bid	\$30,000
Construction Services Group	\$27,990	\$14,825	\$ 8,404	\$51,219

Councilman Hart stated Mr. Booyer agreed to provide labor for the handrail at no cost.

Councilman Ruth stated Mr. Booyer also agreed to provide labor for the concrete steps at no cost. He further stated disagreement with engineering services for this project.

Mr. Daniel stated Mr. Booyer had been provided a copy of the bid and did not respond.

Discussion followed.

Mr. Royer stated he had been working on donations for the stair repair with organizations like Community Foundation but City Council directed Mr. Daniel to bid this project.

Discussion followed.

Mr. Royer recommended not including additional lighting.

Councilman Hart stated city staff should contact Mr. Booyer to see if he is interested in helping with this project.

Mayor Davidson reminded Councilman Hart that once the sealed bid process has taken place, it would be inappropriate to contact him unless the current bids were rejected and the process was started over.

Discussion followed while reviewing the bids.

Councilman Collinworth stated the desire to make sure the project is done correctly.

Mayor Davidson reminded Council that the City does not have a city engineer on staff but have retained Allgeier, Martin and Associates to serve as the City Engineer.

Mr. Hays stated the engineering firm would assure construction was done correctly and would provide inspections throughout the process.

Discussion followed.

Councilman Workman stated he would like to replace the current lighting.

Councilman Hart stated he hates to spend money on replacing the railing.

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Discussion followed.

Motion to award bid to Construction Services Group in the amount of \$27,990 for preparation and concrete work and in the amount of \$14,825 for the hand railing by Councilman Ruth and seconded by Councilman Hart

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – No
Steve Hart – Yes
David Ruth – Yes
Tom Workman - Yes.

Motion carried.

Motion to award bid to Allgeier, Martin and Associates in the amount of \$3,050 for construction inspection services by Mayor Davidson and seconded by Councilman Collinsworth

Roll call vote:

Richard Davidson – Yes
Steve Hart – No
David Ruth – No
Tom Workman – Yes
Charles Collinsworth - Yes

Motion carried.

CORRESPONDENCE

There was none.

NEW BUSINESS

Bill No. 2013-536...Prohibiting the sale, offer to sale, purchase with intent to sell or public display for sale of synthetic stimulant bath salts, synthetic cathinones, synthetic amphetamines and other synthetic stimulants that mimic illegal drugs; providing definitions; providing for seizure and injunctive relief; providing penalties; providing severability, inclusion in the code and setting an effective date thereof...1st Reading.

Bill No. 2013-536 was read by title only by Mr. Hays.

Mayor Davidson explained ordinance and stated importance of protecting our youth as well as stating appreciation for the City Attorney's work.

Motion to pass Bill No. 2013-536 on first reading by Councilman Ruth 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.

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Bill No. 2013-537...Prohibiting the sale, offer to sale, purchase with intent to sell or public display for sale of synthetic cannabinoid herbal incense; providing definitions; providing for seizure and injunctive relief; providing penalties; providing severability, inclusion in the code, and an effective date thereof ...1st Reading.

Bill No. 2013-537 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-537 on first reading by Councilman Ruth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Bill No. 2013-538...Vacating and abandoning first 156' of alley between Lots 2 and 3, Block 2 of Freeman Grove 2nd Plat to the City of Neosho, Newton County, Missouri...1st Reading.

Bill No. 2013-538 was read by title only by Mr. Hays.

Mr. John Harrington reviewed results of the Planning & Zoning meeting and recommended vacating and abandoning the first 156' of the alley between Lots 2 and 3.

Motion to pass Bill No. 2013-538 on first reading by Councilman Collinsworth and seconded by Councilman Ruth

Councilman Hart stated the whole alley should be vacated.

Mr. Harrington stated a sewer line runs through part of the alley and the City would need to maintain access.

Discussion followed.

Roll call vote:

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

Motion carried.

Bill No. 2013-540...Annexing the below described property located within part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 25, Range 32, Newton County, Missouri, all of which is contiguous with the City of Neosho, as petitioned by the City of Neosho, under zoning District C-0, Non-Retail District Classification...1st Reading.

Bill No. 2013-540 was read by title only by Mr. Hays.

Mr. Harrington reviewed and recommended approval of annexation.

Motion to pass Bill No. 2013-540 on first reading by Councilman Hart and seconded by Councilman Ruth

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Roll call vote:

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

Motion carried.

Bill No. 2013-541...Declaring certain personal property as surplus and setting forth the method for disposing of same...1st Reading. (Police Department Safety Equipment)

Bill No. 2013-541 was read by title only by Mr. Hays.

Police Chief McCracken stated items that were needed in other City departments have been distributed and recommended gifting the remaining items to other emergency agencies.

Motion to pass Bill No. 2013-541 on first reading by Councilman Collinworth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Bill No. 2013-542...Declaring certain personal property as surplus and setting for the method for disposing of same...1st Reading. (Police Department Computers and Monitors)

Bill No. 2013-542 was read by title only by Mr. Hays.

Police Chief McCracken stated these items have been out of service for some time.

Motion to pass Bill No. 2013-542 on first reading by Councilman Collinworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Bill No. 2013-543...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013...1st Reading (Public Works Street Contracts)

Bill No. 2013-543 was read by title only by Mr. Hays.

Mr. Hightower stated this is a transfer from the reserved amount in the fund balance to Street Contract line item for street overlays.

Motion to pass Bill No. 2013-543 on first reading by Councilman Hart and seconded by Councilman Collinworth

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Roll call vote:

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

Motion carried.

Bill No. 2013-544...Rezoning the below described property located at 222 South Business 49, Neosho, Newton County, Missouri, from District C-3, Commercial Business District, to M-1 Light Industrial District, as petitioned by Great Southern Bank...1st Reading.

Bill No. 2013-544 was read by title only by Mr. Hays.

Mr. Harrington stated the results of the Planning and Zoning meeting where three people voiced their concerns during the public hearing along with a letter stating concerns. He further stated that the Planning and Zoning Commission denied the application based on (1) the future land use map showing the property to be zoned commercial and (2) spot zoning.

Mr. Howard Birdsong stated appreciation towards Mr. Harrington, Chief Eads and Mr. Daniel for their efforts in this matter. Mr. Birdsong stated he had been retained to represent Great Southern Bank and Quality Petroleum from Arkansas. Mr. Birdsong pointed out that once the resistance came regarding the M-1 zoning, Quality Petroleum agreed to include a retail business similar to what they have in several other locations, so they could keep the zoning C-3. He stated they would sale oil to individuals in approved containers. He further pointed out their business would be no different than the several gas stations with pumps and tanks within view. He stated Quality Petroleum is very interested in being in Neosho and had agreed to place the required sprinkle system as well as build false walls on the West side of the building to restrict tank visibility.

Councilman Collinsworth stated concerns regarding the major spillway in that location.

Mr. Birdsong confirmed the facility would be regulated by EPA.

Discussion followed.

Motion to pass Bill No. 2013-544 on first reading by Councilman Ruth and seconded by Councilman Hart

Roll call vote:

Tom Workman – No
Charles Collinsworth – No
Richard Davidson - No
Steve Hart – No
David Ruth – No

Motion failed.

Bill No. 2013-545...Rezoning the below described property located at 819 Rocketdyne Road, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District, to C-3, Commercial Business District, as petitioned by Dave McGarrah...1st Reading.

Bill No. 2013-545 was read by title only by Mr. Hays.

Mr. Harrington reviewed the Planning & Zoning meeting and pointed out that 14 property owners spoke during the public hearing against the rezoning. Mr. Harrington recommended denying the petition due to spot zoning as well as the Future Land Use Map states that property is to be zoned residential.

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Mr. David McGarrah stated it was never his intent to rezone the entire tract but the application did not give an option to use a partial track. He further stated the suggestions to better the Planning & Zoning meeting process.

Mr. Harrington stated when breaking out lots from a parcel of land the size requirements are specific but would not recommend spot zoning.

Discussion followed.

Motion to pass Bill No. 2013-545 on first reading by Councilman Collinsworth and seconded by Councilman Ruth

Roll call vote:

Charles Collinsworth – No
Richard Davidson – No
Steve Hart – No
David Ruth – No
Tom Workman - No

Motion failed.

Consider approval of the Precision Fire Apparatus agreement.

Fire Chief Eads recommended approval of the agreement to proceed with building the new Fire Department pumper truck. He further stated financing options will be brought to the following City Council meeting.

Motion to approve the Precision Fire Apparatus agreement and authorize Mayor to execute by Councilman Ruth 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.

Consider approval of the Clean Uniform Co agreement.

Mr. Hightower recommended approving the Clean Uniform agreement for a 48 month service period with a 2% price increase the third year.

Mayor Davidson clarified the four year contract would be subject to appropriations.

Motion to approve the Clean Uniform agreement and authorize Mayor to execute 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.

Consider approval of support letter to Area Agency on Aging.

Mr. Royer stated this is to support the Area Agency on Aging to allow them use of the Senior Center for their nutrition program.

Motion to approve the letter of community support and authorize Mayor to execute by Councilman Collinsworth 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.

Consider approval of expenditure for Celebrate Neosho advertising.

Mr. Wes Franklin stated AMI Radio Group offered to co-sponsor radio advertising and promotion for Celebrate Neosho being held on June 29th, 2013. He further stated the package is a \$3,120 value and the City's cost would be \$2,000.

Mr. Royer stated the \$2,000 is not budgeted and would pursue sponsorships to cover the expense.

Councilman Hart and Councilman Ruth stated they would like the event be moved to July 4th.

Motion to approve the AMI Radio Group agreement and authorize Mayor to execute 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.

REPORT OF CITY OFFICERS

Daphne Pevahouse, Finance Director – Financials

Mrs. Pevahouse reviewed financial reports.

Councilmen – City Boards

Councilman Ruth sated he would like to see review of the Economic Development and Airport Board members as there have been vacancies for some time.

Mayor Davidson stated he would like the press to be clear that the City of Neosho has no Economic Development Director.

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.

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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, 2102 for the expiring term of Louise Estes.

Appoint council representatives to committees.

Motion to approve the current council representatives to City Boards and Committees remain the same by Councilman Ruth and seconded by Councilman Workman

Roll call vote:

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

Motion passed.

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 and Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public governmental body by Mayor Davidson and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Mayor Davidson closed the meeting at 9:07 p.m.

The meeting reconvened in open session at 9:40 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or 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 April 16, 2013, Regular Session City Council meeting.

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Motion to adjourn by Councilman Hart and seconded by Councilman Workman. Unanimous vote to adjourn.

Mayor Davidson adjourned the closed meeting at 9:40 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk