

MINUTES
NEOSHO CITY COUNCIL
May 21, 2013 – 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Sean Pratt gave opening prayer and Mayor Davidson led the pledge of allegiance.

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

COUNCIL PRESENT:

Richard Davidson

Steve Hart

Tom Workman

David Ruth

Charles Collinworth

CITY OFFICERS PRESENT:

Steven Hays, City Attorney

John Harrington, Code Enforcement Officer

Dana Daniel, Development Services Director

Maron Towse, Golf Course Superintendent

David McCracken, Police Chief

Daphne Pevahouse, Finance Director

Troy Royer, City Manager

Mike Eads, Fire Chief

Pam Baker, HR Director

Mike Hightower, Public Works Director

Wes Franklin, Events Coordinator

David Kennedy, Police Department Lieutenant

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 was made to approve the consent agenda items as listed by Councilman Collinworth and seconded by Councilman Hart

Roll call vote:

Charles Collinworth –Yes

Richard Davidson – Yes

Steve Hart – Yes

David Ruth – Yes

Tom Workman – Yes

Motion carried.

VISITORS BUSINESS

Paul Richardson –Wanted to thank the City Council for use of the north side of the square for the blessing of the bikes event, he will be approaching the Council in the future for more events they have planned.

Jonathan Wead – Would like the Council to pursue an ordinance to prevent the military and police from using unmanned drones and also pursue an ordinance to not enforce any non-constitutional laws such as those going against the 2nd amendment.

UNFINISHED BUSINESS

Bill No. 2013-546...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 Airport Improvement Program (Airfield Lighting), Project 12-096A-1... 2nd and 3rd Reading.

Bill No. 2013-546 was read by title only by Mr. Hays

Motion to pass Bill No. 2013-546 on second and third readings by Councilman Workman and seconded by Councilman Collinworth

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Roll call vote:

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

Motion carried

Bill No. 2013-548...Declaring certain real property as surplus and setting forth the method of disposing of same...2nd and 3rd Reading.

Bill No. 2013-548 was read by title only by Mr. Hays

Motion to pass Bill No. 2013-548 on second and third readings by Councilman Hart 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

Bill No. 2013-549...Amending Chapter 220, Nuisances, Section 010, “prohibited” of the Neosho City Code of Ordinances...2nd and 3rd Reading.

Bill No. 2013-549 was read by title only by Mr. Hays

Motion to pass Bill No. 2013-549 on second and third readings by Councilman Workman and seconded by Councilman Ruth

Councilman Collinsworth asked for clarification in layman terms, Mr. Hays explained this change made it more specific to Landlord, Resident or Property Owner than just “Person”.

Roll call vote:

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

Motion carried

BID

The following bid recommendations were presented for consideration.

Development Services – Recycling Center Commodity Purchase/Removal

Dana Daniel, Development Services Director, Informed the Council bids were solicited and explained the bid specs for the sale of plastic bags, electronics; E-Waste, including ink cartridges and batteries.

Motion to approve bid award to Triple R Recyclers LLC and authorize Mayor to execute agreement made by Councilman Workman and seconded by Councilman Ruth

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Roll call vote:

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

Motion carried

Development Services – Recycling Center Commodity Purchase/Removal

Dana Daniel, Development Services Director, Informed the Council bids were solicited and explained the bid specs for the sale of cardboard, mixed paper, newspaper, magazines, phone books, white paper, plastic #1 to #7.

Motion to approve bid award to Marck Industries and authorize Mayor to execute agreement made 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

Golf Course – Chemicals

Maron Towse, Golf Course Superintendent, Informed the Council bids were solicited and explained the bid specs for the purchase of chemicals for the golf course.

Motion to approve bid award to Greens Pro for \$7,279 by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried

Public Works – Meters

Mike Hightower, Public Works Director, Informed the Council bids were solicited and explained the bid specs for the purchase of water meters for the city. The bids on the smaller meters had been rejected to do further research

Motion to approve bid award to HD Supply for \$31,920 by Councilman Workman and seconded by Councilman Collinworth

Discussion followed about meter age and budget of water meter purchases.

Roll call vote:

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

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Motion carried

CORRESPONDENCE

None

NEW BUSINESS

Bill No. 2013-550...Rezoning the described property located at 735 East McKinney Street, Neosho, Newton County, Missouri, from District C-1, Retail District, to C-3, Commercial Business District, as petitioned by Don McCleary...1st Reading.

Bill No. 2013-550 was read by title only by Mr. Hays

Dana Daniel, Development Services Director stated this was to rezone 735 East McKinney Street from C-1, to C-3.

Motion to pass Bill No. 2013-550 on first reading by Councilman Ruth 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. 2013-551...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013...1st Reading.

Bill No. 2013-551 was read by title only by Mr. Hays

Dana Daniel, Development Services Director stated this was to increase the budget to the Inspections Departments vehicle maintenance budget by \$200 due to multiple repairs that had used the funds in the budget for this line item.

Motion to pass Bill No. 2013-551 on first reading by Councilman Workman and seconded by Councilman Collinsworth

Discussion followed

Councilman Hart inquired why the amount was only \$200.

Mr. Royer stated that this was actually doubling the line item and explained monthly review of the budget to make sure the city keeps on track.

Roll call vote:

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

Motion carried

Bill No. 2013-552...Annexing the property located within part of the Southeast Quarter of Section 20, Township 24 North, Range 32 West, Newton County, Missouri, all of which is contiguous with the City of Neosho, as petitioned by the City of Neosho, under Zoning District C-3, Commercial Business District Classification...1st Reading.

Bill No. 2013-552 was read by title only by Mr. Hays

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Dana Daniel, Development Services Director stated this was to annex the Trinity Learning Center for the later connection of water services.

Motion to pass Bill No. 2013-552 on first reading by Councilman Workman and seconded by Councilman Collinsworth

Discussion Followed

Mr. Daniel explained the school needed to annex for the purpose of connection to the city water system because of issues with their well.

Councilman Hart asked how far this was from the airport.

Mayor Davidson mentioned the highway in front was flag polled in by the previous administration and council and that it must be more than a ¼ mile down the road from the airport property.

Councilman Ruth said he doesn't have an issue helping them with water but does not want to annex that far away.

Discussion about possible de-annexation of 59 & AA Highway south of the airport then Trinity Learning center could do an irrevocable consent. Further discussion was had on water main sizes and whether the city or Trinity would construct the waterline.

Mr. Hays said he would pursue the de-annexation of AA and 59 south of the airport but at a minimum it would take approximately 90 days to complete.

Roll call vote:

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

Motion Failed

Bill No. 2013-553...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013...1st Reading.

Bill No. 2013-553 was read by title only by Mr. Hays

Daphne Pevahouse, Finance Director stated this was in regards to an old unpaid Empire electric bill from 2004.

Motion to pass Bill No. 2013-553 on first reading by Councilman Hart and seconded by Councilman Workman

Discussion about Empire fixing burned out lights around town and a light not installed yet.

Roll call vote:

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

Motion Carried

Bill No. 2013-554...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013...1st Reading.

Bill No. 2013-554 was read by title only by Mr. Hays

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Dana Daniel, Development Services Director stated this was in regards to the installation of a new fence around the pool filtering system.

Motion to pass Bill No. 2013-554 on first reading by Councilman Workman and seconded by Councilman Hart

Mr. Daniel stated that the cost of the new fence that would surround the filter system would come from the money received from the insurance money from last year's fire.

Mayor Davidson asked about how much water the pool held

Mr. Hightower stated approximately 360,000 gallons

Roll call vote:

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

Motion Carried

Resolution Bill No. 2013-05...Notifying the council of the destruction of City records.

Resolution Bill No. 2013-05 was read by title only by Mr. Hays

Mayor Davidson stated this was regarding old records that the City is no longer required to retain per the state retention requirements and that the City is running out of space to retain these records and without the construction of a new storage area for these records the City needs to dispose of these unneeded records. It was also mentioned some of these records were donated to the Historical Society.

Motion to pass Resolution Bill No. 2013-05 by Councilman Collinsworth 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

Consider approval of the Waste Corporation of America (WCA) agreement.

Mayor Davidson explained the information about the contract and how citizen's bills will go down effective June 1st.

Mr. Royer stated that this is a perfect example of why the city rebids items to help keep costs down.

Motion to approve the WCA agreement and allow the mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

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Motion Carried

REPORT OF CITY OFFICERS

Troy Royer, City Manager – Combs House

Mr. Royer just wanted to clarify that the Public Works Department would be demolishing the combs house in Morse Park and the only cost to the city would be the dumpsters, He also gave an update on the inspections services.

Troy Royer, City Manager – Land 3 Studios

Mr. Royer gave an update on Land 3 Studios.

Daphne Pevahouse, Finance Director – Sales Tax Reports

Mrs. Pevahouse gave Council an update on sales tax, the month of May was up compared to 2012 but is down 3% compared to last year. The City is still in budget and has 175 days of cash on hand.

Dana Daniel, Development Services Director – Sports

Mr. Daniel stated the spring soccer program had 330 kids sign up from the ages three (3) to sixteen (16) and the concessions made a profit of \$434.48.

He also mentioned the pool will be open starting Saturday.

Steve Hays, City Attorney – Lawsuit

Mr. Hays gave an update on litigation regarding a traffic accident with a patrol car. Further details and a settlement agreement which the defendant's insurance company offered the City \$7,753 plus the City would retain the Patrol Car. The patrol car could be used for parts to repair in service units. A consensus of the Council agreed and for the City attorney to pursue this.

Richard Davidson, Mayor – Donation

Mayor Davidson thanked the South School for their donation to help fix the Big Spring Stairs.

Richard Davidson, Mayor – Board of Police Chief Termination

Mayor Davidson mentioned new legislation that is in congress that would require a Board to review police chief's terminations.

Richard Davidson, Mayor – Street Lights

Mayor Davidson mention a street light out by the golf course, Councilman Hart also mentioned a light on Hale McGinty not yet installed.

Richard Davidson, Mayor – Streaming Meetings

Mayor Davidson mentioned that there have been requests for the City Council meetings to be streamed live on the internet and that this may be something Wes Franklin might be bringing before Council in the future.

Richard Davidson, Mayor – Big Spring CID

Mayor Davidson mentioned that the City has not received any re-imbusement from the Big Spring CID. Councilman Hart said it has been five years and no funds have been received, Mr. Royer said staff will look into the matter.

David Ruth, Councilman – Summer Sewer Rates

Mr. Ruth asked about summer sewer rates for those who use a lot of water for watering their yards, Mr. Royer said he and Daphne will look into the matter.

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APPOINTMENTS & VACANCIES

Mayor Davidson stated that these will be handled on the first meeting of the month.

ADJOURN

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the May 21, 2013 Regular Session City Council Meeting.

Motion to adjourn by Councilman Workman and Seconded by Mayor Davidson. Unanimous vote to adjourn

Mayor Davidson adjourned the closed meeting at 8:20 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk