

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**June 4, 2013 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Troy Royer 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 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  
Daphne Pevahouse, 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 Collinsworth and seconded by Councilman Workman. The motion passed unanimously.

**CONSENT AGENDA:**

Motion to approve the consent agenda items as listed 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.

**MINUTES:**

The minutes of May 21, 2013, Regular Session were approved as presented.

**PROCLAMATION:**

Mayor Davidson stated that the following proclamation was issued on June 4, 2013.

June Employer of the Month – C-V Glass Company, LLC

**WHEREAS**, the Neosho City Council recognizes selected Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to the Neosho local Economy; and the selected organization for the month of June, 2013 is  
*C- V Glass Company, LLC*; and

## Council Minutes – June 4, 2013

**WHEREAS**, the *C-V Glass Company* was established in Neosho, MO. In 1962 as a privately owned company By Carl Vance and Richard Miller; and

**WHEREAS**, in 1974 Mark Franks acquired ownership of *C-V Glass Company* and in 1979 Bob Gorham joined the prospering company. In 2013, Partners Mark Franks and Bob Gorham continue the legacy of another Neosho business that has thrived for over 50 years; and

**WHEREAS**, the main focus of *C-V Glass Company, LLC* is primarily on design, fabrication, and installation of Commercial Store Fronts and installation of Auto Glass. The Company also designs and fabricates Custom Glass Showers, along with Custom Designed Mirrors. Their experienced Staff provides expert installation on all of their products; and

**WHEREAS**, *C-V Glass Company, LLC*; began their business in 1962 with two employees and with 400 square feet of service floor space. Today *C-V Glass Company* has a 2,240 foot facility with four full time professional custom design and material fabricators; and

**NOW THEREFORE**, I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim *C-V Glass Company, LLC* to be Neosho's Employer of the Month for June, 2013. We extend our Congratulations to their four highly trained Staff Members for their quality Customer Service and knowledge of today's customized domestic vehicle and commercial glass technology!

**In Testimony Whereof**, I have hereunto set my hand and caused to be affixed the Official Seal of the City, in the City of Neosho, this 4<sup>th</sup> day of June, 2013.

/s/ Richard Davidson, Mayor

### VISITORS BUSINESS

#### Mr. Gene Franklin – Wards/Rentals

Mr. Franklin stated appreciation to City Council for the outstanding job they have done. However, he would suggest a precinct or ward form of government. Due to property disrepairs, Mr. Franklin suggests that the different form of government would better represent all of Neosho.

#### Mr. Eldon Morgan – De-Annexation

Mr. Morgan stated concerns regarding the de-annexation and explained to Council that portions of 86 and 60 were annexed in to encourage development including city services.

### UNFINISHED BUSINESS

**Bill No. 2013-550...Rezoning the described property located at 735 East McKinney Street, Neosho, Newton County, Missouri, from District C-1, Retail Business District, to C-3, Commercial Business District, as petitioned by Don McCleary...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2013-550 for Ordinance No. 33-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-550 on second and third readings by Councilman Workman and seconded by Councilman Collinsworth

Mayor Davidson reviewed.

#### Roll call vote:

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

Motion carried.

Council Minutes – June 4, 2013

**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...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2013-551 for Ordinance No. 34-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-551 on second and third readings by Councilman Hart and seconded by Councilman Collinsworth

Mayor Davidson reviewed.

Councilman Ruth verified with City Manager Royer that \$200 would not be withheld from general fund.

Roll call vote:

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

Motion carried.

**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...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2013-553 for Ordinance No. 35-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-553 on second and third readings by Councilman Workman and seconded by Councilman Ruth

Mayor Davidson reviewed.

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...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2013-554 for Ordinance No. 36-2013 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-554 on second and third readings by Councilman Collinsworth and seconded by Mayor Davidson

Councilman Hart stated concerns regarding approving this now when there were unknown expenses with the pool filters.

Councilman Ruth stated concerns regarding the urgency of the fence when he was unaware of vandalism over the past 35 years.

Mayor Davidson stated this is approval to be spent at the City Manager's discretion.

**Council Minutes – June 4, 2013**

Discussion followed.

Roll call vote:

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

**BID**

There were none.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Bill No. 2013-555...Authorizing the Mayor of the City of Neosho, Missouri to execute an STP-Urban Program Supplemental Agreement between the City of Neosho and the Missouri Highways and Transportation Commission...1<sup>st</sup> Reading.**

Bill No. 2013-555 was read by title only by Mr. Hays.

Dana Daniel, Development Services Director stated this supplement will lower the City's obligations for the East Spring Street project. He further stated with the supplement the estimated project costs are \$462,219.73 of which \$363,262.38 will be federal funded and the City's portion will be \$98,957.35.

Motion to pass Bill No. 2013-555 on first reading by Councilman Hart and seconded by Councilman Workman

Mayor Davidson explained this project was started in 2007 and has been delayed due to funding.

Discussion followed.

Mr. Daniel clarified this will address new sidewalks, curb and gutter and trails along a portion of East Spring Street up to the railroad tracks. He further stated the City will finish the project over the tracks to the Lampo Building.

Councilman Hart requested funding clarification before approval.

Discussion followed.

Mayor Davidson directed City Staff to provide budget information for funding at the 2<sup>nd</sup> and 3<sup>rd</sup> reading of this bill.

Roll call vote:

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

Motion carried.

Council Minutes – June 4, 2013

**Bill No. 2013-556...Authorizing the Mayor of the City of Neosho, Missouri to execute an STP-Urban Program Supplemental Agreement between the City of Neosho and the Missouri Highways and Transportation Commission...1<sup>st</sup> Reading.**

Bill No. 2013-556 was read by title only by Mr. Hays.

Mr. Daniel stated this supplement is for the East Spring project that address new asphalt overlay with estimated project costs of \$234,085.96 which will be funded in the amount of \$187,268.76 by Federal and the City's portion is estimated to be \$46,817.19.

Motion to pass Bill No. 2013-556 on first reading by Councilman Workman and seconded by Councilman Hart

Discussion followed including Councilman Ruth stating he would like to see the five year street plan.

Roll call vote:

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

Motion carried.

**Bill No. 2013-557...Creating Chapter 435, De-Annexation/Detachment of Territory From Corporeal Boundaries of the Neosho City Code of Ordinances...1<sup>st</sup> Reading.**

Bill No. 2013-557 was read by title only by Mr. Hays.

Motion to pass Bill No. 2013-557 on first reading by Councilman Hart and seconded by Mayor Davidson

Mayor Davidson stated during the last meeting discussions, it was realized that there is no process in the code to de-annex property if desired by Council and/or citizens.

Councilman Hays asked the process if the Council wanted to de-annex.

City Attorney Hays stated the Council will go through the same process as they need to be held to the same standard as citizens.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of the Mid-America Environmental Solutions agreement.**

Mr. Daniel, Development Services Director stated this is to provide an asbestos inspection before demolition for the structure aka the Combs house.

Motion to approve the Mid-America Environmental Solutions agreement and work authorization and authorize Mayor to execute by Councilman Hart and seconded by Councilman Collinsworth

**Council Minutes – June 4, 2013**

Roll call vote:

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

Motion carried.

**Consider approval of the First Community Bank agreements.**

Mayor Davidson stepped down and asked Mayor Pro Tempore Hart to chair the meeting.

Finance Director Pevahouse explained this is a Memorandum of the Depository Agreement for banking services for a two year period.

Motion to approve the First Community Bank Agreement and authorize Mayor Pro Tempore to execute by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

**Consider approval of Relay for Life fireworks display.**

Fire Chief Mike Eads stated this is the annual request for fireworks during the Relay for Life event.

It was the consensus of the Council to approve the fireworks display for the Relay for Life event.

**Consider approval of Office of Homeland Security Grant Agreement.**

Police Chief McCracken stated this is for a 100% Homeland Security Agreement in the amount of \$25,750.

Motion to approve the agreement between the City and Homeland Security and authorize Police Chief 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

Motion carried.

**REPORT OF CITY OFFICERS**

**Troy Royer, City Manager – CID**

Mr. Royer informed Council of a sunshine request he submitted to CID to obtain Sales Tax figures.

**Council Minutes – June 4, 2013**

Councilman Hart stated concerns regarding recourse options when the City has yet received money from the CID.

City Manager Royer stated Dr. Hammons is the Director and he forwarded a request to Mr. Darrell Gross with Gross and Associates.

City Attorney Hays stated they would have 72 hours to comply per sunshine request and further explained it would be an actionable cause for litigation if they stonewall the process.

Discussion followed.

**Troy Royer, City Manager – TDD**

Mr. Royer stated after a sunshine request, he received the TDD tax collected amount of \$197,932.

**Wes Franklin – Celebrate Neosho Update**

Mr. Franklin stated into the record the new list of donations received for Celebrate Neosho and planned events.

**Platinum:**

City of Neosho  
AMI Radio  
Show ME the Ozarks Magazine  
Marco Group, Inc.  
Neosho Wal-mart Supercenter #17  
La-Z-Boy Midwest  
Freeman Neosho Hospital  
Suddenlink Communications  
Fly By Nite Music

**Gold:**

First Community Bank  
Boulevard Bank  
Allgeier Martin Consulting Engineers  
Beimdiek Insurance  
Southwest Missouri Bank

**Silver:**

Insurance Benefits Consultants  
New-Mac Electric Cooperative  
Stouffer Communications  
GalaxSea Cruises & Tours  
Twin Oaks Custom Cabinets  
Branco Enterprises, Inc.  
Edward Jones Investments  
Leggett & Platt Talbot Branch  
Griffith Motor Co.

**Bronze:**

Sun Loan Company & Tax Service  
Edgewood Bowl  
Eric Norris State Farm Insurance.

He further announced this is a total of \$4800 in sponsorships.

Councilman Collinsworth stated disappointment to the Chamber of Commerce for listing Celebrate Neosho in the very bottom of the newsletter after the City worked with them and helped them with the City-wide Garage Sale.

Councilman Hart stated appreciation for Mr. Franklin's efforts.

**Police Chief McCracken – Solicitations**

Chief McCracken stated there is a scam of people representing themselves as someone checking their water then stealing or asking for money for repairs to their plumbing. He asked the citizens to call the police department if they are approached by these individuals.

**Pam Baker, Human Resources Director – Handbook changes**

Mrs. Baker handed out an 11 page document for suggested changes in the Employee Handbook for Sections 12, 14, 20, 50A, 51.1, 58 and 64.10. She further stated an ordinance with these changes would be brought to Council at the July 16<sup>th</sup> meeting for approval.

Mayor Davidson directed the City Clerk to provide an electronic version.

**Mayor Davidson – Streaming**

Mayor Davidson stated as trying to maintain transparency, Mr. Sexton was present to provide a streamline feed of the meeting and encouraged citizens to provide feedback.

**Mayor Davidson – City Employee Golf Privileges**

Mayor Davidson stated the new policy for retirees and employees to play golf for free has caused confusion as to whether City Council is considered employees.

Councilman Collinsworth stated he didn't view the City Council as employees.

Councilman Hart stated he doesn't play golf but he is ok with City Council exercising the privilege of playing for free.

Councilman Workman stated City Council is an elected official not an employee.

Councilman Ruth stated that as a Councilman he was handed an employee handbook and taxes are taken out of their pay so he considers the Council to be employees.

**Councilman Collinsworth – Visitor Discussion**

Councilman Collinsworth directed remarks towards Mr. Eldon Morgan, a citizen in the audience pertaining to an article he put in the paper. He addressed remarks made pertaining to Mayor Davidson relocating his personal residence, ball parks and who stands to benefit from them. Councilman Collinsworth thanked Mr. Morgan for exercising his right to be involved in City Government but encouraged him to do research on the facts and not to be lead astray.

Councilman Hart defended Mayor Davidson's right to endorse the Governor as an individual. He further stated that his own title is Mayor Tempore by that does not take away his rights as a person.

Councilman Collinsworth stated that after research being told that MoDOT money would go away was an empty threat.

**Mayor Davidson – Board Appointments**

Mayor Davidson made suggestions for screening or interview process for upcoming board applicants.

Councilman Ruth stated he didn't want to make the process lengthy but encouraged councilmen to research and give thought to the applicants.

Councilman Hart stated the board members make very important decisions and would like there to be more of a process besides a letter submittal but wants everyone to feel welcome.

**Council Minutes – June 4, 2013**

Councilman Collinworth feels like it is hard enough to get people to serve on the boards and would not want the process to be cumbersome.

Mayor Davidson directed City Clerk to contact surrounding towns to see what their process is.

**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. *One letter of interest has been received from Jared Vansandt.*

Motion was made to accept the letter of interest and appoint Jared Vansandt to the Planning and Zoning Commission for the remaining term of Louise Estes by Mayor Davidson and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

**Neosho-Newton Library Board:** Two vacancies will exist for a term of three years beginning July 1, 2013 due to the expiring terms of Phyllis Blackwood and Mark Young. *Two letters of interest have been received by Phyllis Blackwood and Mark Young.*

Motion was made to accept the letters of interest and re-appoint Phyllis Blackwood and Mark Young to the Neosho-Newton Library Board for three-year terms by Mayor Davidson and seconded by Councilman Workman

Roll call vote:

Steve Hart – Yes  
David Ruth – Yes  
Tom Workman - Yes  
Charles Collinworth – Abstain. His wife is the President of the Board.  
Richard Davidson – Yes

Motion carried.

**CLOSED MEETING:**

Motion to close the meeting pursuant to 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

**Council Minutes – June 4, 2013**

Roll call vote:

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

Motion carried.

Mayor Davidson closed the meeting at 8:40 p.m.

The meeting reconvened in open session at 10:09 p.m. and Mayor Davidson announced the council conferred with the city attorney and no 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 June 4, 2013, Regular Session City Council meeting.

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

Mayor Davidson adjourned the closed meeting at 10:09 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

---

**Mayor**

**ATTEST:**

---

**City Clerk**