

**MINUTES  
NEOSHO CITY COUNCIL  
January 6, 2009 - 7:00 p.m.  
Council Chambers - City Hall  
203 E. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of December 16, 2008.**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Regular Session minutes of December 16, 2008.

Councilman Werneke said he would like to amend the minutes by adding his justification for the no-vote on the Quince Road Sewer Project.

The council had no objections and Councilman Werneke stated he would give information to the City Clerk.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Closed Session of December 16, 2008.**

Motion was made by Councilman Persinger and seconded by Councilman Werneke to approve the Closed Session minutes of December 16, 2008.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**VISITORS BUSINESS**

**Ray Prihoda – Proposed Zoning Regulations**

As a representative of a church and Christian school, Mr. Prihoda expressed concerns about the parking requirements those institutions would face if Chapter 405 was adopted. Furthermore, he recommended churches be assigned to a zoning district instead of issued a Special Use Permit. Finally, he requested the council hold another public hearing and postpone the final vote one month.

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**James Smallwood**

**Proposed Zoning Regulations**

Mr. Smallwood inquired if real estate signs fell under the definition of temporary signs.

Mayor Birdsong responded that signs under 32 square feet are not considered temporary.

**First Baptist Church Building**

Mr. Smallwood referred to a recent article in the Neosho Daily News regarding the cost of tearing down the old Baptist Church. He wondered if the figures quoted in the article were correct and suggested using the building instead of tearing it down.

Mayor Birdsong responded that he did not know the source of the figures.

Councilman Werneke stated that the Auditorium Renovation Committee made the decision to acquire the church property because it was available and a way of controlling and protecting the City's investing in the Auditorium. The Council at this time is only entertaining ideas of making the property a parking lot. No decisions have been reached.

**City Wide Cable Franchise**

Mr. Smallwood then asked if the city had a contract with a cable company. He lives outside of Neosho and does not have cable or internet access at his residence.

Mr. Hays explained that the City does not and cannot have a cable contract. The State of Missouri does not allow cities to regulate cable companies. He encouraged Mr. Smallwood to contact Representative Kevin Wilson or Senator Gary Nodler regarding this issue.

**Matt Prihoda – Proposed Zoning Regulations**

Mr. Prihoda began by expressing appreciation for the City's changes to Chapter 405. Next, he stated private schools were removed from the previous draft and asked if they are now considered under the general "school" title. He also inquired why churches are required to build on 3-acre lots. Finally, he expressed concern that churches and schools would face hardship if construction to an existing building would require them to meet the new zoning requirements, such as parking.

Mayor Birdsong thanked him for his comments and stated the council would address them during their discussion.

**BIDS**

The following bids were presented for consideration:

**Golf Course – Chemicals**

Golf Course  
Chemicals  
BID OPENING SUMMARY

Attached is a compilation of the bids received for Chemicals for the Neosho Golf Course.

This bid opening was held at 11:00am, December 10, 2008 in the Conference Room of City Hall. Present for the opening were Teri Roessler and Justin Beck with the City of Neosho.

The following bids were received:

1. Turf Grass	Insignia (8 7.2 lb. bags)	\$1075.32 / bag
2316 Pleasant Prairie Road	Banner Maxx (1 gallon)	\$365.00
Marshfield, MO 65706	Pre Emergent (3 applications)	\$1104.00 total
	Curalan (12/2.7 5 lb)	\$1002.87
	Primo Maxx Links Pack	\$3052.50
	Ultra Plex	\$1224.00

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	Revolution (quick water) 40 gal.	\$2504.00
	Daconil weather stik	\$1087.68
	Scimitar (4 quarts)	\$600.00
	Instrata 7.5 gallons	\$1109.25
	Barricade 10 gallons	\$1942.50
	20 gallons	\$3675.00
	30 gallons	\$5370.00
	Princep	No Bid
	Trimec 992 (sub millen. Ultra) 30 gal	\$1800.00
	Roundup (or generic) 30 gallons	\$960.00
2. Agriturf	Insignia (8 7.2 lb bags)	\$1116.00 / bag
1000 S. 11 <sup>th</sup> St	Banner Maxx (1 gallon)	\$315.00
Rogers, AR 72756	Pre Emergent (3 applications)	\$2871.00 total
	Curalan (4/ 2.75 lb bags)	\$374.00
	Primo Maxx Links Pack	\$2960.00
	Ultra Plex	\$1200.00
	Revolution (40 gal)	\$3160.00
	Daconil Weather Stik	\$1043.20
	Scimitar (4 quarts)	\$524.00
	Instrata 7.5 gallons	\$1109.20
	Barricade 10 gallons	\$1942.50
	20 gallons	\$3675.00
	30 gallons	\$5370.00
	Princep 30 gallons	\$681.00
	Trimec 992 30 gallons	\$696.00
	Roundup (or generic) 30 gallons	\$990.00

Supplier Invited to bid, but did not:  
Supreme Turf Products

**Golf Course – Fertilizer**

Golf Course  
Fertilizer  
BID OPENING SUMMARY

Attached is a compilation of the bids received for Fertilizer for the Neosho Golf Course.

This bid opening was held at 11:00am, December 10, 2008 in the Conference Room of City Hall. Present for the opening were Teri Roessler and Justin Beck with the City of Neosho.

The following bids were received:

1. Turf Grass	16-4-8 Lebanon (21 bags)	
2316 Pleasant Prairie Rd	15-4-7 HHI (21 bags) (replacement)	\$45.00 per bag
Marshfield, MO 65706	Limestone (35 bags)	No Bid
	Milorganite (95 bags)	No Bid
	Maxical K (18 bags)	No Bid
	13-2-13 (14 bags)	
	0-0-22 KMAG (10 bags)	No Bid
	(Andersons or HHI)	\$45.00 per bag
	16-0-30 NX Pro (22 bags)	
	(HHI)	\$45.00 per bag
	Gypsum (70 bags)	No Bid
	21-3-16 Par X (18 bags) HHI	\$45.00 per bag
2. Agriturf	16-4-8 Lebanon (21 bags)	\$18.70 per bag
1000 S. 11 <sup>th</sup> St	Limestone (35 bags)	\$6.45 per bag
Rogers, AR 72756	Milorganite (95 bags)	\$9.70 per bag
	Maxical K (18 bags)	\$27.60 per bag
	13-2-13 (14 bags) Andersons	\$35.00 per bag
	0-0-22 KMAG (10 bags)	\$17.90 per bag
	16-0-30 NX Pro (22 bags)	\$41.60 per bag
	Gypsum (70 bags)	\$6.45 per bag
	21-3-16 Par X (18 bags)	\$48.40 per bag

Supplier Invited to bid, but did not:  
Supreme Turf Products

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Mr. Blase stated it was staff's recommendation to purchase the necessary chemicals or fertilizers needed from the company submitting the lowest price.

Discussion followed.

Motion was made by Councilman McCormack and seconded by Councilman Persinger to purchase the least expensive of the name brand chemicals and fertilizers needed for 2009 as listed by the two bidding companies Turf Grass and Agriturf.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langeland - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2008-326...Declaring certain personal property as surplus and setting forth the method for disposing of the same...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2008-326 for Ordinance No. 363-2008 was read by title only by Mr. Hays.

Motion was made by Councilman Langeland and seconded by Councilman McCormack to pass Bill No. 2008-326 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langeland - Yes, Sherry McCormack - Yes.

Motion carried.

**Bill No. 2008-327...Authorizing the execution of a supplemental agreement for highway and rail crossing improvements among the City of Neosho, the Missouri Highways and transportation commission, and BNSF Railway Company...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2008-327 for Ordinance No. 364-2008 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langeland to pass Bill No. 2008-327 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langeland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2008-328...Amending the 2007-2008 Fiscal Year Budget...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2008-328 for Ordinance No. 365-2008 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langeland to pass Bill No. 2008-328 on second and third readings.

Roll call vote:

Howard Birdsong - Yes, Warren Langeland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

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**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Consider the agreement between the City of Neosho and CEI Engineering for Right-of-Way acquisition along Kodiak Road**

Motion was made by Councilman Langland and seconded by Councilman Werneke to approve the agreement between the City of Neosho and CEI for acquisition of Right of Way to allow Kodiak Road to be improved to state specifications.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Consider Fire Department request for the capital purchase of equipment**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve expenditure of \$11,970 for Fire Department capital purchase of equipment.

Chief Hickman explained the full amount is funded by a Homeland Security grant.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Consider Change Order No. 2 with Blevins Asphalt Construction Co. for Municipal Parking Lot and Sidewalk Improvements**

Motion was made by Councilman McCormack and seconded by Councilman Werneke to approve Change Order No. 2 with Blevins Asphalt Construction Co. for an increase of \$1,650.00

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Abstain, Sherry McCormack - Yes.

Motion carried.

**Consider Modification No. 1 to the contract between the City of Neosho and Hurst-Rosche for engineering and technical services to the downtown sidewalks and parking lots**

Motion was made by Councilman Langland and seconded by Councilman Werneke to approve modification as presented for an increase of \$15,447.00.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

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**Consider Contract between the City of Neosho and Hurst-Rosche for Downtown Streetscape Design**

Mr. Blase stated the city recommends approving the contract between Hurst-Rosche for the renovation of the public square and that the public will have an opportunity to comment about the design plan. Design and engineering services will be a lump sum fee of \$42,350.00 and construction services not to exceed \$31,900.00.

Motion was made by Councilman Langland and seconded by Councilman Persinger to accept the contract with Hurst-Rosche for Downtown Streetscape Design as presented and authorize the mayor to execute.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Discussion of Bill No. 2008-323...Amending Chapter 405: Zoning Regulations, of the Code of Ordinances**

The council held a lengthy discussion about the relocation of churches and schools from District R-1 and the lot size requirements.

Councilman Werneke stated the city used to encourage churches and schools to build in R-1, but these regulations swing the other way. He also inquired if the codes could be rewritten to make only new construct accountable to zoning and parking regulations instead of the entire building.

Discussion followed.

It was the consensus of the Council that the following changes be made to the Chapter 405 document:

1. Remove the 3-acre minimum lot requirement for churches
2. Rewrite the definition of neighborhood
3. Allow churches and schools in District R1 and District R1A without a Special Use Permit

**REPORT OF CITY OFFICERS**

**Jan Blase – Empire Contracts**

Mr. Blase presented the following Lighting Service Agreements with Empire Electric.

- 08-005-291: Along College St. between Coler and Spring – Remove and install 11 lights
- 08-005-388: ¼ mile east of Howard Bush Dr. on Nelson Ave. – Install 2 lights and transformers
- 08-005-419: City parking lot south of McCord and east of Wood – Install 7 lights and poles
- 08-005-420: City parking lot 100' north of Main on Lafayette – Install 4 lights and poles
- 08-005-421: City parking lot at Spring and Jefferson – Install 3 lights and poles
- 08-005-422: City parking lot at Washington and Hickory – Install 6 lights and poles
- 08-005-423: City parking lot in Big Spring Park on W. Spring – Install 3 lights and poles
- 08-005-424: City parking lot 100' east of Washington on Hickory – Install 4 lights and poles
- 08-005-445: W. of Jefferson to Big Spring Park on S. side of Spring – Install 11 lights and poles
- 08-005-474: ½ block east of Jefferson on Main – Remove 1 light

He stated the agreements were scheduled to come before council at the next council meeting, but Empire requested earlier consideration to avoid postponing the work.

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Motion was made by Councilman Langland and seconded by Councilman Persinger to approve the Empire contracts as presented, and authorize the mayor to execute.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Abstain, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Comprehensive Plan**

Mr. Blase announced the Comprehensive Plan developed by the citizens of Neosho is the basis for the changes in the City's Zoning ordinances. Furthermore, it is a 15 year plan, but 67 ½ percent of the work is complete. The remain 37 ½ percent is in the planning phase.

**Mayor Birdsong – State of the City Address**

Mayor Birdsong announced he would give a State of the City address on January 27, 2009 to review the city's progress, hurdles, and goals. All citizens are encouraged to attend. The comprehensive plan will also be reviewed.

**APPOINTMENTS & VACANCIES**

**Board of Appeals**

Mayer Birdsong announced that two vacancies exist for unexpired three-year terms. Interested persons should contact the City Clerk.

**CLOSED MEETING**

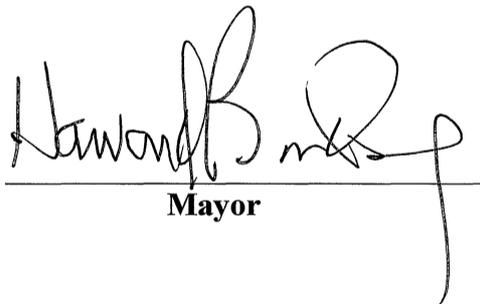
There was no need to close the meeting.

**ADJOURN**

There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 8:44 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**January 20, 2009 - 7:00 p.m.**  
**Council Chambers - City Hall**  
**203 E. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, and Matthew Persinger.  
Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.  
Absent: Jeff Werneke.

Mayor Birdsong announced Councilman Werneke was absent due to illness. It was the consensus of the Council to excuse Councilman Werneke.

**APPROVAL OF MINUTES**

**Regular Session of January 6, 2009**

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the Regular Session minutes of January 6, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger – Yes.

Motion carried.

**VISITORS BUSINESS**

**Don Gustaveson – Proposed Zoning Regulations**

Mr. Gustaveson expressed his desire that the will of the people always be done by the City Council. He feels that the majority of Neosho citizens are opposed to the proposed zoning regulations and therefore it should not be passed by the Council.

**Matt Pihoda – Proposed Zoning Regulations**

Mr. Pihoda requested the Council consider giving churches and schools exemptions from parking lot requirements if they have to rebuild as the result of a disaster. He also doesn't think that it is fair to require paving and landscaping in parking lots.

Discussion followed concerning storm water runoff requirements.

**Brad Atkinson – SuddenLink**

Mr. Atkinson came to introduce himself to the City Council as the SuddenLink plant manager. He informed the Council that SuddenLink is expanding the plant to provide high speed cable and internet to more of Neosho's citizens.

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**Terry Miles – Zoning**

Mr. Miles echoed Mr. Prihoda’s concerns with the proposed parking lot regulations. He stated that the potential problems with the document should be worked out before its implementation and not as part of an appeals process.

**BIDS**

The following bid was presented for consideration:

**Information Technology – Network Infrastructure**

From: David Gambel, IT Manager

PURPOSE:

The bid is for new router and switch equipment for the network infrastructure.

BACKGROUND:

New router and switch equipment is needed to support the new telephone system, and to provide room for future growth. Our current equipment does not have the capability for either. Two bids were received. Please see attached bid tabulation.

RECOMMENDATION:

The Information Technology department recommends the bid be awarded to AOS as the low bidder at \$8,962.93. AOS was also the low bidder on the new telephone system.

Information Technology  
Router and Switch  
**BID OPENING SUMMARY**

Attached is a compilation of the bids received for Router and Switch for the new network infrastructure.

This bid opening was held at 1:00 p.m., December 2, 2008 in the Conference Room of City Hall. Present for the opening were Teri Roessler and David Gambel with the City of Neosho.

The following bids were received:

<p>1. CDW*G 230 North Milwaukee Ave. Vernon Hills, IL 60061</p>	<p>Cisco ASA 5510 w/sw 3FE 3DES/AES \$2158.54  Cisco Catalyst 3560 48 pt 10/100-POE \$3984.31  Cisco Catalyst 2960 7 10-1001000 \$831.21  Cisco 100Base-T SFP (qty 2) \$490.42  Cisco 19IN Rackmount for CAT 3560 \$54.85  Cisco Smartnet Onsite 8x5x4 \$716.31  (mfg #: CD1-CON-OSE-356048PS)  Cisco Smartnet Onsite 8x5x4 \$139.41  (mfg #: CD1-CON-OSE-C2960G8C)  Cisco Smartnet Onsite 8x5x4 \$598.64  (mfg #: CD1-CON-OSE-AS1BUNK9)  Warranty Costs \$4440.00    Bid Total: \$13413.69</p>
<p>2. AOS 636 West Republic Road Unit F100 Springfield, MO 65807</p>	<p>Catalyst 3560 48 10/100 PoE SFP IPB \$3507.30  1000BASE –T SFP (qty 2) \$426.60  Catalyst 2960 7 10/100/1000 1T/SFP Base \$753.30  19IN Rackmount for Catalyst 3560 \$40.50  ASA 5510 Appliance w/ SW, 5FE/AES \$1887.30  Maintenance/Warranty \$873.05  Installation \$1400.00  Shipping &amp; Handling \$74.88    Bid Total: \$8962.93</p>

Companies invited to bid who did not submit:  
I3 Technology Group, Inc.  
SMC Electric  
Tele Inc. Company

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Motion was made by Councilman Langland and seconded by Councilman McCormack to award the bid to AOS in the amount of \$8,962.93

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Howard Birdsong - Yes.

Motion carried.

**UNFINISHED BUSINESS:** There was none.

**CORRESPONDENCE:** There was none.

**NEW BUSINESS**

**Public Hearing regarding a petition submitted by Trustees of the Church of Christ, to annex the property located at 15676 Kodiak Road into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District**

Mayor Birdsong opened the floor for public comment.

**Irwin Johnson – Church of Christ**

Mr. Irwin Johnson addressed the Council on behalf of the Church of Christ, stating that the church is petitioning for annexation to receive city water and sewer services.

There being no further comments from the public, Mayor Birdsong closed the public hearing.

**Bill No. 2009-329...Authorizing the execution of a supplemental agreement for highway and rail crossing improvements among the City of Neosho, the Missouri Highways and Transportation Commission, and BNSF Railway Company...1st Reading**

Bill No. 2009-329 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-329 on first reading.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-330...Authorizing the execution of a supplemental agreement for highway and rail crossing improvements among the City of Neosho, the Missouri Highways and Transportation Commission, and BNSF Railway Company...1st Reading**

Bill No. 2009-330 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-330 on first reading.

Roll call vote:

Matthew Persinger - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

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**Bill No. 2009-331...Annexing property located at 15676 Kodiak Road, all of which is contiguous with the City of Neosho, as petitioned by Trustees of the Church of Christ, under zoning district R-1, First Dwelling House District Classification...1st Reading**

Bill No. 2009-331 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-331 on first reading.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger – Yes.

Motion carried.

**Bill No. 2009-332...Declaring certain real property as surplus and setting forth the method for disposing of same...1st Reading**

Bill No. 2009-332 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-332 on first reading.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Howard Birdsong - Yes.

Motion carried.

**Discussion of Bill No. 2008-323...Amending Chapter 405: Zoning Regulations, of the Code of Ordinances**

It was the consensus of the council to place Bill No. 2008-323 on the February 3rd City Council agenda for consideration on final reading.

**REPORT OF CITY OFFICERS**

There were none.

**APPOINTMENTS & VACANCIES**

**Board of Appeals**

Mayer Birdsong announced that two vacancies exist for unexpired three-year terms. Interested persons should contact the City Clerk.

**Neosho-Newton County Library Board**

Mayor Birdsong announced a letter of resignation was submitted by Ms. Dorothy Cliff. She is moving and can no longer serve on the board.

Motion was made by Councilman McCormack and seconded by Councilman Persinger to accept the letter of resignation submitted by Ms. Dorothy Cliff and thank her for her service.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**CLOSED MEETING**

There was no need to close the meeting.

**ADJOURN**

There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 7:45 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
February 3, 2009 - 7:00 p.m.  
Council Chambers - City Hall  
203 E. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of January 20, 2009**

Motion was made by Councilman Persinger and seconded by Councilman McCormack to approve the Regular Session minutes of January 20, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Abstain.

Motion carried.

**Mayor Birdsong – Employer of the Month**

Mayor Birdsong recognized Neosho R-5 School District as the February Employer of the Month and stated the following proclamation was issued earlier in the day:

**Whereas**, the Neosho City Council wishes to recognize the employers of our community; and

**Whereas**, the City of Neosho recognizes the role of our area employers' contribution to the area's growth and development and their support of our economy; and

**Whereas**, educational opportunities were established in the Neosho Area in 1839. The first public school was established by Lemuel Hearrell in 1842. In 1853, a legislative act provided the use of state and county funds for teachers' salaries. In March of 1866, a new school law was passed with provisions to form a local school district and with the consent of the voters on October 29, 1866, the first board of education was organized; and

**Whereas**, in this year of 2009, the Neosho R-5 School District goals under the leadership of Dr. Richard Page are to facilitate learning, nurture individual potential, and assist students to believe in themselves. The district covers 225 sq. miles with enrollment of more than 4,300 students. The R-5 School District began with 6010 sq. ft. and today has expanded to more than twenty million sq. ft. The Neosho R-5 School District includes: Eugene Field Early Childhood, Benton, Central, George Washington Carver, Goodman, South, Middle School, Junior High and Senior High.

**Now, therefore**, I, Howard Birdsong, Mayor of the City of Neosho, do hereby proclaim Neosho R-5 School District as Neosho's February, 2009 Employer of the Month. We wish to recognize them for their commitment to quality and their growth in the community

## **VISITORS BUSINESS**

### **Ray Prihoda – Proposed Zoning Regulations**

Mr. Prihoda announced his concerns about the zoning regulations for grandfathered buildings. It is unclear what regulations apply if owners build an addition expanding the structure by at least twenty-four percent. He requested that the Council move to table the bill approving Chapter 405 until the issues are resolved.

### **Matt Prihoda - Proposed Zoning Regulations**

Mr. Prihoda also encouraged the council to table the zoning regulations, stating his concern that the public needed more time to review them.

### **Terry Miles - Proposed Zoning Regulations**

Mr. Miles stated he is unsure why rules to pave and fence parking lots are necessary. Councilman McCormack informed him that only a buffer would be needed in parking lot improvements, and shrubbery is approved.

Mr. Miles also wanted to know what the council members discussed regarding the proposed zoning regulations outside of council meetings. Mayor Birdsong stated that the city and employees follow the Missouri Sunshine Law. Discussion among council members occurs during public meetings.

## **BIDS**

There were none.

## **UNFINISHED BUSINESS**

### **Bill No. 2008-323...An ordinance of the City of Neosho, Missouri, amending Chapter 405: Zoning Regulations, of the Code of Ordinances of the City of Neosho, Missouri...3<sup>rd</sup> Reading**

Bill No. 2008-323 for Ordinance No. 366-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman McCormack to pass Bill No. 2008-323 on third reading.

Councilman McCormack inquired how the parking space and lot requirements for businesses in the downtown were addressed. Mr. Blase stated an overlay zoning district was created for the Historic District which includes such exemptions.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

Mayor Birdsong addressed the council and public about the purpose of rewriting the City's zoning codes and stated that they are a direct result of the citizen-developed comprehensive plan. The purpose is to foster quality of life and economic development in Neosho. The elected officials have a responsibility to do what is the best interest of the city and sometimes that means making difficult decisions.

## **POINT OF ORDER –Gene Franklin**

Mr. Franklin was granted permission to speak out of order regarding the Council's decision to approve Bill No. 2008-323.

Mr. Franklin stated he had hoped the council would table this issue and was making a huge mistake passing the zoning regulations. He said in 2007, the council approved four transportation projects that failed in a city election and now it is going against the people again. He concluded his comments stating Chapter 405 got rammed through and that abortion is murder.

**Bill No. 2008-324...Adopting an Official Zoning District Map...3<sup>rd</sup> Reading**

Bill No. 2008-324 for Ordinance No. 367-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman McCormack to pass Bill No. 2008-324 on third reading.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-329...Authorizing the execution of a Supplemental Agreement for highway and rail crossing improvements among the City of Neosho, the Missouri Highways and Transportation Commission, and BNSF Railway Company...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-329 for Ordinance No. 368-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Langland to pass Bill No. 2009-329 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Bill No. 2009-330...Authorizing the execution of a Supplemental Agreement for highway and rail crossing improvements among the City of Neosho, the Missouri Highways and Transportation Commission, and BNSF Railway Company...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-330 for Ordinance No. 369-2009 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Persinger to pass Bill No. 2009-330 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-331...Annexing property located at 15676 Kodiak Road, all of which is contiguous with the City of Neosho, as petitioned by Trustees of the Church of Christ, under zoning district R-1, First Dwelling House District Classification...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-331 for Ordinance No. 370-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-331 on second and third readings.

**Council Minutes – February 3, 2009**

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-332...Declaring certain real property as surplus and setting forth the method for disposing of same...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-332 for Ordinance No. 371-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Werneke to pass Bill No. 2009-332 on second and third readings.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Resolution Bill No. 2009-01...Setting certain regulations and fees for the Planning and Zoning department**

Resolution Bill No. 2009-01 for Resolution 80-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to adopt Resolution Bill No. 2009-01.

Discussion followed.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Consider the consulting agreement between the City of Neosho and H5 Entertainment for event promotion at The Civic**

Mr. Blase stated that he believes it is necessary and beneficial to develop a relationship with H5 Entertainment to get the most out of the Civic Center.

Discussion followed.

Motion was made by Councilman Langland and seconded by Councilman Persinger to accept the contract between the City of Neosho and H5 Entertainment for event promotion at The Civic.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

There were none.

**APPOINTMENTS & VACANCIES**

**Board of Appeals**

Mayor Birdsong announced that two vacancies exist for unexpired three-year terms. Interested persons should contact the City Clerk.

**Neosho-Newton County Library Board**

Mayor Birdsong announced that one vacancy exists for an unexpired three-year term, which began July 1, 2008.

He requested the media help in advertising that these positions are available for interested community members.

**CLOSED MEETING:**

Motion was made by Councilman Langland and seconded by Councilman Persinger to close the meeting pursuant to Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public governmental body.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

Mayor Birdsong closed the meeting at 7:59 p.m.

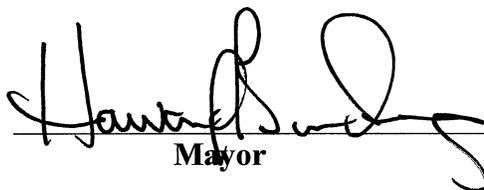
The meeting reconvened in open session at 8:45 p.m. and Mayor Birdsong announced that no action nor vote was taken.

**ADJOURN**

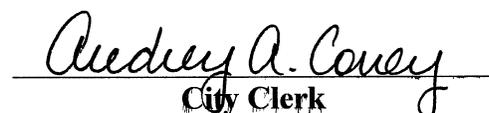
There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 8:46 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
Mayor

**ATTEST:**

  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
February 17, 2009 - 6:30 p.m.  
Council Chambers - City Hall  
203 E. Main, Neosho, MO**

A quorum being present, Mayor Birdsong called the meeting to order at 6:34 p.m.

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.

Matthew Persinger was seated later in the work session.

**INFORMAL WORK SESSION**

**First Quarter Review of FY 2008-2009 Budget**

Mr. Blackwood reviewed the first quarter stating that the city has been spending very cautiously. Year over year, sales tax is flat and the staff continues to monitor it closely.

Mr. Blase stated the city is not considering layoffs, but will slow the expenditure of capital project funds to help manage the cash flow.

Discussion followed.

**RECESS**

The Council entered into a recess at 7:02 p.m.

**RECONVENE**

The meeting reconvened in regular session at 7:13 p.m. with the following members present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Regular Session of February 3, 2009.**

Motion was made by Councilman Werneke and seconded by Councilman Langland to approve the Regular Session minutes of February 3, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Council Minutes – February 17, 2009**

**Closed Session of February 3, 2009.**

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the Closed Session minutes of February 3, 2009.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**VISITORS BUSINESS**

**Gene Franklin – Liquor Licenses, Code Enforcement, and Contractors**

Mr. Franklin had heard that the Smoke Shop was acquiring a liquor license and was afraid that the qualifications for getting one changed. Mayor Birdsong informed him that the qualifications had not changed, and that he was unsure whether the Smoke Shop had applied for a license.

Mr. Franklin also expressed concern that he and other citizens would unknowingly violate the new Chapter 405 regulations. He also mentioned that the newly renovated library sidewalk was poorly designed and too small for couples, wheelchairs, and strollers to use. He also stated that the contractor for the renovation of the Senior Center had no performance bond and in his opinion, that was a gross error on the part of the City.

Mayor Birdsong replied that enforcement of the codes is a learning process for staff and citizens. He stated the city will fix the sidewalks at the library and even though some mistakes are made along the way, the positives in this community contribute to improving Neosho everyday.

**Gib Garrow – Rail Road Quiet Zones**

Mr. Garrow stated that he has lived in five different places in the City of Neosho and that at each of these homes he has been able to hear the train whistles constantly. He feels it will be positive to move forward with the proposed rail road Quiet Zones. He encouraged the City Council to proceed with the recommendations.

**Ray Stipp – Rail Road Quiet Zones**

Mr. Stipp was also in favor of having the Quiet Zones. He added that it would be important to the City's economic development. The quiet zones would encourage businesses to locate in town and improve the quality of life for the citizens of Neosho.

**Larry Neff – Rail Road Quiet Zones**

Mr. Neff agreed with Mr. Garrow and Mr. Stipp adding that he was aware of a potential developer for the old Shaffer Building who would have to put up a fence unless the Quiet Zones were in effect. He said this action was part of the DREAM suggestions and it would revitalize the downtown area by bringing residents back.

**David E. Hendrix – Rail Road Quiet Zones**

Mr. Hendrix spoke on behalf of the Neosho Fish Hatchery and stated that the Quiet Zones would be welcomed with open arms. He said the train whistles are deafening and interrupt tours with school children and the public. With the upcoming Hatchery Visitor's Center, Quiet Zones will positively impact the increase in tourism to the city at and the center.

**Robert Griffiths – Rail Road Quiet Zones**

Mr. Griffiths introduced himself as an instructor at MacDonald County High School and a four year resident of Neosho. He said when they bought the house he and his wife are in now, they did so with the promise of a Quiet Zone being established in the future. He is in favor of having this happen, and getting the whistle stopped.

**Doug Skaggs – Rail Road Quiet Zones**

Mr. Skaggs stated that he was 110% in favor of establishing Quiet Zones. He said he thinks everyone in the town will support the Council in pursuing this agreement.

**BIDS**

The following bids were presented for consideration:

**Water Filtration – Chemicals**

Water Department – Chemicals  
Bid Opening Summary

Attached is a compilation of the bids received for chemicals for the Water Department of the City of Neosho.

The bid opening was held at 10:00 a.m., February 4, 2009 in the Lobby of City Hall. Present for the opening were Stacey Barnes, Mike Hightower, and Kim Messer.

The following bids were received:

Brenntag Mid-South 2235 W. Battlefield Rd. Springfield, MO 65807 417-887-3663 Contact: Greg Carlton	Bid: 1 ton chlorine: \$480.00 per cylinder 150 Lb Chlorine: \$100.50 Alum: No Bid Lime: \$180.35 per ton PAC: \$0.3460 per pound
DPC Enterprise 1785 Hwy. 61 South Fetus, MO 63028 636-937-9145 Contact: Stacie Coke	Bid: 1 ton chlorine: \$498.00 150 Lb Chlorine: \$66.00 Alum: No Bid Lime: No Bid PAC: No Bid
Mississippi Lime Company 3870 S. Lindbergh Blvd. St. Louis, MO 63127 800-467-5463 Contact: Richard Perry	Bid: 1 ton chlorine: No bid 150 Lb Chlorine: No Bid Alum: No Bid Lime: No Bid PAC: No Bid
Advance Chemical Solutions P.O. Box 702188 Tulsa, OK 74170-2188 918-625-2421 Contact: JD Dolan	Bid: 1 ton chlorine: No Bid 150 Lb Chlorine: No Bid Alum: No Bid Lime: No Bid PAC: \$0.348 per pound
G.S. Robins & Co. P.O. Box 10907 Springfield, MO 65808 1-800-392-8954 Contact: Shawn Hire	Bid: 1 ton chlorine: \$660.00 150 Lb Chlorine: \$72.75 Alum: \$539.00 per ton Lime: No Bid PAC: \$0.3474 per pound

Mike Hightower recommended to the Council that Brentag Mid-South be awarded for all four chemical items rather than split up the bid. He added that the department had had problems in working with DPC Enterprise in the past.

Motion was made by Councilman Werneke and seconded by Councilman Langland to approve the bid to Brenntag Mid-South for all four chemicals.

**Council Minutes – February 17, 2009**

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Public Works – Manholes**

Public Works – Manholes  
BID OPENING SUMMARY

Attached is a compilation of the bids received for manholes for the Public Works Department.

This bid opening was held at 10:15 am, February 4, 2009 in the Conference Area of City Hall. Present for the bid opening were Carla Sherman, Kim Messer, and Mike Hightower with the City of Neosho.

The following bids were received:

- |                        |                            |            |
|------------------------|----------------------------|------------|
| 1. Scurlock Industries | 6 manholes @ \$1,039.00 ea | \$6,234.00 |
| 2. Stewart Concrete    |                            | \$5,360.00 |

Mike Hightower recommended the Council award the bid to Stewart Concrete, the lowest bidder.

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the bid to Stewart Concrete in the amount of \$5,360.00.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**UNFINISHED BUSINESS**

There was none.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Presentation of a City Wide Railroad Quiet Zone by Rick Mooney Consulting**

Rick Mooney addressed the council and explained the process of establishing a quiet zone and the improvements made to the effected crossings. Gates, signals, and medians are installed as safety measures to replace the whistles. He provided the following memorandum:

**KCS**

The KCS had 13 crossings within the City in 1995. Around 1998 a plan was developed in two phases to improve safety on the KCS. Closing at least 5 crossings and constructing the parallel roadway (Lazy Boy Parkway). The floods wrecked havoc on that plan delaying it for several years. This spring Lazy Boy will be asphalted and Phase 1 will be completed. MoDOT contributed \$207,000 to the construction of the roadway and the KCS provided land to the city.

Phase 2 was designed to install flashing light signals and gates at 6 or 7 crossings and closing one or two (Daugherty and Industrial). Then along came the South St Bridge project and MoDOT wanting to implement the installation of the signals. In conjunction with this on the national level the Federal Railroad Administration enacted a regulation that raised the decibel levels for the train horns from 96 to a range of 96 to 110. Most of the engines are set near 110 decibels. (That means basically to the human ear the sound has doubled.) The FRA has allowed cities to create a Quiet Zone if other safety improvements are made at the crossings.

Please Note: These are legal size pages.  
**Council Minutes – February 17, 2009**

Last fall MoDOT held diagnostic inspections with both railroads and the city to decide what can be done with the existing crossings today to signalize and to create a Quiet Zone on both railroads, which is the direction the City had requested. The proposal developed on the KCS is:  
Install FL Signals & Gates and CWT circuitry:

Washington - \$227,000  
College - \$218,000  
Spring - \$280,000  
McKinney - \$236,000

Close Park, Daugherty, and Industrial crossings.

Total cost for signals is \$961,000. MoDOT will pay 80% or \$769,000 and KCS 20% or \$192,000.

MoDOT will also provide another \$220,000 for the 3 closures, specifically as a contribution to the bridge since it will be replacing the at-grade crossing at Daugherty. KCS will contribute \$125,000 for the 3 closures, as well as, the 4 previous closures. According to both MoDOT and the KCS if all 3 closures don't happen then the \$345,000 is off the table.

In order for the City to get a Quiet Zone these new signals have to be installed to meet the FRA requirements. Additionally, center medians must be constructed and some of the roadways will need to be widened near the crossings in order to create a safe passageway for vehicular traffic.

**BNSF**

The BNSF has always had three crossings in the city. The BNSF proposal will signalize two crossings, Jefferson and Baxter, with Washington to be closed. Additionally, Randolph St will need to be closed just on the west side of the Baxter St crossing to allow for signals to be installed.  
Install FL Signals and Gates with CWT circuitry:

Jefferson St - \$177,000  
Baxter St - \$180,000

Close Washington St.

Total cost for signals is \$357,000. MoDOT will pay \$286,000 or 80% and the BNSF will pay \$71,000 or 20%.

The BNSF will also contribute \$65,000 for the closures.

Center medians must be constructed to comply with the regulations for the Quiet Zone on these crossings as well.

Discussion followed.

**Consider pursuing the creation of a City Wide Railroad Quiet Zone**

Mayor Birdsong requested Mr. Mooney provide the city with a time line showing the establishment of a Quiet Zone.

Councilman Persinger stated he was opposed to closing Daugherty because of the inconvenience and limited emergency service access for the people in the neighborhood.

Discussion followed.

It was the consensus of the council to table consideration of this item until March 3, 2009 or until a financial comparison is completed.

**Public Hearing regarding an application submitted by David R. Yates, to rezone the vacant lot located at 706 South Lincoln, Neosho, Newton County, Missouri, from District R-1, first Dwelling House District to District R-2, Second Dwelling House District**

Mayor Birdsong opened the floor for public comment.

**David Yates – Supports Rezoning**

The council received a written letter of support from Mr. David Yates that includes the following reasons:

1. Spot zoning should be allowed if it is compatible with the existing neighborhood.
2. Spot zoning allows the city to fill in certain locations that may otherwise go unimproved.
3. A duplex will not alter the culture of the current neighborhood.
4. R-2 zoning and rental properties currently exist in the neighborhood.
5. There is frequently opposition to new development, but this helps the community progress.

**Brandon Stidham – Opposes Rezoning**

Mr. Stidham presented the City Council with a petition signed by his neighbors against the rezoning submitted by Mr. Yates. He stated that he lives on South Lincoln and does not want to have a rental duplex in his neighborhood. There is usually includes high turnover and a duplex does not belong in between two houses.

The following property owners signed a petition in opposition of the rezoning:

702 S. Lincoln	Brandon Stidham
702 S. Lincoln	April Stidham
700 S. Lincoln	Matt McBride
710 S. Lincoln	Buzz Ball
509 W. Grand Ave.	Andrew and Barbara Farmer
711 S. Lincoln	Micky Ball

**Buzz Ball – Opposes Rezoning**

Mr. Ball said he lives at 710 South Lincoln and is next to the vacant lot. He said it was a long, narrow lot and the future building would have to be very awkward looking. He also stated that having a duplex in the neighborhood would decrease the value of his and his neighbors' houses. He encouraged the Council not to grant the rezoning.

There being no further comments from the public, Mayor Birdsong closed the public hearing.

**Bill No. 2009-333...Canvassing the returns of the primary election held Tuesday, February 3, 2009, and declaring the results thereof; and calling for a municipal election to be held Tuesday, April 7, 2009...1st Reading**

Bill No. 2009-333 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-333 on first reading.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-333...Canvassing the returns of the primary election held Tuesday, February 3, 2009, and declaring the results thereof; and calling for a municipal election to be held Tuesday, April 7, 2009...2nd & 3rd Readings...under emergency measure**

Bill No. 2009-333 for Ordinance No. 372-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-333 on second and third readings, under emergency measure.

**Council Minutes – February 17, 2009**

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Change Order Nos. 45 through 47 to the contract between the City of Neosho and Branco Enterprises for Additions and Renovations to the Civic Center**

Mrs. Desiree Bridges presented Change Orders 45, 46, and 47 to the Council. She informed them that these were the final change orders for the renovation of the Municipal Auditorium.

Mr. Blase stated that Branco has worked well with the City and stayed within a 10% margin of error for the contracted amounts.

Motion was made by Councilman Langland and seconded by Councilman Werneke to approve the change orders 45, 46, and 47 with Branco Enterprises for the total monetary addition to the contract of \$29,111.00.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Consider request to purchase a USAR System 2 Sheltering System using Homeland Security Grand Funds**

Chief Eads of the Neosho Fire Department informed the Council that this purchase of USAR System 2 Sheltering System would be made using the funds from the Neosho Homeland Security Response Team which is funded entirely through the State Homeland Security Grant program.

Motion was made by Councilman McCormack and seconded by Councilman Langland to approve the purchase of a USAR System 2 Sheltering System in the amount of \$11,333.00.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Consider contract for between the City of Neosho and Clint Ford for the sale of real property on Canyon Drive**

Motion was made by Councilman Werneke and seconded by Councilman McCormack to approve the contract for the sale of real property from the City of Neosho to Clint Ford in the amount of \$838.56 and authorize the Mayor to execute documents related to the sale.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Council Minutes – February 17, 2009**

**Consider Supplemental Agreement No. 1 to Engineering Service Contract between the City of Neosho and Sprenkle & Associates for additional construction inspection services**

Kevin Sprenkle of Sprenkle & Associates presented the city council with a request to approve Supplement Agreement No. 1 to the Engineering Service Contract originally executed June 15, 2007. The agreement would add compensation for additional contract administration services not to exceed 5% of the final project construction costs. Mr. Sprenkle stated additional inspectors were required during the project to ensure project compliance around the KCS Railway. The original agreement allowed for a 6% buffer for design phases, but nothing was included for the construction phase.

Discussion followed concerning how much the company has been paid to date. Councilman Werneke stated the accounts payable records indicate they have already been paid more than the additional 5% they are requesting. Mr. Sprenkle stated he would like time to compare the city's report with their finance office.

It was the consensus of the council to table consideration of this item until March 3, 2009 to allow Mr. Sprenkle time to gather financial records for the council.

**REPORT OF CITY OFFICERS**

There were none.

**APPOINTMENTS & VACANCIES**

**Board of Appeals**

Mayor Birdsong announced that two vacancies exist for unexpired three-year terms. Interested persons should contact the City Clerk.

**Neosho-Newton County Library Board**

Mayor Birdsong announced that one vacancy exists for an unexpired three-year term, which began July 1, 2008.

**CLOSED MEETING**

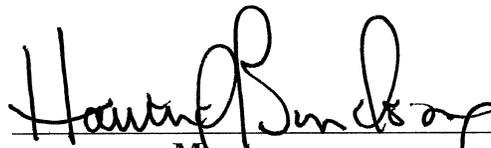
There was no need to close.

**ADJOURN**

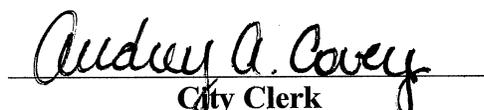
There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 8:55 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
March 3, 2009 - 7:00 p.m.  
Council Chambers - City Hall  
203 E. Main, Neosho, MO**

A quorum being present, Mayor Birdsong called the meeting to order at 7:02 p.m.

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of February 17, 2009**

Motion was made by Councilman McCormack and seconded by Councilman Persinger to approve the Regular Session minutes of February 17, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**VISITORS BUSINESS**

**Sandra Merrell, Resident, Oppose Closing of Daugherty Road Crossing**

Ms. Merrell lives near Daugherty Road, and opposes closing the crossing for a Quiet Zone. She stated it is a way out of the neighborhood during winter weather. She does not want her property value to go down as a result of less access. She further stated that the school buses will have to add one mile a day to their routes to accommodate the closing. Finally, neighborhood children play in the street and the increased traffic on Cash if Daugherty closes would make it unsafe for them to be there.

**Daxton Holcomb, Freeman Neosho Hospital, Support Quiet Zones**

Mr. Holcomb, Freeman Neosho CFO, stated that one of his main concerns is to maintain a quiet atmosphere in the hospital. He supports the Quiet Zones because it will safely eliminate excessive noise and provide a restful environment to Freeman patients.

**Robert Griffiths, Resident, Support Quiet Zones**

Mr. Griffiths lives off of Pineville Road and is in favor of the Quiet Zone. He stated that the Quiet Zones were in the best interest for the city – even with the inconvenience of the crossing at Daugherty Road closing.

**Melanie Griffiths, Resident, Support Quiet Zones**

Mrs. Griffiths said that when the South Street Overpass originated, surrounding property owners were opposed to the change in the traffic pattern. Even with the challenge, it passed because it was a benefit to the entire city and best for people on both sides of the tracks. She continued by

stating that if the crossing at Daugherty Road closes, it will change local drive patterns, but is a change that benefits the city as a whole.

**Alan Merrick, Resident, Oppose Closing of Daugherty Road Crossing**

Mr. Merrick said that if the Council approves the Quiet Zones, residents nearby Daugherty will be gaining an overpass, but losing two ways in and out of the city. People who moved here were aware of noise from the beginning and should be willing to accept it.

**Steve Kenney, Realtor, Support Quiet Zones**

Mr. Kenney stated his main concern is to protect property values. He said that potential Neosho home buyers ask how loud the trains are and if they cause delay. He views the South Street Overpass as an equalizer in this situation. There will no longer be delays for commuters, and buyers would not be opposed to Quiet Zones in their potential neighborhoods. He suggested the Council make a commitment to upgrade East South and Cash streets if Daugherty closes to handle the increased traffic. He concluded saying Quiet Zones will benefit every homeowner in Neosho.

**Rudy Farber, Community Bank and Trust, Support Quiet Zones**

Mr. Farber presented a letter of support from Mr. Jay Burchfield, President of Terra Vest Development Corp. encouraging the City Council to establish a Quiet Zone. Currently, the noise pollution in Neosho exceeds the maximum decibel level required by United States Department of Housing and Urban Development. They want to develop residential housing in downtown areas but cannot because of the noise.

**Nina Eads, Realtor, Support Quiet Zones**

Ms. Eads stated that the Quiet Zones were a value-enhancer for the Neosho community. For most people, homes are the largest investment and the Quiet Zones will make property more desirable and enhance the quality of life of the community. She said the issues that need to be addressed can be overcome.

**Mike Franks, Resident, Support Closing RR Crossings**

Mr. Franks began by asking if the crossings left open will be upgraded. Mayor Birdsong said yes. He continued by saying that Neosho has too many crossings and it would be in the best interest of the city to close several of them for the safety of the community. A Quiet Zone would be nice, but first and foremost, this is a safety issue.

**Doug Skaggs, Resident, Oppose Closing of Daugherty Road Crossing**

Mr. Skaggs supported the quiet zones and encouraged the Council find something for the benefit of everyone in the City.

**David Yates, Resident, Rezoning 706 S. Lincoln**

Mr. Yates apologized for not being present at the public hearing February 17, 2009, but was out of town. He spoke in favor of his petition to rezone 706 South Lincoln from R-1 to R-2 to construct a duplex. He said that P&Z had concerns about spot-zoning, but the Comprehensive Plan makes exception for this if it is conducive to the improvement of the neighborhood. He stated a nice duplex is better than a vacant lot. The setback requirements would be the same as if it were a single dwelling home, and the construction of a duplex will not decrease surrounding property values. He concluded saying it would be an economic advantage for the city.

**Tim Darch, Resident, Supports Quiet Zone and Rezoning 706 S. Lincoln**

Mr. Darch expressed his support for the Quiet Zones then spoke in favor of rezoning 706 S. Lincoln. He said it was good to encourage citizens to build and stay in Neosho.

**BIDS**

The following bid was presented for consideration:

**Parks and Recreation Department – Chlorine**

RECREATION DEPARTMENT – CHOLORINE  
BID OPENING SUMMARY

Attached is a compilation of the bids received for chlorine for the Swimming Pool for the Recreation Department of the City of Neosho.

The bid opening was held at 10:30 a.m., January 10, 2009 in the Lobby of City Hall. Present for the opening were Amy Moritz, Todd Banes, and Kim Messer.

The following bids were received:

Midwest Pool & Spa  
4213 South Glenstone Ave  
Springfield, MO 65804  
Contact: Darrin L. Downing

Bid: 2100 Lbs of 99% pure, 3” chlorine tablets  
84 – 25 lb buckets @ \$75 each = \$6,300  
-OR-  
42 – 50 lb buckets @ \$125 each = \$5,250

In The Swim  
Industrial Drive  
West Chicago, IL 60185  
Contact: Rick Carlson

Bid: 2100 Lbs of 99% pure, 3” chlorine tablets 320  
42 – 50 lb buckets @ \$113.53 each = \$4,768.26

Crystal Clear Pools, Inc.  
701 N. College St.  
Neosho, MO 64850  
Contact: Brian Rash

Bid: 2100 Lbs of 99% pure, 3” chlorine tablets  
84 – 25 lb buckets @ \$69 each = \$5,796  
-OR-  
42 – 50 lb buckets @ \$136 each = \$5,712

Other solicitors:  
Diamond Chemicals, Oil, & Supply

Todd Banes, park and recreation director, addressed the council and recommended awarding the bid the lowest bidder, In The Swim, for \$4,768.26. He stated the city has purchased non-chlorine products from them before with good service.

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the bid to In The Swim for 2100 lbs of chlorine at a total of \$4,768.26.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

Mayor Birdsong stated that although a local bid was received, it exceeded the 3 percent allowance to give local bidders preference.

**UNFINISHED BUSINESS**

There was none.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Bill No. 2009-334...Rezoning the vacant lot located at 706 South Lincoln, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District to District R-2, Second Dwelling House District, as petitioned by David R. Yates...1st Reading**

**Council Minutes – March 3, 2009**

Bill No. 2009-334 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-334 on first reading.

Councilman Werneke said that while he understood the arguments on both sides of this issue, he thinks it is important to yield to the recommendation make by the Planning and Zoning Commission to deny the application for rezoning.

Councilman Langland said that his biggest concern with this issue is that there are vacant lots that will never be built on in the City. He stated that this will be a way to produce income for the City and improve the area.

Discussion followed.

Mayor Birdsong said that he agreed with both Councilman Langland and Councilman Werneke, however both R-1 and R-2 are housing, and if developing a vacant lot does not change the character of the neighborhood, it is better than leaving the lot vacant.

Roll call vote:

Sherry McCormack - No, Matthew Persinger - Yes, Jeff Werneke - No, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Resolution Bill No. 2009-02...Authorizing the execution of a Cooperative Agreement between the City of Neosho and the Natural Resources Conservation Service for Neosho City Park Debris Removal**

Resolution Bill No. 2009-02 for Resolution 81-2009 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Werneke to adopt Resolution Bill No. 2009-02.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Resolution Bill No. 2009-03...Authorizing agreements with the Missouri Highways and Transportation Commission and KCS Railway Company for the proposed safety improvement project to install active warning devices at the railroad crossings on Washington Avenue, College Street, Spring Street, and McKinney Street and to close the railroad crossings at Park Street, Daugherty Road and Industrial Drive**

Resolution Bill No. 2009-03 for Resolution 82-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to adopt Resolution Bill No. 2009-03.

Councilman McCormack stated KCS did not approve constructing a locked gate at Daugherty as an alternative to closing it.

Mr. Blase stated the Railroad does not feel that Daugherty is a necessary crossing with the South Street Overpass. Also, the city would pay very high liability rates with the locked gate proposal. It is not feasible. He also stated that upon checking with local emergency services, he found that they do not use the Daugherty crossing anyway, because they can't trust it to be opened. He added that both Cash and South Streets were on the list for improvements this summer.

Councilman Persinger stated that no one in the City is against the Quiet Zone, but it is not worth closing Daugherty Road. The citizens who live on the East side of the crossing were told that this would not be an issue again. There has not been an accident there in years and it does not make sense to close it. Finally, he noted some cities abandoned Quiet Zone agreements because of the cost.

Mayor Birdsong stated his vote would come down to what was in the best interest of the City. He said that the Quiet Zones will spur economic development and that closing the crossings will make the City safer.

Lengthy discussion followed.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - No.

Motion carried.

**Consider amending Electric Service Agreement with Empire District Electric to replace one streetlight at 1208 Carolyn Court**

Motion was made by Councilman Werneke and seconded by Councilman Langland to replace streetlight at 1208 Carolyn Court

Councilman McCormack declared a possible conflict of interested and abstained for the vote.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Abstain,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Amendment No. 1 to the Contract Services Agreement with VillaGIS, Inc., for GPS consulting and training services**

Motion was made by Councilman Werneke and seconded by Councilman McCormack to approve the contract with VillaGIS in the amount of \$2,000 for the training of staff members.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Mayor Birdsong – Employer of the Month**

Mayor Birdsong announced the following proclamation was issued on February 24, 2009:

**Whereas**, the Neosho City Council wishes to recognize the employers of our community; and

**Whereas**, the City of Neosho recognizes the role of our area employers' contribution to the area's growth and development and their support of our economy; and

**Whereas**, Gary and Jane Massey began their operations of Jon's Pharmacy in July of 2003. The original business operations began in March of 1968 by Jon and Susan Genisio and three employees with one thousand three hundred twenty square feet of facility space; and

**Council Minutes – March 3, 2009**

**Whereas**, Gary and Jane Massey continue the full line pharmaceutical business today with eighteen employees and have expanded their facility to six thousand two hundred square feet. The facility includes a full line of durable medical equipment, expanded gift section and they have added the Christian book store, Joyful Journeys;

**Now, therefore**, I, Howard Birdsong, Mayor of the City of Neosho, do hereby proclaim Jon's Pharmacy, Neosho's March, 2009 Employer of the Month. We wish to recognize them for their commitment to quality and their growth in the community.

**APPOINTMENTS & VACANCIES**

**Neosho Housing Authority**

Mayor Birdsong announced that one vacancy will exist for a four-year term beginning April 1, 2009, due to the expiring term of Mr. Bill Martz.

**Neosho Airport Industrial Development Board**

Mayor Birdsong announced a letter of resignation was submitted by Mr. Jim Masoner.

Motion was made by Councilman Werneke and seconded by Councilman McCormack to accept the letter of resignation submitted by Mr. Jim Masoner with regret.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Neosho-Newton County Library Board**

Mayor Birdsong announced that one vacancy exists for an unexpired three-year term, which began July 1, 2008. Two letters of interest have been received from Ms. Betty Marty and Mr. Comer Parks.

Motion was made by Councilman Persinger and seconded by Councilman Langland to appoint Ms. Betty Marty to the Neosho-Newton County Library Board to fill the unexpired three-year term, which began July 1, 2008.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**CLOSED MEETING:**

Motion was made by Councilman Langland and seconded by Councilman McCormack 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.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

Mayor Birdsong closed the meeting at 8:44 p.m.

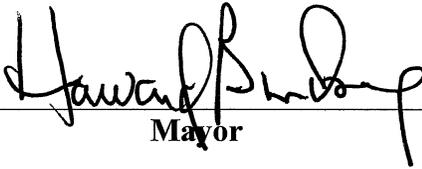
The meeting reconvened in open session at 9:25 p.m. and Mayor Birdsong announced the council conferred with the city attorney and no action nor vote was taken.

**ADJOURN**

There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 9:26 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
March 17, 2009 - 7:00 p.m.  
Council Chambers - City Hall  
203 E. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of March 3, 2009.**

Motion was made by Councilman Werneke and seconded by Councilman Langland to approve the Regular Session minutes of March 3, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Closed Session of March 3, 2009.**

Motion was made by Councilman McCormack and seconded by Councilman Langland to approve the Closed Session minutes of March 3, 2009.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**VISITORS BUSINESS**

**Rhonda Warren, Resident, Oppose Closing of Daugherty Road Crossing**

Mrs. Warren stated that while the South Street Overpass was created to increase accessibility to the east side of town, closing Park and Daugherty crossings will decrease accessibility. She expressed concerns that three hundred families would have to use Cash Street. She proposed closing Landis instead of Daugherty and requested that the City Council conduct a traffic study after the Howard Bush Extension opens.

**Don Gustaveson, Resident, Oppose Closing of Daugherty Road Crossing**

Mr. Gustaveson presented Council members with a map, stating that South Street Overpass is susceptible to tornadoes and earthquakes and should not be depended on.

**Council Minutes – March 17, 2009**

**Sandra Merrell, Resident, Oppose Closing of Daugherty Road Crossing**

Mrs. Merrill requested the council table the bill closing Daugherty until a traffic study could be done after Howard Bush Extension opens.

**Bob Wagner, Resident, Oppose Closing of Daugherty Road Crossing**

Mr. Wagner is proud of Neosho leadership for the work they have currently been doing. He believes the City is being bribed by MoDOT to close these streets.

**Robert Griffiths, Resident, Support Quiet Zones**

Mr. Griffiths presented a top ten list for reasons to support a quiet zone in Neosho.

**Gene Franklin, Resident, Oppose Closing of Daugherty Road and Park Street Crossing**

Mr. Franklin said that the South Street Overpass was built too close to Daugherty. He stated that the actual train makes just as much noise as the whistle. He requested they put this issue to a vote of the people.

**Glen Kirby, Resident, Oppose Closing of Daugherty Road and Park Street Crossing**

Mr. Kirby inquired about property at Burr Crossing then stated he would not like to have Park or Daugherty crossings closed.

**Doug Skaggs, Resident, Support Quiet Zones**

Mr. Skaggs stated that the train whistles are much louder than the train. He said that Neosho has hills all over and that Daugherty is not the only way out of that particular area. He believes now is the time to act on the Quiet Zones.

**Sheila Boice, Resident, Oppose Closing of Park Street Crossing**

Ms. Boice said that she had previously voted in favor of the tax increase to help build the South Street Overpass to increase access to the east side of town. Closing Park and Daugherty was not part of the arrangement.

**Rudy Farber, Community Bank and Trust, Support Quiet Zones**

Mr. Farber stated that for MoDOT, the Quiet Zone is not a high priority for them, but that safety is the reason they are spending so much money on the proposed closings and upgrades. He said the Quiet Zones would aid in the City's economic development, but that that pails in comparison to the issue of safety.

**Bill Spiva, Resident, Oppose Closing of Daugherty Road Crossing**

Mr. Spiva informed the Council that his mother uses the crossing at Daugherty Road and in icy road conditions taking Cash to the South Street Overpass will be much too dangerous. He said there will be a lot of people on the east side of town that will be affected by the decision today.

**David Yates, Resident, Rezoning 706 S. Lincoln**

Mr. Yates addressed the council requesting they approve his application to rezone 706 S. Lincoln. He provided photos, proposed floor plans, and sections of the Comprehensive Plan. Spot-zoning is encouraged in the comprehensive plan to fill vacant lots. The benefits of the rezoning would be an opportunity to infill, support to local contractors and city taxes, as well as the benefit of having a duplex in this economy is better than a single dwelling home.

**BIDS**

**Events Department – Fireworks Display**

The following bid recommendation was presented for consideration:

**EVENTS DEPARTMENT – FIREWORKS  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for fireworks for Celebrate Neosho for the Events Department of the City of Neosho.

The bid opening was held at 3:00 p.m., February 27, 2009 in the Council Chambers of City Hall. Present for the opening were Doreen Finnie and Kim Messer.

The following bids were received:

Premier Pyrotechnics  
8378 Falcon Road  
Neosho, MO 64850  
Contact: Scott Wheeler

Bid: Fireworks display per specs = \$9,499.99

Rainbow Fireworks  
76 Plum Avenue  
Inman, KS 67546  
Contact: Stephen Showalter

Bid: Firework display per specs = \$8,000.00

AM Pyrotechnics  
2429 E. 535<sup>th</sup> Rd  
Buffalo, MO 65622  
Contact: Aaron Mayfield

Bid: Firework display per specs = \$7,081.22

J&M Displays  
18064 170<sup>th</sup> Ave.  
Yarmouth, IA 52660  
Contact: James Oetken

Bid: Firework display per specs = \$7,000.00

Motion was made by Councilman Langland and seconded by Councilman Werneke to approve the bid to J&M Display for \$7,000 and authorize the City Manager to execute necessary contracts.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2009-334...Rezoning the vacant lot located at 706 South Lincoln, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District to District R-2, Second Dwelling House District, as petitioned by David R. Yates...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Mr. Hays informed the council that RSMo. Section 89.060 requires approval of rezoning bills by a favorable 2/3 vote if objections are submitted by owners of 30% or more of the property within an area 185 feet from the boundaries of the proposed change. Objections were submitted by owners of 34% of the property.

First reading of Bill No. 2009-334 did not receive the required 2/3 majority vote and was declared failed on first reading without objection.

Mr. Yates was informed he could reapply.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

**Public Hearing regarding an application submitted by Shane and Rebecca Smith, to rezone the property located at 15580 Kodiak Road from District R-1, First Dwelling House District to District C-1, Retail Business District.**

Mayor Birdsong opened the floor for public comment. There being no comments from the public, Mayor Birdsong closed the public hearing.

**Bill No. 2009-335...Rezoning property located at 15580 Kodiak Road, in the City of Neosho, Newton County, Missouri from R-1, First Dwelling House District to C-1, Retail Business District, as petitioned by Shane and Rebecca Smith...1st Reading**

Bill No. 2009-335 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Langland to pass Bill No. 2009-335 on first reading.

Mayor Birdsong stated the Planning and Zoning Commission unanimously recommended the council deny the Smith's request to rezone.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - No,  
Warren Langland - Yes, Sherry McCormack - No.

Motion carried.

**Public Hearing regarding an application submitted by Carl Ford, to vacate a right-of-way located at 918 Canyon Drive.**

Mayor Birdsong opened the floor for public comment. There being no comments from the public, Mayor Birdsong closed the public hearing.

**Bill No. 2009-336...Vacating a right-of-way located at 918 Canyon Drive, Neosho, Newton County, Missouri, as petitioned by Carl Ford...1st Reading**

Bill No. 2009-336 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Werneke to pass Bill No. 2009-336 on first reading.

Mayor Birdsong stated the Planning and Zoning Commission unanimously recommended the council approve Mr. Ford's request to vacate at 918 Canyon Drive in exchange for a permanent easement.

Motion was amended by Councilman McCormack and seconded by Councilman Werneke to pass Bill No. 2009-336 on first reading, pending an agreement is entered into before second and third readings granting the city a permanent easement.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Council Minutes – March 17, 2009**

**Bill No. 2009-337...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on Washington Avenue...1st Reading**

Bill No. 2009-337 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-337 on first reading.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-338...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on North College/MO 60...1st Reading**

Bill No. 2009-338 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Langland to pass Bill No. 2009-338 on first reading.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Bill No. 2009-339...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on Spring Street...1st Reading**

Bill No. 2009-339 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-339 on first reading.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-340...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on MO 86/McKinney Street...1st Reading**

Bill No. 2009-340 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-340 on first reading.

**Council Minutes – March 17, 2009**

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Bill No. 2009-341...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Park Street...1st Reading**

Bill No. 2009-341 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-341 on first reading.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - No.

Motion carried.

**Bill No. 2009-342...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Industrial Drive...1st Reading**

Bill No. 2009-342 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-342 on first reading.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-343...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Daugherty Road...1st Reading**

Bill No. 2009-343 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger to postpone the vote until a traffic study could be completed after the opening of Howard Bush Extension and South Street Bridge.

The motion died due to lack of a second.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-343 on first reading.

Discussion followed concerning closing Landis instead of Daugherty and emergency service access.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - No,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Council Minutes – March 17, 2009**

**Resolution Bill No. 2009-04...Setting Certain Fees for the Necessary Enforcement of Animal Compliance within the City of Neosho**

Resolution Bill No. 2009-04 for Resolution 83-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman McCormack to adopt Resolution Bill No. 2009-04.

Chief McCracken stated the lifetime license applies to the animal even if the owner changes.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Consider contract between the City of Neosho and Federal Protection, Inc. for card swipe security at the Civic Auditorium**

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the contract as presented.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

There were none.

**APPOINTMENTS & VACANCIES**

**Neosho Housing Authority**

Mayor Birdsong announced that one vacancy will exist for a four-year term beginning April 1, 2009. A letter of interest has been received from Mr. Bill Martz.

Motion was made by Councilman Langland and seconded by Councilman Persinger to reappoint Mr. Bill Martz to a four-year term beginning April 1, 2009.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Neosho Airport Industrial Development Board**

Mayor Birdsong announced that one vacancy exists for an unexpired three-year term, which began October 1, 2006. Letters of interest have been received from Mr. Rick Sweet and Mr. Alton Johnson.

Motion was made by Councilman Werneke and seconded by Councilman Langland to appoint Mr. Alton Johnson to fill the unexpired three-year term which began October 1, 2006.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

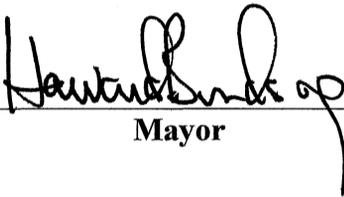
Motion carried.

**ADJOURN**

There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 8:47 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**April 7, 2009 - 7:00 p.m.**  
**Council Chambers - City Hall**  
**203 E. Main, Neosho, MO**

A quorum being present, Mayor Birdsong called the meeting to order at 7:05 p.m.

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of March 17, 2009.**

Motion was made by Councilman McCormack and seconded by Councilman Langland to approve the Regular Session minutes of March 17, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**PROCLAMATIONS**

Mayor Birdsong announced the following proclamations:

**Donate Life Month**

Whereas, April is designated as Donate Life Month; and

Whereas, One of the most meaningful gifts that a human being can bestow upon another is the gift of life; and

Whereas, Approximately 28,000 Americans received a life-saving or enhancing organ transplant last year, and

Whereas, A new patient is added to the national patient transplant list every thirteen minutes, and

Whereas, Over 100,000 men, women, and children are currently on the national waiting list for organ transplantation, with more than 4,000 in the Southwest Missouri/Southeast Kansas area; and

Whereas, An average of eighteen people died each day last year awaiting an organ transplant that did not come in time;

Whereas, Missouri has a registry system allowing all residents to register their wish to save lives through organ and tissue donation at [www.missouriorgandonor.com](http://www.missouriorgandonor.com) or by calling toll-free 1-888-497-4564 or on their drivers' license; and

Whereas, The Midwest Transplant Network is the non-profit organization formed to educate Southwest Missouri residents about donation, increase the number of registered organ donors, and eliminate barriers to donation; and

**Council Minutes – April 7, 2009**

Whereas, The state supports this organization's life-saving mission; and

Whereas, Everyone is a potential organ, eye, and tissue donor,

Now, therefore, I, Howard Birdsong, Mayor of the City of Neosho, do hereby proclaim the month of April as Donate Life Month.

/s/ Howard Birdsong, Mayor

**Employer of the Month**

Mayor Birdsong announced the following proclamation was issued by Councilman Langland on March 31, 2009:

Whereas, the Neosho City Council wishes to recognize the employers of our community; and

Whereas, the City of Neosho recognizes the role of our area employers' contribution to the area's growth and development and their support of our economy; and

Whereas, Charles Meek, Sr. opened the first Meeks Lumber Company in 1920 in Lockwood, Missouri. He built an engineered construction building materials business on Pride, Persistence and Professionalism and the company has now prevailed over eighty years with his "hometown" lumber yards; and

Whereas, Meeks Building Center in Neosho, under the management of George Mayo, employs fifteen people and serves the community with 10,880 square feet of retail operating space. With building centers in Missouri, Arkansas, California and the State of Nevada, all stores combined, Meeks employs more than 1000 people providing quality building materials for the construction industry;

Now, therefore, I, Howard Birdsong, Mayor of the City of Neosho, do hereby proclaim Meeks Building Center, Neosho's April, 2009 Employer of the Month. We wish to recognize them for their commitment to quality and their growth in the community.

/s/ Howard Birdsong, Mayor

**VISITORS BUSINESS**

**Rhonda Warren – Oppose Closing of Daugherty Road RR Crossing**

Ms. Warren presented the Council with a petition signed by community members who oppose the closing of the railroad crossing on Daugherty Road. She stated that if Daugherty is closed, the traffic flow in the community will be affected and more safety issues will arise. She requested that the Council table the issue for one month.

**Sheila Boice – Oppose Closing of Park Street RR Crossing**

Ms. Boice presented the Council with a petition signed by community members who oppose the closing of the railroad crossing on Park Street. She believes this is more an issue of money than safety or quiet zones.

**Bob Wagner – First Baptist Church, Oppose Closing of Park and Daugherty RR Crossings**

Mr. Wagner was concerned that the old First Baptist Church building is not being properly cared for. Regarding the railroad closings, he stated that city streets should not be closed without a vote of the people. He suggested tabling the crossing closure bills until the South Street Overpass is completed.

**Alan Merrick – Oppose Closing of Park and Daugherty RR Crossing**

Mr. Merrick stated the closings will force traffic to roads, like Cash, that cannot handle it.

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**Don Osborn – RR Crossing Closures**

Mr. Osborn stated he does not object to the city closing Industrial or Daugherty, but opposed closing Landis in exchange for either of them. He also suggested landscaping the closings instead of leaving barricaded dead ends.

**Bill Spiva – Oppose Closing of Park and Daugherty RR Crossings**

Mr. Spiva opposed closing Park and Daugherty and accused the City Council of not having the legal authority to make decisions that affect the lives of hundreds and thousands Neosho residents.

**Rudy Farber – Support RR Quiet Zones**

Mr. Farber stated that the Quiet Zones will improve the safety, economic development, and quality of life for Neosho and the citizens. He urged the council to consider what is in the best interest of the twelve thousand citizens of Neosho.

**Doug Skaggs – Support RR Quiet Zones**

Mr. Skaggs said that unfortunately not everyone can be pleased regarding this issue. However, the time is now to make a move for the Quiet Zones and future safety of the community.

**BIDS**

The following bid recommendations were presented for consideration:

**Water & Wastewater – Pump Bowl Assembly**

Mike Hightower informed the City Council that the Wastewater Department needed to replace a pump bowl recommended awarding the bid to Pump and Power. They were the lowest bidder out of the two that offered original replacement of equipment.

**WASTEWATER DEPARTMENT – PUMP BOWL ASSEMBLY – BID OPENING SUMMARY**

Attached is a compilation of the bids received for a Pump Bowl Assembly for the Wastewater Department of the City of Neosho.

The bid opening was held at 10:00 a.m., March 10, 2009 in the Lobby of City Hall. Present for the opening were Stacey Barnes and Carla Sherman.

The following bids were received:

Fairbanks Morse 7923 Floyd Suite C Overland Park, KS 66204	Bid: \$38,767.00 freight prepaid 14-16 weeks from receipt of order
Pump & Power Equipment Inc. 9010 Rosehill Road Lenexa, KS 66215	Bid: \$35,823.00 freight included 14-16 weeks from receipt of order
Duff & Associates PO Box 2586 Joplin, MO 64803	Bid: \$31,520.00* not OEM freight prepaid and added 12-15 weeks

Motion was made by Councilman McCormack and seconded by Councilman Langland to award the bid to Pump and Power for the amount of \$35,823.00.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Public Works – Uniforms**

Mr. Hightower stated that the uniform contract with Cintas expires this month and it's been eight years since the last bid. He recommended awarding the bid to Clean and approving a four year contract.

Public Works – Uniforms  
**BID OPENING SUMMARY**

Attached is a compilation of the bids received for uniforms for the Public Works Department.

This bid opening was held at 10:00 am, March 9, 2009 in the Conference Area of City Hall. Present for the bid opening were Carla Sherman, Jackie Stone, Kevin Clouse, Brent Witthuhn, and Mike Hightower with the City of Neosho.

The following bids were received:

1. Cintas P.O Box 1266 Joplin, MO 64802	shirts & carpenter pants executive shirts & pants weekly service 3 x 4 mats 3 x 5 mats 24" dust mop 36" dust mop replacement cost shirts replacement cost pants new employee setup/ person locker charge/week/8 lockers	\$5.00 \$5.00 \$4.50 \$1.95 \$1.35 \$ .57 \$ .63 \$11.00 \$15.00 \$25.00 \$2.00
2. Unifirst 2244 N Bolivar Rd Springfield, MO 65714	shirts carpenter pants executive shirts pants weekly service charge/location 3 x 4 mats 3 x 5 mats 24" dust mop 36" dust mop replacement cost shirts replacement cost pants new employee setup/person locker charge/opening	\$2.20 \$4.62 \$2.31 \$2.53 \$4.00 \$2.00 \$1.05 \$ .83 \$ .94 \$12.61 \$23.92 \$44.00 \$ .10
3. Clean 1609 E Falcon St Webb City, MO 64870	shirts & carpenter pants executive shirts & pants weekly service 3 x 4 mats 3 x 5 mats 24" dust mop 36" dust mop replacement cost shirts replacement cost pants new employee setup/person lockers	\$4.51 \$4.29 \$5.00 \$1.94 \$3.60 \$ .90 \$1.00 \$21.00 \$28.00 \$28.00 NO CHARGE
4. Ameripride 3901 E Evergreen Springfield, MO 65803	shirts & carpenter pants executive shirts & pants weekly service/location 3 x 4 mats 3 x 5 mats 24" dust mop 42" dust mop replacement cost shirts replacement cost pants new employee setup/person locker charge/week/8 lockers	\$5.50 \$4.62 \$3.00 \$2.00 \$1.75 \$ .95 \$1.50 \$16.00 \$24.00 \$12.65 \$2.00

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5. Aramark 8497 E 7 <sup>th</sup> St. Joplin, MO 64801	shirts & carpenter pants executive shirts & pants weekly service 3 x 4 mats 3 x 5 mats 24” dust mop 36” dust mop replacement cost shirts replacement cost pants new employee setup/person locker charge	\$5.25 \$4.50 \$5.95 \$1.80 \$1.80 \$ .75 \$ .85 \$12.00 \$16.00 \$19.25 \$ .40
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Motion was made by Councilman Werneke and seconded by Councilman Langland to award the bid to Clean in the amount of \$165.06 per week and authorize the City Manager to execute necessary documents pending the City Attorney’s approval.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Abstain, Warren Langland - Yes.

Motion carried.

Mayor Birdsong abstained due to past working relationships with the companies.

**Public Works – Replacement meters**

Mr. Hightower recommended awarding the bid to purchase replacement meters to the lowest bidder, Water Products.

Public Works – Meters  
BID OPENING SUMMARY

Attached is a compilation of the bids received for meters for the Public Works Department.

This bid opening was held at 10:00 am, March 11, 2009 in the Conference area of City Hall. Present for the bid opening were Carla Sherman and Cassie Sleda.

The following bids were received:

1. Water Products Owasso, OK	\$18,440.00
2. Utility Solutions Olathe, KS	\$21,798.00
3. Joplin Supply Joplin, MO	\$18,887.40

Mayor Birdsong requested staying in the State of Missouri for the bid, since Water Products (of Oklahoma) and Joplin Supply were within \$450 of each other.

Motion was made by Councilman McCormack and seconded by Councilman Werneke to award the bid to Joplin Supply in the amount of \$18,887.40.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2009-335...Rezoning property located at 15580 Kodiak Road, in the City of Neosho, Newton County, Missouri from R-1, First Dwelling House District to C-1, Retail Business District, as petitioned by Shane and Rebecca Smith...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-335 was read by title only by Mr. Hays.

Mayor Birdsong stated there is a residence on the property and a zoning change to C-1 would prevent rebuilding if something happened to the house.

It was the consensus of the Council to postpone Bill No. 2009-335 until April 21 to make sure the petitioners are fully aware of the potential consequences of the zoning change.

**Bill No. 2009-336...Vacating a right-of-way located at 918 Canyon Drive, Neosho, Newton County, Missouri, as petitioned by Carl Ford...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-336 for Ordinance No. 373-2009 was read by title only by Mr. Hays.

Mayor Birdsong stated the ordinance was passed on first reading March 17, pending the city be granted an easement to the property before second and third readings. Mr. Hightower stated the right-of-way in question is far enough away from the road such agreement is not necessary.

Motion was made by Councilman Werneke and seconded by Councilman McCormack to pass Bill No. 2009-336 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-337...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on Washington Avenue...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-337 for Ordinance No. 374-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-337 on second and third readings.

Discussion followed concerning separating the second and third readings, the implications to safety and travel time, and the necessity of closing the proposed crossings.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - No, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-338...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on North College/MO 60...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-338 for Ordinance No. 375-2009 was read by title only by Mr. Hays.

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Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-338 on second and third readings.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - No, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Bill No. 2009-339...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on Spring Street...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-339 for Ordinance No. 376-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-339 on second and third readings.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - No, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-340...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company for highway and rail crossing improvements at the railroad crossing on MO 86/McKinney Street...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-340 for Ordinance No. 376-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-340 on second and third readings.

Roll call vote:

Matthew Persinger - No, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Bill No. 2009-341...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Park Street...2<sup>nd</sup> Reading**

Bill No. 2009-341 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Persinger to pass Bill No. 2009-341 on second reading.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger -No.

Motion carried.

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**Bill No. 2009-342...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Industrial Drive...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2009-342 for Ordinance No. 377-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langeland and seconded by Councilman Werneke to pass Bill No. 2009-342 on second and third readings.

Roll call vote:

Howard Birdsong - Yes, Warren Langeland - Yes, Sherry McCormack - Yes, Matthew Persinger - No, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-343...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Daugherty Road...2<sup>nd</sup> Reading**

Bill No. 2009-343 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Persinger to pass Bill No. 2009-343 on second reading.

Roll call vote:

Warren Langeland - Yes, Sherry McCormack - Yes, Matthew Persinger - No, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Presentation of the proposed Downtown Improvement Plan by Boyd Poirier, Hurst-Rosche Engineers**

Mr. Poirier informed the City Council that 75% of the design phase on the Downtown Improvement Plan is completed, what remains is the detail work. The main objective is to make the square more pedestrian-friendly. Three public sessions have been held, in which, citizens have been able to address the changes they would like to see.

Mr. Poirier presented the Council with the site plans. They included longer parking spaces, wider sidewalks, additional landscaping and water features, and new parking lots located around a block from the square.

Discussion followed concerning flooding on the square and creating safer traffic flow to allow for increased pedestrian traffic.

Mr. Poirier requested direction from the council on final detail decisions, cost estimate approval, and design layout approval.

**Presentation of annexation petition submitted by Robert E. Daves**

The City Council was presented with a petition submitted by Robert E. Daves to annex the property located at 13260 Jay Drive into the corporate limits of the City of Neosho, under District R-1, First Dwelling House District.

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The petition was accepted by the council, and a public hearing scheduled for the next meeting.

**Presentation of annexation petition submitted by the City of Neosho (HBE 1)**

The City Council was presented with a petition submitted by the City of Neosho to annex parcel Number 16-7.0-36-004-001-010.002 into the corporate limits of the City of Neosho (Howard Bush Extension 1).

The petition was accepted by the council, and a public hearing scheduled for the next meeting.

**Presentation of annexation petition submitted by the City of Neosho (HBE 2)**

The City Council was presented with a petition submitted by the City of Neosho to annex parcel number 16-7.0-36-004-001-010.001 into the corporate limits of the City of Neosho (Howard Bush Extension 2).

The petition was accepted by the council, and a public hearing scheduled for the next meeting.

**Presentation of annexation petition submitted by the City of Neosho (HBE 3)**

The City Council was presented with a petition submitted by the City of Neosho to annex parcel number 15-9.0-31-000-000-007.001 into the corporate limits of the City of Neosho (Howard Bush Extension 3).

The petition was accepted by the council, and a public hearing scheduled for the next meeting.

**Public Hearing regarding an application submitted by Nolen W. Berry, to rezone the property described located on South Street from District R-1, First Dwelling House District, to be District C-3, Commercial Business District.**

Mayor Birdsong opened the floor for public comment. There being no comments from the public, Mayor Birdsong closed the public hearing.

**Bill No. 2009-344...Authorizing the issuance of \$1,665,000 Principal Amount of Sewerage System Revenue Bonds, Series 2009A...1st Reading**

Bill No. 2009-344 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Langland to pass Bill No. 2009-344 on first reading.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-345...Establishing a User Charge System to provide funds needed to pay or all expenses associated with the City's Wastewater Treatment Works...1st Reading**

Bill No. 2009-345 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Langland to pass Bill No. 2009-345 on first reading.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

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**Bill No. 2009-346...Amending Chapter 705: Sewers and Sewage Disposal, Section 705.450, Providing for Monthly Service Charges, of the Municipal Code of Ordinances...1st Reading**

Bill No. 2009-346 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-346 on first reading.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-347...Amending Chapter 705: Sewers and Sewage Disposal, Section 705.460, Providing for Surcharge for Certain Wastes, of the Municipal Code of Ordinances...1st Reading**

Bill No. 2009-347 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Langland to pass Bill No. 2009-347 on first reading.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Supplemental Agreement No. 1 to Engineering Service Contract between the City of Neosho and Sprenkle & Associates for additional design services and contract administration and inspection fees**

Mayor Birdsong informed the council that Mr. Sprenkle presented a Supplemental Agreement to the council on February 17, but it was tabled to allow Mr. Sprenkle time to gather financial information. Before the council can act on the revised agreement, the council must finish action on the tabled agreement.

Motion was made by Councilman Langland and seconded by Councilman Werneke to remove from the table Supplemental Agreement No. 1 to Engineering Service Contract.

Motion was made by Councilman McCormack and seconded by Councilman Langland to approve the Supplemental Agreement No. 1 from February 17, 2009.

Roll call vote:

Sherry McCormack - No, Matthew Persinger - No, Jeff Werneke - No, Howard Birdsong - No, Warren Langland - No.

Motion failed.

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the revised Supplemental Agreement No. 1 to the Engineering Service Contract between the City of Neosho and Sprenkle & Associates for additional design services and contract administration and inspection fees.

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Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - No, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Consider approving a setback line correction to Fox Ridge Estates Plat #2**

Alan Smith, Building Inspector, informed the council a set back line was added to the final plat of Fox Ridge Estates Plat #2 by mistake and is preventing the developers from getting title insurance. The line was not on the preliminary plat and should not be on the final.

Motion was made by Councilman McCormack and seconded by Councilman Langland to approve the setback line correction to Fox Ridge Estates Plat #2.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider request by the Neosho Fire Department to apply for the 2009 Assistance to Firefighters Grant**

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the request by the Neosho Fire Department to apply for the 2009 Assistance to Firefighters Grant.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Memorandum of Understanding between the City of Neosho and Freeman Neosho Hospital to establish airspace procedures in the vicinity of the municipal airport and Freeman Hospital**

Motion was made by Councilman Langland and seconded by Councilman McCormack to approve the Memorandum of Understanding between the City of Neosho and Freeman Neosho Hospital.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Chief McCracken**

Chief McCracken requested permission to apply for the Department of Justice COPS Grant 2009 and the Missouri Department of Public Safety 2009 Jag Recovery Act Grants.

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**COPS Grant – 100% Funding for four new police officers for three years**

Motion was made by Councilman McCormack and seconded by Councilman Langland to authorize the execution of the COPS grant for the salary and benefits for four new police officers for three years.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**JAG Recovery – Field Reporting**

Chief McCracken stated the grant allows officers to write reports from their cars, increasing police presence around town. The software interfaces with the department's mobile network.

Motion was made by Councilman Langland and seconded by Councilman Persinger to authorize the execution of necessary documents for the JAG Recovery Field Reporting Grant.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**JAG Recovery – Crime Surveillance, Detection, and Apprehension Program**

Chief McCracken stated the grant provides a portable, covert video-surveillance system.

Motion was made by Councilman Langland and seconded by Councilman Werneke to authorize the execution of necessary documents for the JAG Recovery Crime Surveillance, Detection, and Apprehension Program.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**JAG Recovery – Patrol Unit Tracking and Navigation**

Motion was made by Councilman Langland and seconded by Councilman McCormack to authorize the execution of necessary documents for the JAG Recovery Patrol Unit Tracking and Navigation Program.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**JAG Recovery – Vehicle Replacement Program**

Motion was made by Councilman Langland and seconded by Councilman Werneke to authorize the execution of necessary documents for the JAG Recovery Vehicle Replacement Program providing for two replacement patrol units.

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Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**APPOINTMENTS & VACANCIES**

**Park & Recreation Board**

Mayor Birdsong announced that three vacancies will exist for three-year terms beginning May 1, 2009, due to the expiring terms of Ms. Rebecca Brand, Mr. Scott Swope, and Mr. Marty Yust.

**Golf Course Committee**

Mayor Birdsong announced that three vacancies will exist for three-year terms beginning May 1, 2009, due to the expiring terms of Mr. Larry Neff, Dr. George Olive, and Mr. Kenneth Tyler.

**CLOSED MEETING:**

Motion was made by Councilman Langland and seconded by Councilman McCormack to close the meeting pursuant to Section 610.021(2) RSMo,...Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore and Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public governmental body.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

Mayor Birdsong closed the meeting at 9:20 p.m.

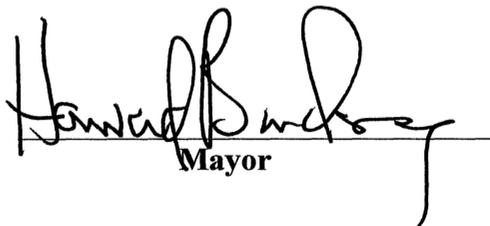
The meeting reconvened in open session at 10:00 p.m. and Mayor Birdsong announced the council conferred with the city attorney and one vote was taken. The vote, regarding subject matter under Section 610.021(2) RSMo., will be disclosed within 72 hours of final action.

**ADJOURN**

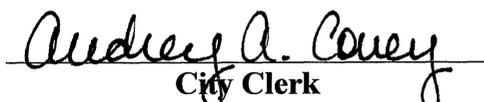
There being no further business to come before the council, Mayor Birdsong adjourned the meeting at 10:02 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
Mayor

**ATTEST:**

  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**April 21, 2009 - 7:00 p.m.**  
**Council Chambers - City Hall**  
**203 E. Main, Neosho, MO**

A quorum being present, Mayor Birdsong called the meeting to order at 7:05 p.m.

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Birdsong gave the opening prayer and led the Pledge of Allegiance.

**ROLL CALL**

Present: Howard Birdsong, Warren Langland, Sherry McCormack, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.

**AMEND AGENDA**

Without objection, Visitors Business was added after Approval of Minutes.

**APPROVAL OF MINUTES**

**Regular Session of April 7, 2009.**

Motion was made by Councilman McCormack and seconded by Councilman Persinger to approve the Regular Session minutes of April 7, 2009.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Closed Session of April 7, 2009.**

Motion was made by Councilman Werneke and seconded by Councilman McCormack to approve the Closed Session minutes of April 7, 2009.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**VISITORS BUSINESS**

**Sheila Boice – Rail Crossing Closures**

Ms. Boice spoke in opposition of closing crossings on Daugherty and Park stating the increased traffic on South and McKinney would decrease safety and could decrease property value.

**Sandra Merrill – Rail Crossing Closures**

Ms. Merrill opposed closing Daugherty crossing and stated if it is about safety, the city should close Washington Avenue instead because the number of car crashes is higher.

**Ken Mayer – Rail Crossing Closures**

Mr. Meyer stated Daugherty and Park needed to remain open until the South Street Overpass is complete.

Mr. Hays stated the council could sign a memorandum of understanding or pass a resolution stating the crossing would not be shut before South Street opens.

**Gene Franklin – Rail Crossing Closures**

Mr. Franklin listed the reasons he opposed the closings on the East side of town and stated it should be taken to a vote.

**UNFINISHED BUSINESS**

**Bill No. 2009-335...Rezoning property located at 15580 Kodiak Road, in the City of Neosho, Newton County, Missouri from R-1, First Dwelling House District to C-1, Retail Business District, as petitioned by Shane and Rebecca Smith...2nd & 3rd Readings**

Bill No. 2009-335 for Ordinance No. 379-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-335 on second and third readings.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-341...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Park Street...3rd Reading**

Bill No. 2009-341 for Ordinance No. 380-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-341 on third reading. Discussion followed.

Roll call vote:

Matthew Persinger - No, Jeff Werneke - Yes, Howard Birdsong - Yes,  
Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Bill No. 2009-343...Authorizing a Supplemental Agreement with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company to close the railroad crossing on Daugherty Road...3rd Reading**

Bill No. 2009-343 for Ordinance No. 381-2009 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Werneke to pass Bill No. 2009-343 on third reading.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Council Minutes – April 21, 2009**

**Bill No. 2009-344...Authorizing the issuance of \$1,665,000 Principal Amount of Sewerage System Revenue Bonds, Series 2009A...2nd & 3rd Readings**

Bill No. 2009-344 for Ordinance No. 382-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Werneke to pass Bill No. 2009-344 on second and third readings.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-345...Establishing a User Charge System to provide funds needed to pay or all expenses associated with the City's Wastewater Treatment Works...2nd & 3rd Readings**

Bill No. 2009-345 for Ordinance No. 383-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-345 on second and third readings.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**Bill No. 2009-346...Amending Chapter 705: Sewers and Sewage Disposal, Section 705.450, Providing for Monthly Service Charges, of the Municipal Code of Ordinances...2nd & 3rd Readings**

Bill No. 2009-346 for Ordinance No. 384-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman McCormack to pass Bill No. 2009-346 on second and third readings.

Roll call vote:

Sherry McCormack - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-347...Amending Chapter 705: Sewers and Sewage Disposal, Section 705.460, Providing for Surcharge for Certain Wastes, of the Municipal Code of Ordinances...2nd & 3rd Readings**

Bill No. 2009-347 for Ordinance No. 385-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman McCormack to pass Bill No. 2009-347 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes.

Motion carried.

**Council Minutes – April 21, 2009**

**Bill No. 2009-348...Canvassing the returns of the Municipal Election held Tuesday, April 7, 2009, submitting to the qualified voters of said city, candidates for city councilman and declaring the results thereof...1st Reading**

Bill No. 2009-348 was read by title only by Mr. Hays.

Motion was made by Councilman McCormack and seconded by Councilman Langland to pass Bill No. 2009-348 on first reading.

Roll call vote:

Jeff Werneke - Yes, Howard Birdsong - Yes, Warren Langland - Yes,  
Sherry McCormack - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-348...Canvassing the returns of the Municipal Election held Tuesday, April 7, 2009, 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. 2009-348 for Ordinance No. 386-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Werneke and seconded by Councilman Langland to pass Bill No. 2009-348 on second and third readings, under emergency measure.

Roll call vote:

Howard Birdsong - Yes, Warren Langland - Yes, Sherry McCormack - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**RECOGNITIONS**

Mayor Pro Tem Persinger presented plaques to Mayor Birdsong and Councilman McCormack in recognition of their service to the City of Neosho.

**ADJOURN...SINE...DIE**

Motion was made by Councilman Langland and seconded by Councilman Persinger to adjourn...sine...die.

Roll call vote:

Warren Langland - Yes, Sherry McCormack - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Howard Birdsong - Yes.

Motion carried.

**ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEN**

**Oath of Office**

City Clerk Covey administered the oath of office to Councilman-elect Heather Bowers and to Councilman-elect Richard Davidson.

**RECONVENED SESSION - NEOSHO CITY COUNCIL**

City Clerk Covey reconvened the meeting with the following councilmen in attendance: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke,

## **ELECTION OF MAYOR**

City Clerk Covey called for nominations for Mayor.

Councilman Langland nominated Councilman Werneke.

There being no other nominations, motion was made by Councilman Persinger and seconded by Councilman Langland to cease nominations and elect Councilman Werneke as Mayor by acclamation.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

## **ELECTION OF MAYOR PRO TEMPORE**

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

Councilman Bowers nominated Councilman Davidson.

There being no other nominations, motion was made by Councilman Langland and seconded by Councilman Bowers to cease nominations and elect Councilman Davidson as Mayor Pro Tempore by acclamation.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

## **VISITORS BUSINESS**

### **Larry Love – Airport Activity**

Mr. Love stated the noise from pilots practicing aerobatics is unbearable to live with and they fly very close to houses. He asked the council to establish days and times pilots can practice. Currently, there little restriction and the distractions are creating a safety concern in the area.

Mayor Werneke stated the city would review the current restrictions and flight zone to see what options there are to resolve the problem.

### **Fred Cobb – Airport Activity**

Mr. Cobb also stated the noise of high concern in the neighborhood and is distracting to drivers in the area. He stated the city signed a waiver allowing practicing to occur several years ago and would have to be undone to stop the flying.

### **John Stewart – Airport Activity**

Mr. Stewart spoke on behalf of his wife who is very concerned about the safety of the area. He suggested establishing times practice is allowed to regulate the distraction.

## **BIDS**

There were none.

## **CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Public hearing regarding a petition submitted by Robert E. Daves to annex property located at 13260 Jay Dr. into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District**

Mayor Werneke opened the floor for public comment.

Mr. Daves stated that he is requesting annexation in order to obtain city water and sewer services. He owns a small mobile home and the septic tanks need filled in.

There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-349...Annexing property located at 13260 Jay Drive, as petitioned by Robert E. Daves, under Zoning District R-1, First Dwelling House District...1st Reading**

Bill No. 2009-349 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-349 on first reading. Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - No,  
Heather Bowers - No, Richard Davidson – Yes.

Motion carried.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located within Section 36, Township 25 North, Range 32 West into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (HBE 1)**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-350...Annexing property located within Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 1)...1st Reading**

Bill No. 2009-350 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-350 on first reading.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located within Section 36, Township 25 North, Range 32 West into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (HBE 2)**

Mayor Werneke opened the floor for public comment.

Ms. Wanda Morgan inquired if this property is privately or publically owned. Mayor Werneke informed her the city is annexing city-owned property that is contiguous with the city limits in order to comply with zoning regulations.

There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-351...Annexing property located within Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 2)...1st Reading**

Bill No. 2009-351 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-351 on first reading.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located within Section 31, Township 25 North, Range 31 West into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (HBE 3)**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-352...Annexing property located within Section 31, Township 25 North, Range 31 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 3)...1st Reading**

Bill No. 2009-352 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-352 on first reading.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-353...Rezoning the property described located on South Street, as petition by Nolen W. Berry, from District R-1, First Dwelling House District, to be District C-3, Commercial Business District...1st Reading**

Bill No. 2009-353 was read by title only by Mr. Hays.

Mayor Werneke gave Mr. Nolen Berry the floor to address the council regarding his petition.

Mr. Berry stated he owns the vacant lot behind Walgreens and it is currently split-zoned R-1 and C-3. It is a good location for business and retail. The Planning and Zoning Commission recommended the lot be zoned RD-1 instead of C-3, as petitioned, to accommodate the area and mixed uses. He would like to amend his application and petition the lot be rezoned to RD-1, Downtown Redevelopment District. Discussion followed.

Motion was made by Councilman Davidson and seconded by Councilman Langland to pass Bill No. 2009-353 on first reading, as amended by Mr. Nolen Berry.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2009-354...Providing that Chapter 410: Subdivision Regulations of the Municipal Code of Ordinances, City of Neosho, Missouri, be amended by revising Section 410.040: Definitions of said code; providing that the definition of Lot Split be added and be further amended by adding a section to be numbered 410.115 establishing a Lot Split Procedure...1st Reading**

Bill No. 2009-354 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-354 on first reading.

Mr. Blase stated current procedure requires a person wanting to divide one lot into two to go through the subdivision procedures. This is an unnecessary expense and use of staff. Lot splits should be handled administratively, as is common practice.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-355...Declaring certain personal property as surplus and setting forth the method for disposing of same...1st Reading**

Bill No. 2009-355 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-355 on first reading.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-356... Authorizing the City of Neosho to enter into an agreement with Allgeier, Martin and Associates, Inc. for the purpose of providing engineering services for street improvements on Spring Street between Washington Street and White Avenue...1st Reading**

Bill No. 2009-356 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-356 on first reading and authorize the city manager to execute documents.

Mr. Blase informed the council that Spring Street was removed from the STP list last year, but it can be put back on. The trail and street will be done at the same time.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Resolution Bill No. 2009-05...Designating signatories to municipal checking accounts**

Resolution Bill No. 2009-05 for Resolution 84-2009 was read by title only by Mr. Hays.

**Council Minutes – April 21, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Langland to adopt Resolution Bill No. 2009-05.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Resolution Bill No. 2009-06...Accepting the donation of real estate from the Neosho/Newton County Library**

Resolution Bill No. 2009-06 for Resolution 85-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to adopt Resolution Bill No. 2009-06.

Craig Jones, City Planner, addressed the council stating the parking lot will contain a rain garden. Educational opportunities for families and children to plant in the garden will be available.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Resolution Bill No. 2009-07...Authorizing the mayor to execute the Second Amendment to the First Supplemental Agreement for Additional Warning Devices with the Missouri Highways and Transportation Commission and Kansas City Southern Railway Company**

Resolution Bill No. 2009-07 for Resolution X-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to adopt Resolution Bill No. 2009-07.

Mr. Blase stated this amendment is establishes the city's willingness to comply with federal regulations at the railroad crossings.

Roll call vote: Warren Langland - Yes, Matthew Persinger - No, Jeff Werneke - Yes,  
Heather Bowers - No, Richard Davidson – Yes. Motion carried.

**Consider Pipeline Agreement between the City of Neosho and Kansas City Southern**

Motion was made by Councilman Davidson and seconded by Councilman Bowers authorize the city manager to execute the Pipeline Agreement between the City of Neosho and Kansas City Southern. Discussion followed.

Roll call vote:

Matthew Persinger - No, Jeff Werneke - Yes, Heather Bowers - No,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Consider request to apply to the Region M Solid Waste Management District for a Recycle Center Operations Grant**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the request to apply for a Recycle Center Operations Grant from the Region M Sold Waste District and authorize the city manager to execute necessary documents.

Mr. Jones addressed the council stating the city recycle center runs off on grant funds and they must apply again. There is no city match.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider request to apply to the U.S. Department of Agriculture for grant funds for the Farmers' Market Promotion Program**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve the request to apply for grand funds for the Farmer's Market Promotion Program from the U. S. Department of Agriculture and authorize the city manager to execute necessary documents.

Mr. Jones discussed the preliminary plans for a farmers market in Neosho and informed them this grant does not require a city match.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Councilman Persinger – Golf Course Committee Report**

Councilman Persinger reported that the 2009 golf course revenue matched the April 2008 revenue in only sixteen days. Play is expected to continue to rise.

**APPOINTMENTS & VACANCIES**

**Park & Recreation Board**

Mayor Werneke announced that three vacancies will exist for three-year terms beginning May 1, 2009. Letters of interest have been received from Ms. Rebecca Brand and Mr. Scott Swope.

Motion was made by Councilman Langland and seconded by Councilman Davidson to reappoint Ms. Rebecca Brand and Mr. Scott Swope to the Park and Recreation Board to serve three-year terms beginning May 1, 2009.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Golf Course Committee**

Mayor Werneke announced that three vacancies will exist for three-year terms beginning May 1, 2009. One letter of interest has been received from Mr. Larry Neff.

Motion was made by Councilman Persinger and seconded by Councilman Langland to reappoint Mr. Larry Neff to the Golf Course Committee to serve a three-year term beginning May 1, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Neosho Housing Authority**

Mayor Werneke announced that a letter was received from the Housing Authority Chairman, Dan Hierholzer, requested the seat of Ms. Dolis Harvey be declared vacant. Ms. Harvey moved out of state and is no longer serving on the board.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to declare Ms. Dolis Harvey removed from the Neosho Housing Authority and declare one vacancy for the unexpired term of four years, which began April 1, 2007.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Appoint council representatives to committees.**

Without objection, appointments were postponed until the City Council meeting on May 5, 2009.

**CLOSED MEETING**

There was no need to close.

**ADJOURN**

There being no further business to come before the council, motion was made by Councilman Langland and seconded by Councilman Davidson to adjourn the meeting at 10:03 p.m.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried

**APPROVED:**

**NEOSHO CITY COUNCIL**



\_\_\_\_\_  
Mayor

**ATTEST:**



\_\_\_\_\_  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**May 5, 2009 - 7:00 p.m.**  
**Council Chambers - City Hall**  
**203 E. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Werneke gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.

Councilwoman Bowers was seated at 7:08 p.m.

**APPROVAL OF MINUTES**

**Regular Session of April 21, 2009.**

Motion was made by Councilman Langland and seconded by Councilman Davidson to approve the regular session minutes of April 21, 2009, as corrected.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**AMEND AGENDA**

Mayor Werneke stated at the City Attorney's request to further review the document, Bill No. 2009-357 was removed from the agenda. Bill No. 2009-358 was renumbered as Bill No. 2009-357.

**VISITORS BUSINESS**

**John Wilson – City Wide Quiet Zone**

Mr. Wilson spoke in opposition of closing railroad crossings in exchange for a quiet zone. He urged the council to rescind the ordinances.

**BIDS**

The following bid was presented for consideration:

**Planning – Parking Lot Construction and Light Pole Relocation**

Mr. Craig Jones, Planner, submitted the following recommendation to the City Council:

**PURPOSE:** Select a firm to construct a parking facility at 202 W Spring Street and foundations for relocation of streetlights on West Spring Street.

**BACKGROUND:** Donation of property at 202 W Spring Street has been offered to the City by the Neosho / Newton County Library for construction of a public parking facility. Due to the problems identified in the design and construction of the streetlights on the South side of West Spring Street between Jefferson Street and Big Spring Park an alternate bid to relocate the lights was entertained in conjunction with the request for bids for the parking facility project.

Engineering design and construction inspection for the project is by Hurst-Rosche Engineers in the amount \$15,447 for the parking facility; the light pole relocation engineering and inspection is provided at no cost to the city.

Bids were received from six contractors and are provided in the attached bid tabulation. Five contractors responded with bids for the base work and alternate work. One contractor bid only the base work. Due to the need for all work proposed the lowest and most responsive bidder is Swift Construction Company, Inc, bidding base work at \$109,739.25, alternate work for \$22,780.00, for a total of \$132, 519.25.

Funding sources for the construction are below. City contributions for engineering and construction are within the amount budgeted for the grant project.

CDBG Funds	\$ 1,110.97
City Funds	\$ 31,236.00
Contributions to Missouri Development Finance Board	\$100,172.28

**RECOMMENDATION:** The Planning Department recommends that the City Council accept the base bid of \$109,739.25 and alternate bid of \$22,780.00 from Swift Construction Company, Inc, pending acceptance by the City of the property donation, and authorize the Mayor and City Attorney to sign the construction contract for the proposed work.

**MUNICIPAL PARKING LOT AND LIGHTING IMPROVEMENTS  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for Municipal Parking Lot and Lighting Improvements.

The bid opening was held at 2:00 p.m., April 7<sup>th</sup>, 2009 in the Council Chambers of City Hall. Present for the opening were Allen Hall with Branco, Dale Underhill with APAC-Mo, Collin Swift with Swift Construction, Stan Bowman and Jarad Allison with Stan Bowman Construction, LLC, Jason Flynn with Construction Services Group, Paul Crews with Crews Construction, Inc, Boyd Poirier, Craig Jones and Nora Houdyshell.

The following bids were received:

Construction Services Group 1303 Marion Drive Neosho, Mo 64850 Jason Flynn	Base Bid: \$122,950.00 Alt Bid: \$ 28,920.00
Crews Construction, Inc. 17603 Keisha Dr. Neosho, Mo 64850 Paul Crews	Base Bid: \$152,000.00 Alt. Bid: \$ 26,700.00
Swift Construction PO Box 788 Neosho, Mo 64850 Collin Swift	Base Bid: \$109,739.25 Alt. Bid: \$ 22,780.00
APAC – Mo PO Box 1187 Springfield, Mo 65801 David Anderson, VP	Base Bid \$102,619.00 Alt. Bid: N/A
Branco Enterprises 12033 E. Hwy 86 Neosho, Mo 64850 Jim Branham	Base Bid: \$116,000.00 Alt. Bid: \$ 20,000.00
Stan Bowman Construction 3323 E. 32nd St, Suite B Joplin, Mo 64804 Stan Bowman	Base Bid: \$140,940.00 Alt. Bid: \$ 26,115.00

Motion was made by Councilman Langland and seconded by Councilman Persinger to accept the base and alternate bids from Swift Construction totaling \$132,519.25, and authorize the mayor to execute the construction contract upon the city attorney's approval, pending the City's acceptance of the property donation from the Neosho-Newton County Library Board.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

#### **UNFINISHED BUSINESS**

##### **Bill No. 2009-349...Annexing property located at 13260 Jay Drive, as petitioned by Robert E. Daves, under Zoning District R-1, First Dwelling House District...2nd & 3rd Readings**

Bill No. 2009-349 for Ordinance No. 387-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-349 on second and third readings.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - No,  
Heather Bowers - No, Richard Davidson – Yes.

Motion carried.

##### **Bill No. 2009-350...Annexing property located within Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 1)...2nd & 3rd Readings**

Bill No. 2009-350 for Ordinance No. 388-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilman Persinger to pass Bill No. 2009-350 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

##### **Bill No. 2009-351...Annexing property located within Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 2)...2nd & 3rd Readings**

Bill No. 2009-351 for Ordinance No. 389-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-351 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-352...Annexing property located within Section 31, Township 25 North, Range 31 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 3)...2nd & 3rd Readings**

Bill No. 2009-352 for Ordinance No. 390-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to pass Bill No. 2009-352 on second and third readings.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-353...Rezoning the property described located on South Street, as petition by Nolen W. Berry, from District R-1, First Dwelling House District, to be District RD-1, Downtown Redevelopment District...2nd & 3rd Readings**

Bill No. 2009-353 for Ordinance No. 391-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-353 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2009-354...Providing that Chapter 410: Subdivision Regulations of the Municipal Code of Ordinances, City of Neosho, Missouri, be amended by revising Section 410.040: Definitions of said code; providing that the definition of Lot Split be added and be further amended by adding a section to be numbered 410.115 establishing a Lot Split Procedure...2nd & 3rd Readings**

Bill No. 2009-354 for Ordinance No. 392-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilman Persinger to pass Bill No. 2009-354 on second and third readings.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-355...Declaring certain personal property as surplus and setting forth the method for disposing of same...2nd & 3rd Readings**

Bill No. 2009-355 for Ordinance No. 393-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-355 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-356... Authorizing the City of Neosho to enter into an agreement with Allgeier, Martin and Associates, Inc. for the purpose of providing engineering services for street improvements on Spring Street between Washington Street and White Avenue...2nd & 3rd Readings**

Bill No. 2009-356 for Ordinance No. 394-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-356 on second and third readings.

Discussion followed.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

### **Presentation by Mike Zimmerman of Archer Engineer for a Water Loss Report and Water & Sewer Master Plan Updates**

Mr. Zimmerman presented the council with information about the city water system's current infrastructure. Parts of the system are over 60 years old and dilapidated. He discussed financing options to repair its operation and stated it is in the city's best interest to apply for bonds from through the state SRF program. The bonds are issued at 2%, and could be lower with the federal stimulus packages. He discussed pricing options and the phase one improvements.

Discussion followed.

Mr. Mike Hightower, Public Works Director, presented the council with data regarding water loss in the city. The average loss is between 10 and 12%, but the city's loss is around 50%. Recently, workers discovered pipes thought to be out of commission were live. This should lead to significant water loss reduction as the city works to end their operation, continues to run leak detection tests, and meters quarters of the city.

Discussion followed.

### **Presentation of the Primary Seatbelt Law in Missouri by Sergeant Dan Cook**

Sergeant Cook showed a PowerPoint presentation on the importance of making the failure to wear one's seatbelt a primary violation. He asked the council to contact state representatives in support of this effort as their session ends on May 15, 2009. He also requested the city pass an ordinance allowing the police to enforce the failure to wear one's seatbelt as primary violation if the state enacts a law.

**Council Minutes – May 5, 2009**

**Presentation of three annexation petition submitted by the City of Neosho: MP 1, MP 2, and MP 3**

The City Council was presented with three petitions submitted by the City of Neosho Planning Department to annex property located in the Morse Park area into the corporate limits of the City of Neosho.

Without objection, the petitions were accepted and public hearings were scheduled for the next regular council meeting.

**Public Hearing regarding an application submitted by David R. Yates, to rezone the vacant lot located at 706 South Lincoln, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District to District R-2, Second Dwelling House District**

Mayor Werneke opened the floor for public comment.

**David Yates – Petitioner**

Mr. Yates addressed the council requesting they approve his application to rezone 706 S. Lincoln. He provided photos, proposed duplex design, and sections of the Comprehensive Plan explaining spot-zoning is encouraged to fill vacant lots. The benefits of the rezoning would be an opportunity to infill, support to local contractors and city taxes, as well as the benefit of having a duplex in this economy is better than a single dwelling home.

There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-357...Providing that the Municipal Code of Ordinances, City of Neosho, be amended by revising Chapter 215: Offenses and Miscellaneous Provisions, Section 215:070: Harassment...1st Reading**

Bill No. 2009-357 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-357 on first reading.

Discussion followed.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to install one flood light at the south end of Big Spring Park near the restrooms**

Motion was made by Councilman Persinger and seconded by Councilman Davidson to amend the Electric Service Agreement with Empire District Electric to install a flood light at the south end of Big Spring Park.

Mr. Blase stated the Park and Recreation staff have remodeled the bathrooms and the light was for security and safety purposes.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Mike Hightower – STP and Overlay Program**

Mr. Hightower stated the city is actively working to overlay the city streets but cash determines their ability to maintain work with demand.

The following streets will be paved through the 2009 STP Program:

Main Ave. (Baxter St. to Washington Ave.)  
Baxter St. (RR to High St.)  
High St. (Baxter St. to Coler St.)  
College St. (Coler St. to Spring St.)  
Spring St. (College St. to Jefferson St.)  
W. South St. (Hwy 59 to Neosho Blvd.)  
W. South St. (Neosho Blvd. to Wornall St.)  
South St. (Cash St. to Freeman Rd.)

Total Cost: \$786,000 (included \$157,000 which is a 20% match by the City)

#### 2009 Local Overlay Streets:

Oakridge Dr. (Daugherty to Hwy 60)  
Cash St.

Total Cost: \$120,000

Discussion followed.

### **Bob Blackwood – Finance Report and Audit Update**

Mr. Blackwood stated the city is preparing the 2009-2010 budget, and sales tax is less than expected. The mid-year budget amendment will be presented on first reading May 19, 2009. The auditors will present their report at one of the next two regular council meetings.

Mayor Werneke announced the meeting on May 19, 2009 will begin at 6:00 p.m. to conduct an informal budget work session before the regular meeting.

## **APPOINTMENTS & VACANCIES**

### **Park & Recreation Board**

Mayor Werneke announced that one vacancy exists for a three-year term which began May 1, 2009. One letter of interest has been received from Ms. Rhonda Warren.

Motion was made by Councilman Langland and seconded by Councilman Persinger to appoint Ms. Rhonda Warren to the three year term on the Park and Recreation Board which began May 1, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

### **Golf Course Committee**

Mayor Werneke announced that two vacancies exist for three-year terms which began May 1, 2009.

**Appointment of councilmen to various committees**

Without objection, the following appointments were made to various committees;

Neosho Airport Industrial Development Board	Councilman Davidson
Golf Course Committee	Councilman Persinger
Traffic Commission	Councilman Persinger

Mayor Werneke announced that the remaining appointments would be made at the next regular council meeting.

**CLOSED MEETING**

There was no need to close.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:28 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



\_\_\_\_\_  
Mayor

**ATTEST:**



\_\_\_\_\_  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
May 19, 2009 - 6:00 p.m.  
Council Chambers - City Hall  
203 E. Main, Neosho, MO**

**CALL TO ORDER**

A quorum being present, Mayor Werneke called the meeting to order at 6:00 p.m.

**ROLL CALL**

Present: Richard Davidson, Warren Langland, and Jeff Werneke. Also present: Jan Blase, City Manager; and Jillian Farnsworth, Assistant City Clerk

Absent: Heather Bowers, Matthew Persinger and Steve Hays, City Attorney

**INFORMAL WORK SESSION**

Mid-Year Review 2008-2009 Fiscal Year Budget

Mr. Blackwood reviewed the city's sales tax and revenue to-date. The city is currently 10% under the estimate for sales tax for the first six months of the year. Revenue is up 2.3% from last year.

Discussion followed.

**RECESS**

The Council entered into a recess at 6:45 p.m.

**RECESS & RECONVENE IN REGULAR SESSION AT 7:00 P.M.**

Mayor Werneke reconvened in regular session at 7:00 p.m. with the following in attendance:

Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steve Hays, City Attorney; and Jillian Farnsworth, Assistant City Clerk

Absent: Heather Bowers

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Councilman Persinger gave the opening prayer and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Regular Session of May 5, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Davidson to approve the Regular Session minutes of May 19, 2009.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke – Yes.

Motion carried.

**AMEND AGENDA**

Without objection, Bill No. 2009-363 was considered first under New Business.

**VISITORS BUSINESS**

**David Yates – Supports Rezoning of 706 S. Lincoln**

Mr. Yates addressed the council requesting they approve his application to rezone 706 S. Lincoln. He provided photos, proposed duplex design, and sections of the Comprehensive Plan explaining spot-zoning is encouraged to fill vacant lots. He also addressed the impact of building a duplex in a down economy.

**Gary Kenny – Tornado Siren Bids**

Mr. Kenny inquired the process the city used to solicit tornado siren bids.

**Dan Reed – Bill No. 2009-362**

Mr. Reed, representing a local security company, requested that Bill No. 2009-362 make provisions to allow amber and clear lights to security vehicles.

**BIDS**

The following bid was presented for consideration:

**Emergency Management – Tornado Sirens**

**EMERGENCY MANAGEMENT – OUTDOOR WARNING SIREN  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for outdoor warning sirens.

The bid opening was held at 9:30 a.m., May 1, 2009 in the Lobby of City Hall. Present for the opening were John Trimble, Tracie Tice and Nora Houdyshell.

The following bids were received:

<b>Blue Valley Public Safety, Inc.</b>	\$35,468.00/two sirens
PO Box 363	\$43,658.00/two sirens with Solar Power Option
509 James Rollo Drive	
Grain Valley, MO 64029	
Bruce Fisher	
<b>Outdoor Warning Consulting, Inc.</b>	\$34,634.00/two sirens
1203 Somerset Lane	\$40,394.00/two sirens with Solar Power Option
Jefferson City, MO 65101	
Steve Cearlock	

Staff recommended that council accept the bid from Blue Valley Public Safety in the amount of \$35,468.00. Blue Valley currently provides maintenance and service on the city's nine existing tornado sirens.

Discussion followed concerning the instillation of the sirens and the recommendation to award the bid to the second lowest bidder.

Without objection, the bid was postponed until more information could be obtained from the Emergency Management director.

**UNFINISHED BUSINESS**

**Bill No. 2009-357...Providing that the Municipal Code of Ordinances, City of Neosho, be amended by revising Chapter 215: Offenses and Miscellaneous Provisions, Section 215:070: Harassment...2nd & 3rd Readings**

Bill No. 2009-357 for Ordinance No. 395-2009 was read by title only by Mr. Hays.

**Council Minutes – May 19, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-357 on second and third readings.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson – Yes.

Motion carried.

**CORRESPONDENCE**

**NEW BUSINESS**

**Bill No. 2009-363...Amending the 2008-2009 Fiscal Year Budget...1st Reading**

Bill No. 2009-363 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-363 on first reading.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Presentation of three annexation petitions submitted by the City of Neosho: HBE 4, HBE 5, and HBE 6.**

The City Council was presented with petitions submitted by the City of Neosho to annex the properties known as HBE (Howard Bush Extension) 4, HBE 5, and HBE 6, into the corporate limits of the City of Neosho.

The petitions were accepted and the mayor instructed staff to schedule public hearings.

**Public Hearing regarding an application submitted by Ron Granger on behalf of Crowder College, to vacate and abandon Chouteau Street between LaClede Street and Benton Road, Neosho, Newton County, Missouri**

Mayor Werneke announced that the public hearing for the vacation and abandonment of Chouteau Street would be postponed until a proper hearing is held before Planning and Zoning.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located within Section 18, Township 25, Range 31 West into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (MP 1)**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-358...Annexing property located within Section 18, Township 25, Range 31, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (MP 1)...1st Reading**

Bill No. 2009-358 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-358 on first reading.

Roll call vote: Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes. Motion carried.

**Council Minutes – May 19, 2009**

**Public hearing regarding a petition submitted by the City of Neosho to annex property located within Section 18, Township 25, Range 31 West into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (MP 2)**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-359...Annexing property located within Section 18, Township 25, Range 31, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (MP 2)...1st Reading**

Bill No. 2009-359 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-359 on first reading.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located within Section 18, Township 25, Range 31 West into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (MP 3)**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-360...Annexing property located within Section 18, Township 25, Range 31, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (MP 3)...1st Reading**

Bill No. 2009-360 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-360 on first reading.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson – Yes.

Motion carried.

**Public Hearing regarding an application submitted by the City of Neosho for a Special Use Permit to operate an RV Park in District M-1, Light Industrial District, located at 304 Washington Avenue**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-361...Rezoning the vacant lot located at 706 South Lincoln, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District to District R-2, Second Dwelling House District, as petitioned by David R. Yates...1st Reading**

Bill No. 2009-361 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-361 on first reading.

Roll call vote:

Matthew Persinger - No, Jeff Werneke - No, Richard Davidson - No, Warren Langland - Yes.

Motion failed.

**Bill No. 2009-362...Providing that the Municipal Code of Ordinances, City of Neosho, be amended to add Chapter 617: Private Detectives, Private Investigators and Security Guards...1st Reading**

Bill No. 2009-362 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-362 on first reading.

Mr. Hays and Chief McCracken explained that vehicles could have amber or clear lights under the proposed chapter, and the purpose of the bill was to ensure police vehicles were not impersonated.

The city attorney was instructed to add language specifically permitting amber and clear lights to Bill No. 2009-362 before second and third readings.

Roll call vote:

Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-364...Calling for an election to be held on August 4, 2009, on the proposition whether to issue not more than \$9,525,000.00 principal amount of waterworks revenue bonds...1st Reading**

Bill No. 2009-364 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-364 on first reading.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-364...Calling for an election to be held on August 4, 2009, on the proposition whether to issue not more than \$9,525,000.00 principal amount of waterworks revenue bonds...2nd & 3rd Readings...under emergency measure**

Bill No. 2009-364 for Ordinance No. 396-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-364 on second and third readings, under emergency measure.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson – Yes.

Motion carried.

**Resolution Bill No. 2009-08...Designating signatories to municipal checking accounts**

Resolution Bill No. 2009-08 for Resolution 87-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to adopt Resolution Bill No. 2009-08.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Consider granting easements to The Empire District Electric Company to provide utilities to the private hangers at the Neosho Municipal Airport**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to grant easements to the Empire District Electric Company and authorize the mayor to execute the necessary documents.

Roll call vote:

Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider Memorandum of Understanding between the City of Neosho and First Baptist Church approving the placement of a tornado siren on private property**

It was the consensus of the Council to postpone this item and address it after further review of the tornado siren bid.

**Consider Memorandum of Understanding between the City of Neosho and the Neosho R-V School District approving the placement of a tornado siren on private property**

It was the consensus of the Council to postpone this item and address it after further review of the tornado siren bid.

**Consider request submitted by Relay for Life of Newton County for a fireworks display**

Dana Eads from Relay for Life contacted city officials and requested permission for a fireworks display during the Neosho Relay for Life activities on June 12, 2009.

It was the consensus of the council to grant the request.

**Consider approving payment requests from Sprenkle Engineering for the South Street Bridge Project**

It was the consensus of the Council to postpone discussion of this item until more financial information is provided by Sprenkle and Associates.

**REPORT OF CITY OFFICERS**

**Jan Blase – Tri State Engineering**

Mr. Blase requested the council approve a proposal by Tri State Engineering, Inc. for staking services on Howard Busch Drive and also on High Street at an hourly rate with the anticipated cost of \$7,000.

Motion was made by Councilman Langland and seconded by Councilman Davidson to approve an agreement with Tri State Engineering not to exceed \$7,000 and to authorize the City Manager to execute necessary documents.

Roll call vote: Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes. Motion carried.

**Kim Messer – Airport Plan**

Ms. Messer presented the council with the proposed Airport Layout Plan and requested the mayor sign three copies in approval.

Motion was made by Councilman Davidson and seconded by Councilman Langland to accept the Airport Layout Plan, as presented, and authorize the mayor to execute necessary documents.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson – Yes.

Motion carried.

**APPOINTMENTS & VACANCIES**

**Park & Recreation Board**

Mayor Werneke announced a request was received from Chairman Swope on behalf of the Park and Recreation Board to declare the position of Mr. John Renfro vacant due to inactivity.

Motion was made by Councilman Langland and seconded by Councilman Davidson to remove Mr. John Renfro from his position on the Park and Recreation Board and to declare a vacancy.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Golf Course Committee**

Mayor Werneke announced that two vacancies exist for three-year terms which began May 1, 2009. Three letters of interest have been received from Mr. Bryan Williams, Ms. Ruth Crawford, and Mr. Ken Tyler.

Motion was made by Councilman Langland and seconded by Councilman Davidson to appoint Ms. Ruth Crawford and Mr. Ken Tyler to the vacant positions.

Roll call vote:

Jeff Werneke - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Appointment of councilmen to various committees**

Without objection, the following appointments were made to various committees;

Neosho Airport Industrial Development Board	Councilman Davidson
Board of Appeals	Mayor Werneke
	Councilman Langland
Economic Development Sales Tax Committee	Councilman Langland
Enhanced Enterprise Zone Board	Councilman Langland
Environmental Task Force Jasper/Newton Counties	Councilwoman Bowers
Golf Course Committee	Councilman Persinger
Harry S. Truman Coordinating Council	Councilman Davidson
Historic District Commission	Councilwoman Bowers
Region M Solid Waste District	Councilwoman Bowers
Center for Seniors Committee	Mayor Werneke
Traffic Commission	Councilman Persinger

**CLOSED MEETING**

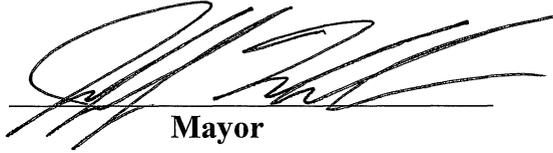
There was no need to close.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 8:34 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



\_\_\_\_\_  
Mayor

**ATTEST:**



\_\_\_\_\_  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
June 2, 2009 - 7:00 p.m.  
Neosho Civic Auditorium  
109 W. Main, Neosho, MO**

A quorum being present, Mayor Werneke called the meeting to order at 7:02 p.m.

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Reverend Gene Franklin gave the opening prayer and led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney. Minutes taken by Coleen Hall.

**APPROVAL OF MINUTES**

**Regular Session of May 19, 2009.**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Regular Session minutes of May 19, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**VISITORS BUSINESS**

**Laura Burr – Oppose Park Street and Daugherty Road Closings**

Mrs. Burr said that the decision to close Park Street and Daugherty Road at the railroad crossings should have been taken to a vote of the people.

**Gene Franklin – Oppose Park Street and Daugherty Road Closings**

Mr. Franklin agreed with Mrs. Burr that a vote of the people should have been given. He requested crossing arms be implemented instead.

**Steve Kenny – Former Baptist Church building**

Mr. Kenny stated that he served on the Auditorium Restoration Committee and that the former First Baptist Church building should be torn down.

**Doug Skaggs – Visitor's Business Sign-in**

Mr. Skaggs stated reasons he opposed signing in to address the council. He stated a town-hall style meeting is more conducive to citizen involvement.

**BIDS**

**Emergency Management – Tornado Sirens**

**OUTDOOR WARNING SIREN  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for outdoor warning sirens.

The bid opening was held at 9:30 a.m., May 1<sup>st</sup>, 2009 in the Lobby of City Hall. Present for the opening were John Trimble, Tracie Tice and Nora Houdyshell.

The following bids were received:

Blue Valley Public Safety, Inc.	\$35,468.00/two sirens
PO Box 363	\$43,658.00/two sirens with Solar Power Option
509 James Rollo Drive	
Grain Valley, MO 64029	
Bruce Fisher	
Outdoor Warning Consulting, Inc.	\$34,634.00/two sirens
1203 Somerset Lane	\$40,394.00/two sirens with Solar Power Option
Jefferson City, MO 65101	
Steve Cearlock	

Motion was made by Councilman Persinger and seconded by Councilman Langland to award the bid to Blue Valley Public Safety, Inc. to purchase two sirens totaling \$35,468.00.

Mr. Trimble, Emergency Management director, stated the reason for recommending Blue Valley over the low bidder is because the company provides maintenance and service on the nine existing sirens.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Wastewater – Peerless Vertical Turbine Pump**

**PEERLESS VERTICAL TURBINE PUMP  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for peerless vertical turbine pump.

The bid opening was held at 10:00 a.m., May 20<sup>th</sup>, 2009 in the Lobby of City Hall. Present for the opening were Nora Houdyshell, Stacey Barnes, Duane Linch, Hooter Maggard with Layne-Western, Rick Bruns with Pioneer, and Ron Anderson with Mody Pumps.

The following bids were received:

<u>Letts, Vankirk &amp; Associates</u>		\$15,346.00
5600 Inland Drive	Without Start-up	\$14,507.00
Kansas City, KS 66106		
Jim Stone		
<u>Pioneer</u>	Peerless	\$20,304.00
2611 Southwest Blvd.	Alt	\$15,782.00
Kansas City, MO 64108		
Rick Bruns		
<u>Layne-Western</u>		\$10,741.00
2399 Cassens Dr	Alt A	\$ 7,843.00
Fenton, Mo 63026	Alt B	\$ 9,037.00
Hooter Maggard		

Evans Enterprises, Inc.  
2001 North 13<sup>th</sup> Street  
Rogers, AR 72756

\$19,238.00 + Freight

Mike Hightower stated the pump is cheaper to replace than repair. He recommended awarding the bid to Layne-Western in the amount of \$10,741 and purchase the premium efficient motor upgrade for \$384.00, sandblasting and epoxy coating for \$420.00, and installation by their crew for \$1,200.00 for a total of \$12,745.00.

Motion was made by Councilman Langland and seconded by Councilman Davidson to award the bid to Layne-Western, as presented.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

### **Parks & Recreation – Robotic Pool Cleaner**

#### Recreation Department-City Pool Robotic Cleaner BID OPENING SUMMARY

Attached is a compilation of the bids received on the City Pool Robotic Cleaner for the City of Neosho's Swimming Pool.

The bid opening was held at 10:30 a.m. on February 17<sup>th</sup>, 2009 at City Hall. Present for the opening were Amy Moritz, Todd Banes, and Nora Houdyshell.

The following bids were received:

Crystal Clear Pools 701 North College Neosho, Mo 64850	Bid: Dolphin 2x2 commercial automatic electric cleaner with caddy cart and floating cord. Total Bid: 5850.00
Midwest Pool and Spa 4213 S. Glenstone Ave Springfield, Mo 65804	Bid: Aqua Products Dura Max Robotic Cleaner with a caddy cart and floating cord. 2 year warranty Total Bid: 2475.00
Aqua Products 7905 Roe Prairie Village, KS 66208	Bid: Dura MAX commercial pool cleaner caddy cart and floating cord included 2 year warranty Total Bid: 2325.00

#### **Other Solicitors:**

Leslie's Swimming Pool Supplies  
In The Swim

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to award the bid to Aqua Products for \$2325.00

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2009-358...Annexing property located within Section 18, Township 25, Range 31, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (MP 1)...2nd & 3rd Reading**

Bill No. 2009-358 for Ordinance No. 397-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-358 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-359...Annexing property located within Section 18, Township 25, Range 31, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (MP 2)...2nd & 3rd Reading**

Bill No. 2009-359 for Ordinance No. 398-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-359 on second and third readings.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-360...Annexing property located within Section 18, Township 25, Range 31, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (MP 3)...2nd & 3rd Reading**

Bill No. 2009-360 for Ordinance No. 399-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-360 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2009-362...Providing that the Municipal Code of Ordinances, City of Neosho, be amended to add Chapter 617: Private Detectives, Private Investigators and Security Guards...2nd & 3rd Reading**

Bill No. 2009-362 for Ordinance No. 400-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-362 on second and third readings.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-363...Amending the 2008-2009 Fiscal Year Budget...2nd & 3rd Reading**

Bill No. 2009-363 for Ordinance No. 401-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-363 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Consider approving payment requests from Sprenkle Engineering for the South Street Bridge Project**

It was the consensus of the council to postpone this item until further notice.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Resolution 2009-09...Affirming the City of Neosho's intent not to close the Daugherty Road and Park Street Railway Crossings any sooner than the date of opening of the South Street Bridge Overpass**

Resolution Bill No. 2009-09 for Resolution 88-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilman Langland to adopt Resolution Bill No. 2009-09.

Discussion followed.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider Memorandum of Understanding between the City of Neosho and First Baptist Church approving the placement of a tornado siren on private property**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve the Memorandum of Understanding between the City of Neosho and the First Baptist Church to place a tornado siren on the church property.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Memorandum of Understanding between the City of Neosho and the Neosho R-V School District approving the placement of a tornado siren on private property**

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to approve the Memorandum of Understanding between the City of Neosho and the Neosho R-V School District to place a tornado siren on the school property.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Consider the disposition of the city facility (former First Baptist Church) located at 201 S. Jefferson St.**

Motion was made by Councilman Langland and seconded by Councilman Davidson to tear down the former First Baptist Church building located at 201 S. Jefferson St.

Mr. Blase stated the demolition could be completed using tax credits.

Mr. Hays stated the city will contact the church staff and make arrangements to give them the cornerstone and window, as previously agreed if the building is demolished.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Consider application for Economic Development Administration and Missouri Department of Economic Development grants for downtown street and drainage improvements**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the grant application as presented and authorize the mayor to execute.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Chief McCracken – PD Grants**

Mr. McCracken requested the council approve the Police Department's submission of a Hazardous Moving Vehicle (HMV) grant and a Driving While Intoxicated (DWI) grant.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to approve the submission of HMV and DWI grant applications and authorize the mayor to execute.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

### **Mr. Blase – SEMA Appeal**

Mr. Blase requested the council's approval to appeal the SEMA decision to deny funding to reconstruct the mitigation bridge over Big Spring Creek. The appeal would go to FEMA.

Motion was made by Councilman Persinger and seconded by Councilman Langland to authorize staff to appeal SEMA's denial to FEMA for the mitigation bridge over Big Spring Creek.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

### **Mayor Werneke – Employer of the Month**

Mayor Werneke announced that Neosho Graphics was the June Employer of the Month and the following proclamation was issued on May 26, 2009:

**Whereas**, the Neosho City Council wishes to recognize the employers of our community; and

**Whereas**, the City of Neosho recognizes the role of our area employers' contribution to the area's growth and development and their support of our economy; and

**Whereas**, Bruce and Karla Boatright began their business operations of Neosho Graphics in 2003. The origin of the business began in 1984 by Billy and Joyce Balentine; and

**Whereas**, a privately owned business, Neosho Graphics combined with their sister company, Competitor's Warehouse, provides a full line of retail sporting goods and equipment. They specialize in an array of screen printing, decals, embroidery, banners, sign printing on vinyl and metal. Their facility has nine thousand five hundred square feet of operational and retail space, and they serve our community with six employees;

**Now, therefore**, I, Jeff Werneke, Mayor of the City of Neosho, do hereby proclaim Neosho Graphics, Neosho's June, 2009 Employer of the Month. We wish to recognize them for their commitment to quality and their growth in the community.

/s/ Jeff Werneke, Mayor

## **APPOINTMENTS & VACANCIES**

### **Golf Course Committee**

Mayor Werneke announced that two vacancies exist for three-year terms which began May 1, 2009.

### **Neosho-Newton Library Board**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning July 1, 2009, due to the expiring term of David Jerome.

**Parks and Recreation Board**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began May 1, 2008.

**Planning & Zoning Commission**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began September 1, 2008.

**Board of Appeals**

Mayor Werneke announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

**Neosho Housing Authority**

Mayor Werneke announced that one vacancy exists for an unexpired four-year term which began April 1, 2007. One letter of interest has been received by Mr. Paul Clark.

Motion was made by Councilman Langland and seconded by Councilman Persinger to appoint Mr. Paul Clark to the Neosho Housing Authority to fill the unexpired four-year term which began April 1, 2007.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**CLOSED MEETING**

There was no need to close.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 8:30 p.m.

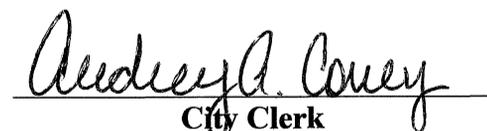
**APPROVED:**

**NEOSHO CITY COUNCIL**



Mayor

**ATTEST:**



**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**June 16, 2009 - 7:00 p.m.**  
**Neosho Civic Auditorium**  
**109 W. Main St., Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Werneke gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of June 2, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve the Regular Session minutes of June 2, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**VISITORS BUSINESS**

**Lionel Smiles – Emancipation Day Celebration**

Mr. Lionel Smiles addressed the council and requested permission for a fireworks display in Scenic Park for the 8th Annual Emancipation Day celebration the first weekend of August.

Mayor Werneke instructed Mr. Smiles that subsequent requests need formally filed with the city clerk and placed on the agenda for approval.

Without objection, it was the consensus of the council to approve the request, pending written approval is obtained from the Police and Fire departments.

**BIDS**

There were none.

**UNFINISHED BUSINESS**

There was none.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Public Hearing regarding an application submitted by Ron Granger on behalf of Crowder College, to vacate and abandon Chouteau Street between LaClede Street and Benton Road, Neosho, Newton County, Missouri**

Mayor Werneke opened the floor for public comment. There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-365...Vacating and abandoning Chouteau Street between LaClede Street and Benton Road in Section 15, Township 24 North, Range 32 West, City of Neosho, Newton County, Missouri...1st Reading**

Bill No. 2009-365 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-365 on first reading.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Consider Police Department grant application for the Visibility and Detection Enhancement and Replacement Program for lightbars and flashlights**

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to allow the Police Department to apply for the grant and to authorize the mayor to execute necessary documents.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Consider Loan Renewal with the National Museum of the United States Air Force (NMUSAF) for the T-37A aircraft currently located at Premier Turbines.**

Discussion followed concerning third party possession of the T-37A aircraft, the future disposition of the plane, and the City's obligation to maintain it.

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to postpone the consideration to the next Council meeting.

Staff was instructed to meet with Premier Turbines to discuss the disposition of the aircraft prior to the next meeting.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Jan Blase – Tax Credits**

Mr. Blase stated there are tax credits available for those interested in investing in the downtown. There are credits available to match \$0.50 to every \$1.00 invested.

**Mayor Werneke – Council Meet and Greet**

Mayor Werneke announced that a "meet and greet" would follow the council meeting. The purpose was to give citizens the opportunity to meet the council members individually and discuss the business of the city outside a formal council meeting-setting.

## **APPOINTMENTS & VACANCIES**

### **Neosho-Newton Library Board**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning July 1, 2009. One letter of interest has been received from Ms. Sara McDaniel.

Motion was made by Councilman Langland and seconded by Councilman Persinger to appoint Ms. Sara McDaniel to the Neosho-Newton Library Board to fill a term of three years beginning July 1, 2009.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

### **Parks and Recreation Board**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began May 1, 2008. One letter of interest has been received from Mr. Steve Hart.

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to appoint Mr. Steve Hart to the Parks and Recreation Board to fill an unexpired term of three years which began May 1, 2008.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

### **Planning & Zoning Commission**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began September 1, 2008.

### **Board of Appeals**

Mayor Werneke announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

## **CLOSED MEETING**

There was no need to close.

## **ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 7:35 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**MINUTES  
NEOSHO CITY COUNCIL  
July 7, 2009 - 7:00 p.m.  
Neosho Civic Auditorium  
109 W. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Werneke gave the opening prayer and led the Pledge of Allegiance

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

**APPROVAL OF MINUTES**

**Regular Session of June 16, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Davidson to approve the Regular Session minutes of June 16, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**VISITORS BUSINESS**

There was none.

**BIDS**

The following bid was presented for consideration:

**Public Works – Street Resurfacing**

**STREET RESURFACING  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for resurfacing Cash Street & Oak Ridge Drive.

The bid opening was held at 10:00 a.m., June 25<sup>th</sup>, 2009 in the Conference Room of City Hall.

Present for the opening were Colin Swift with Swift Construction Co., Jeran Gordova with Blevins Asphalt, Dale Underhill with APAC-Missouri, Inc, Mike Hightower, Carla Sherman and Nora Houdyshell.

The following bids were received:

APAC-Missouri, Inc. PO Box 1187 Springfield, Mo 65801 Dale Underhill	Bid: \$96,677.40
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Blevins Asphalt PO Box 230 Mt. Vernon, Mo 65712-0230 Jeran Gordova	Bid: \$91,260.50
---	------------------

Swift Construction Co.  
PO Box 788  
Neosho, MO 64850  
Colin Swift

Bid: \$71,455.90

Mike Hightower, Public Works Director, addressed the council and recommended the bid be awarded to Swift Construction.

Motion was made by Councilman Davidson and seconded by Councilman Langland to award the bid to Swift Construction Co. in the amount of \$71,455.90, as recommended.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

### **UNFINISHED BUSINESS**

#### **Bill No. 2009-365...Vacating and abandoning Chouteau Street between LaClede Street and Benton Road in Section 15, Township 24 North, Range 32 West, City of Neosho, Newton County, Missouri...2nd & 3rd Readings**

Bill No. 2009-365 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-365 on first reading.

Mayor Werneke announced the staff and the Planning and Zoning Commission unanimously recommended vacating Chouteau Street in exchange with a 20 foot utility easement.

Councilman Davidson stated the two maps he had regarding the property gave different names for the street called "Benton Road" in the title of Bill No. 2009-365.

Discussion followed.

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to postpone the second and third readings of Bill No. 2009-265 until July 21, 2009 to find out the correct name of "Benton Road."

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

#### **Consider Loan Renewal with the National Museum of the United States Air Force (NMUSAF) for the T-37A aircraft currently located at Premier Turbines**

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve the 2009 Loan Renewal between the City of Neosho and the National Museum of the United States Air Force for a T-37A aircraft.

Mayor Werneke informed the council that he and the city manager met with Premier Turbines to discuss the status of the aircraft. The insurance is available at a cheaper rate and an anonymous donor will cover the cost for the first year. He recommends approving the loan agreement given the new information.

Discussion followed.

Motion was made by Councilman Langland to call the question.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

Mayor Werneke called for the roll call vote for the motion on the floor.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - No,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

## **CORRESPONDENCE**

### **Mayor Werneke – Fire Department Thank You Letter**

Mayor Werneke announced the city council received a letter thanking the Fire Department and Ambulance District for their recent service and assistance to their family.

## **NEW BUSINESS**

### **Presentation of three annexation petitions submitted by the City of Neosho: MP 4, MP 5, and MP 6.**

The presentations were accepted and public hearings scheduled.

### **Public hearing regarding a petition submitted by the City of Neosho to annex property located at 2845 Oakridge Extension into the corporate city limits of the City of Neosho, under District R-1, First Dwelling House District (HBE 4)**

Mayor Werneke opened the floor for public comment.

Mr. Hays stated 2845 Oakridge Extension was the address of the former owner and parcel number would replace it in the ordinance.

The council discussed the status of the house located on the property for proposed annexation.

There being no further comments, Mayor Werneke closed the public hearing.

### **Bill No. 2009-366...Annexing property located at 2845 Oakridge Extension, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 4)...1st Reading**

Bill No. 2009-366 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to postpone consideration of Bill No. 2009-365 on first reading until July 21, 2009 in order to verify the owner and current use of the property.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 16-7.0-36-004-001-001 within Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (HBE 5)**

Mayor Werneke opened the floor for public comment.

There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-367...Annexing property located at Parcel Number 16-7.0-36-004-001-001.001 within Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (HBE 5)...1st Reading**

Bill No. 2009-367 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-367 on first reading.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 16-7.0-36-001-010-001.002 within in Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (HBE 6)**

Mayor Werneke opened the floor for public comment.

There being no comments from the public, Mayor Werneke closed the public hearing.

**Bill No. 2009-368...Annexing property located at Parcel Number 16-7.0-36-001-010-001.002 within in Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 6)...1st Reading**

Bill No. 2009-368 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-368 on first reading.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-369...Granting a Special Use Permit, as petitioned by the City of Neosho, to operate a recreation vehicle park in an Zoning District M-1, Light Industrial District Classification, located at 304 Washington Ave...1st Reading**

Bill No. 2009-369 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-369 on first reading.

Discussion followed concerning the current restrictions and future plans for the R-V park facilities.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-370...Authorizing the City of Neosho to enter into a Lease Purchase Agreement with Steelcase Financial Services, Inc. as lessor, with respect to the acquisition of certain personal property...1st Reading**

Bill No. 2009-370 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to pass Bill No. 2009-370 on first reading.

Mr. Blase stated the lease is for furniture to be placed into City Hall which is undergoing renovations due to mold abatement.

Discussion followed.

Mr. Hays stated he wants to further inquire about the insurance clauses in the lease before final approval, but he has no objection to approval upon first reading.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Resolution Bill No. 2009-10...Affirming the City of Neosho's support of and partnership with the 2010 Census**

Resolution Bill No. 2009-10 for Resolution 89-2009 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to adopt Resolution Bill No. 2009-10.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Pipeline Crossing Agreements between the City of Neosho and Kansas City Southern Railway Company for interceptor lines at Jefferson Avenue and Spring Street**

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to approve the Pipeline Crossing Agreements between the City of Neosho and Kansas City Southern Railway Company for interceptor lines at Jefferson Avenue and Spring Street and authorize the City Manager to execute necessary documents.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - No,  
Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Consider the purchase of two radar units, as requested by the Neosho Police Department**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the purchase of two radar units for the Neosho Police Department.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Consider Change Order No. 1 amending the agreement between West Plains Bridge and the City of Neosho for South Street Roadway Improvements and Kansas City Southern Railway Overpass, as requested by Sprengle and Associates**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve Change Order No. 1 between the City of Neosho and West Plains Bridge in the amount of \$7,384.00.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Abstain.

Councilman Langland stated his company is supplying concrete and abstained.

Motion carried.

**Consider proposal and general conditions from Palmerton & Parrish, Inc. to conduct a geotechnical investigation for the School North Connector and West Interceptor Project**

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to approve hiring Palmerton & Parrish to conduct a geotechnical investigation for the School North Connector and West Interceptor Project.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider Supplemental Agreement No. 1 between the City of Neosho and Bucher, Willis, & Ratliff for professional services to add additional taxi lanes at the Hugh Robinson Memorial Airport**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve Supplemental Agreement No. 1 between the City of Neosho and Bucher, Willis, & Ratliff for professional services to add additional taxi lanes at the Hugh Robinson Memorial Airport

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Assignment and Assumption of License Agreement between Massey’s Pharmacy, Inc., d/b/a “Jon’s Pharmacy” and Super D Drugs Acquisition Co.**

Motion was made by Councilman Langland and seconded by Councilman Davidson to approve the Assignment and Assumption of License Agreement between Massey’s Pharmacy, Inc., d/b/a “Jon’s Pharmacy” and Super D Drugs Acquisition Co.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

Mayor Werneke made the following reports:

**Absence Request**

Mayor Werneke stated he would be absent at the July 21, 2009 council meeting.

**Employer of the Month – Neosho USDA Service Center**

Mayor Werneke stated the Neosho USDA Service Center was recognized as the July 2009 Employer of the Month on June 23, 2009.

**Whereas**, the Neosho City Council wishes to recognize the Employers of our community and their contribution to the area’s growth and development of our local economy;

**Whereas**, the Department of Agriculture serves Barry, McDonald and Newton Counties through THE NEOSHO USDA SERVICE CENTER. The local Service Center consists of three agencies as follows;

**Whereas**, the USDA Farm Service Agency provides assistance to all Farmers, Ranchers and Agricultural Partners with effective agricultural programs;

**Whereas**, the USDA Natural Resources Conservation Service’s mission is to improve and sustain our Natural Resources and Environment;

**Whereas**, the USDA Rural Development’s mission is devoted to increasing economic opportunity and to improve the quality of life for all rural citizens;

**Now, therefore**, I, Jeff Werneke, Mayor of the City of Neosho, do hereby proclaim the Neosho USDA Service Center to be Neosho’s Employer of the Month for July, 2009. We wish to recognize their eleven dedicated Employees for their commitment to quality and growth in the community.

/s/ Jeff Werneke, Mayor

**Certificate of Commendation – Community Bank and Trust**

The following Certificate of Commendation was presented to Community Bank and Trust at the celebration of the 125<sup>th</sup> year in business:

Certificate of Commendation  
CBT 125 Year Anniversary

Whereas, Community Bank and Trust began its operations in Neosho on June 25th, 1884 as the Bank of Neosho; and

Whereas, June 25, 2009 marks the 125th anniversary of Community Bank and Trust's service to Neosho and the Southwest Missouri area; and

Whereas, special activities have been planned to celebrate the occasion of this anniversary; and

Whereas, it is fitting that the City of Neosho should join in this expression of pride and appreciation for the many civic and economic benefits that our community has enjoyed over the years because of the growth and prosperity of Community Bank and Trust;

Now Therefore, I, Jeff Werneke, Mayor of the City of Neosho, do hereby express the City's personal congratulations to Community Bank and Trust and its employees with this Certificate of Commendation for their 125 years of service and extend the best wishes of the City upon this occasion.

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 25th day of June, 2009.

/s/ Jeff Werneke, Mayor

### **Princess for a Day**

Mayor Werneke announced that Breanna Lynn Keller, age 3, was presented with a certificate and tiara to declare her Neosho's Princess for a Day on June 26, 2009. Breanna is suffering from neuroblastoma and the city participated with Wal-Mart in honoring her for the day.

The certificate read:

This is to certify that on June 26, 2009  
Breanna Lynn Keller  
is the City of Neosho  
Princess for a Day!  
Congratulations, Your Highness!

/s/ Jeff Werneke, Mayor

### **APPOINTMENTS & VACANCIES**

#### **Planning & Zoning Commission**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began September 1, 2008.

#### **Board of Appeals**

Mayor Werneke announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

### **CLOSED MEETING**

Motion was made by Councilman Davidson and seconded by Councilman Bowers to close the meeting pursuant to Section 610.021(2) RSMo,...Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

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

The meeting reconvened in open session at 8:58 p.m. and Mayor Werneke announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 8:59 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**July 21, 2009 - 7:00 p.m.**  
**Neosho Civic Auditorium**  
**109 W. Main St., Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Gene Franklin gave the opening prayer, and Councilman Davidson led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, and Matthew Persinger.  
Absent: Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk

Without objection, Mayor Werneke's absence was excused and Mayor Pro Tem Davidson assumed the Chair.

**APPROVAL OF MINUTES**

**Regular Session of July 21, 2009.**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve the Regular Session minutes of July 21, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes.

Motion carried.

**Closed Session of July 21, 2009.**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Closed Session minutes of July 21, 2009.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Heather Bowers - Yes.

Motion carried.

**VISITORS BUSINESS**

**Melvin Stapp – DWI Arrest**

Mr. Stapp informed the council he was arrested for a DWI and believes the charge should be dismissed. He stated he was pulled over late at night for suspicion of driving under the influence, but had no alcohol. He failed the field sobriety test and was arrested and taken to the police station where he took a breathalyzer test and blow a .00. He believes his was wrongly accused once the test proved he had not been drinking. He said errors were made on the police report and requested the council dismiss the charge at the council meeting.

**J. C. Herrell – Property Damage at 507 Mesa Dr.**

Mr. Herrell stated that for two years he has had property damage as a result of work the city did on a drainage ditch in front of his property. He wants the city to fix it or he will follow with legal action.

**Cheryl Mosby – Audit Questions**

Ms. Mosby asked the city council and auditor several questions about city funds.

Mr. Davidson stated he would refer her questions to the city’s finance department so correct and accurate information could be given. He asked them to follow up with her.

**Wanda Morgan – Citizen**

Ms. Morgan informed the council that she lived at 998 Burr Crossing Road and opposes the Howard Bush Extension. She expressed concerns about noise and light pollution. She stated the road was originally designed to bypass their home, but has been redrawn and creates a nuisance.

Councilwoman Bowers discussed the CDBG requirements and asked Ms. Morgan and the city manager a series of questions.

Mayor Davidson raised a point of order that Councilwoman Bowers was engaging in discussion of an item not posted on the agenda and without a motion on the floor.

**BIDS**

The following bid summary and recommendation for the La-Z-Boy Drive North and East Interceptor Sewer Improvements were presented for consideration:

**Public Works - La-Z-Boy Drive North and East Interceptor Sewer Improvements**

**City of Neosho**  
 Sanitary Sewer System Improvements  
 North & East Interceptors –  
 La-z-Boy Parkway Area Interceptor

	NAME	RECEIPT OF ADDENDUM #1 and #2	BID BOND	BASE BID
1	Rosetta Construction LLC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$343,400.00
2	Kenny Singer Construction Co., Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$457,130.96
3	Redford Construction Co.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$470,845.00
4	CE Contracting, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$474,835.00
5	Bennett, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$497,671.00
6	Newman Brothers Construction, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$508,768.00
7	Garney Companies, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$519,832.00
8	Haines & Associates Construction Co., Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$540,500.00
9	J & N Utilities, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$559,605.00
10	Ridge Hill Contractors, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$570,999.00
11	Beemer Construction Co., Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$578,781.00
12	Southard Construction Co. of Joplin, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$585,451.00
13	Emery Sapp & Sons, Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$587,842.00
14	C2 Projects, LLC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$588,794.75
15	G & G Construction Co., Inc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$634,461.80
16				
17				

**HDR | Archer**

July 21, 2009

Mike Hightower  
Public Works Director  
City of Neosho  
203 E Main Street  
Neosho, MO 64850

Re: City of Neosho, Missouri  
Sanitary Sewer Improvements – North and East Interceptor  
La-Z-Boy Parkway Segment  
Recommendation of Award  
HDR|Archer Project #: 0300000453

Dear Mr. Hightower:

HDR|Archer has reviewed the bid packets from the July 20, 2009 bid opening for the subject project and has determined that the apparent low bidder was Rosetta Construction, LLC with the following bid price:

Bid Summary:

Base Bid = \$343,400.00

HDR|Archer has completed a review of the apparent low bidder's previous project references and bonding capacity for the subject project. Our review of these items was to determine if the apparent low bidder could be considered a "responsible" bidder and able to execute the project work as defined by the Contract Documents. Our review has determined that Rosetta Construction, LLC appears to have sufficient work force, bonding capacity and experience to successfully complete the subject project. Therefore, we recommend award of the subject project to Rosetta Construction, LLC.

Attached with this correspondence, please find the tabulation of bids, bid summary and a list of previous work references from the Contractor for your records. If you have any questions while reviewing this correspondence, please do not hesitate to contact me at your earliest convenience.

Sincerely,

  
Aaron J. Bresette, P.E.  
Project Manager

Enclosures

CC: Scott Fleming  
Victor Rosetta - Rosetta Construction, LLC

HDR Engineering, Inc.  
C:\Documents and Settings\abresette\Local Settings\Temporary Internet  
Files\Content.Outlook\703MHH29\Recommendation of Award (2).doc

3741 NE Troon Drive  
Lee's Summit, MO 64081-1988

Phone: (816) 554-5019  
Fax: (816) 554-3061  
www.hdrinc.com

Mr. Mike Hightower, Public Works director, stated the bid is approximately \$300,000 less than the estimate and recommends the council award the bid to Rosetta Construction.

Motion was made by Councilwoman Bowers and seconded by Councilman Langland to award the bid to Rosetta Construction, LLC and authorize the city manager and city attorney to negotiate a contract.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Heather Bowers - Yes,  
Richard Davidson – Yes.

Motion carried.

## UNFINISHED BUSINESS

**Bill No. 2009-365...Vacating and abandoning Chouteau Street between LaCledde Street and Benton Road in Section 15, Township 24 North, Range 32 West, City of Neosho, Newton County, Missouri...2nd & 3rd Readings**

Bill No. 2009-365 for Ordinance No. 402-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-365 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes.

Motion carried.

**Bill No. 2009-367...Annexing property located at Parcel Number 16-7.0-36-004-001-001.001 within Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (HBE 5)...2nd & 3rd Readings**

Bill No. 2009-367 for Ordinance No. 403-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to pass Bill No. 2009-367 on second and third readings.

Discussion followed.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-368...Annexing property located at Parcel Number 16-7.0-36-001-010-001.002 within in Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 6)... 2nd & 3rd Readings**

Bill No. 2009-368 for Ordinance No. 404-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-368 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - No,  
Heather Bowers - No.

Motion failed.

**Bill No. 2009-369...Granting a Special Use Permit, as petitioned by the City of Neosho, to operate a recreation vehicle park in an Zoning District M-1, Light Industrial District Classification, located at 304 Washington Ave...2nd & 3rd Readings**

Bill No. 2009-369 for Ordinance No. 404-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-369 on second and third readings.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Heather Bowers - No,  
Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-370...Authorizing the City of Neosho to enter into a Lease Purchase Agreement with Steelcase Financial Services, Inc. as lessor, with respect to the acquisition of certain personal property...2nd & 3rd Readings**

Bill No. 2009-370 for Ordinance No. 405-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to pass Bill No. 2009-370 on second and third readings.

The council discussed the bidding procedure with the City Attorney.

Further discussion followed.

Motion was made by Councilwoman Bowers to call the question.

Roll call vote:

Matthew Persinger - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes.

Motion carried.

Mayor Davidson called for the roll call vote for the motion on the floor.

Roll call vote:

Heather Bowers - No, Richard Davidson - No, Warren Langland - No, Matthew Persinger - No.

Motion failed.

**CORRESPONDENCE**

**NEW BUSINESS**

**Annual Audit Report for the Fiscal Year 2007-2008, Davis, Lynn & Moots, P.C.**

Mr. Andrew Marmouget presented the audit report for the fiscal year ending September 30, 2008 and reported that the City of Neosho received a clean opinion on the financial statements. This is the highest opinion that a governmental entity can receive and is the same opinion as last year.

Mr. Marmouget reviewed the various statements within the budget and noted that the city was in budgetary compliance. He reviewed recommendations for greater segregation of duties for the city's protection, though no issues of wrongdoing were found.

Discussion followed concerning the auditor's comments and suggestions.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 15-4.0-18-000-000-044.000 within Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 4)**

Mayor Davidson opened the floor for public comment. There being no comments from the public, Mayor Davidson closed the public hearing.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 15-4.0-18-000-000-043.000 within in Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 5)**

Mayor Davidson opened the floor for public comment. There being no comments from the public, Mayor Davidson closed the public hearing.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 15-4.0-18-000-000-033.000 within in Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 6)**

Mayor Davidson opened the floor for public comment. There being no comments from the public, Mayor Davidson closed the public hearing.

**Bill No. 2009-366...Annexing property located at 1017 Howard Bush Drive, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 4)...1st Reading**

Bill No. 2009-366 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-366 on first reading.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Heather Bowers - No.

Motion carried.

**Bill No. 2009-371...Authorizing the Mayor to execute a contract between the City of Neosho and the Missouri Highway and Transportation Commission providing for STP-Urban Funds for STP-4700(708)...1<sup>st</sup> Reading**

Bill No. 2009-371 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to pass Bill No. 2009-371 on first reading.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Heather Bowers - Yes,  
Richard Davidson – Yes.

Motion carried.

**Resolution Bill No. 2009-11...Authorizing the filing of an application with the Environmental Protection Agency, United States of America for a loan under the Federal Water Pollution Control Act as amend the Missouri Department of Natural Resources, State Revolving Fund Program for loans under the Missouri Clean Water Law**

Resolution Bill No. 2009-11 for Resolution 90-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to adopt Resolution Bill No. 2009-11.

Roll call vote:

Matthew Persinger - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes.

Motion carried.

**Consider Change Order No. 1 to the agreement between the City of Neosho and Swift Construction Co. for the Municipal parking Lot and Lighting Improvements project**

Motion was made by Councilwoman Bowers and seconded by Councilman Langland to approve Change Order No. 1 to increase the contract sum by \$2,200.00, as requested.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes.

Motion carried.

**Consider Authorization No. 15 between the City of Neosho and E. T. Archer Corporation for professional engineering services for the La-Z-Boy area sewer improvements**

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to approve Authorization No. 15 with E. T. Archer Corporation for professional engineering services for the La-Z-Boy Area Sewer Improvements.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Heather Bowers - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

There were none.

**APPOINTMENTS & VACANCIES**

**Planning & Zoning Commission**

Mayor Davidson announced that one vacancy exists for an unexpired three-year term which began September 1, 2008.

**Board of Appeals**

Mayor Davidson announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

**CLOSED MEETING**

Motion was made by Councilman Langland and seconded by Councilman Persinger 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.

Councilwoman Bowers stated she objected to the Closed Session because she found it unnecessary.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Heather Bowers - No,  
Richard Davidson – Yes.

Motion carried.

Mayor Davidson closed the meeting at 8:15 p.m.

The meeting reconvened in open session at 8:50 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:51 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor Pro Tempore**

**ATTEST:**

  
\_\_\_\_\_  
**City Clerk**

**MINUTES  
NEOSHO CITY COUNCIL  
August 4, 2009 - 7:00 p.m.  
Neosho Civic Auditorium  
109 W. Main St., Neosho, MO**

A quorum being present, Mayor Werneke called the meeting to order at 7:01 p.m.

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Jon Harden gave the opening prayer and Mayor Werneke led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.  
Absent: Warren Langland

Councilman Langland's absence was excused without objection.

**APPROVAL OF MINUTES**

**Regular Session of July 21, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the Regular Session minutes of July 21, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Abstain.

Mayor Werneke stated he abstained due to absence.

Motion carried

**Closed Session of July 21, 2009.**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the Closed Session minutes of July 21, 2009.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Jeff Werneke - Abstain,  
Heather Bowers - Yes.

Mayor Werneke stated he abstained due to absence.

Motion carried.

**VISITORS BUSINESS**

**Wanda Morgan – Noise and Light Pollution from Howard Bush Extension**

Ms. Morgan stated she addressed the council on July 21, 2009, and inquired about noise and light pollution from the new Howard Bush Extension. She stated she did not receive a response and a lawyer would contact the city. She read a statement about landowner's rights and presented a petition with the names of people requesting the Howard Bush Drive be renamed High Street.

## **BIDS**

There were none.

## **UNFINISHED BUSINESS**

**Bill No. 2009-366...Annexing property located at 1017 Howard Bush Drive, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 4)...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-366 for Ordinance No. 405-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilman Persinger to pass Bill No. 2009-366 on second and third readings.

Discussion followed.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes.

Motion carried.

**Bill No. 2009-371...Authorizing the Mayor to execute a contract between the City of Neosho and the Missouri Highway and Transportation Commission providing for STP-Urban Funds for STP-4700(708)... 2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-371 for Ordinance No. 406-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-371 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

## **CORRESPONDENCE**

### **Park and Recreation Board Recommendation Letter**

Mayor Werneke stated the city council received a letter from members of the Park and Recreation board making recommendations within the department and sports programs. He stated his will attend their meeting on August 11, 2009, to discuss the recommendations and bring them before the city council is necessary.

### **Employer of the Month – Crowder College**

Mayor Werneke stated Crowder College was recognized as the August 2009 Employer of the Month on July 28, 2009 and issued the following proclamation:

**Whereas**, the Neosho City Council wishes to recognize Crowder College as a key Employer in our Community and as a major Contributor to the area's Economic Development efforts; and

**Whereas**, Crowder College, established in 1963 as a Junior College, now serves the Districts of Newton and McDonald Counties, being ever mindful of the Leadership role it plays in the field of Education; and

**Whereas**, Crowder College was named in honor of General Enoch Crowder, a prominent Missourian, Soldier, Statesman and Veteran of World War II; and

**Whereas**, Crowder College has achieved worldwide recognition for Neosho through its continual development of an innovative Alternative Energy Program; and

**Whereas**, Crowder College began with a student body of 250 students and 147,000 Square Feet of Educational space, and today's Enrollment has exceeded 3500 Students, and available Square Footage for Education has tripled;

**Now, therefore**, I, Jeff Werneke, Mayor of the City of Neosho, do hereby proclaim Crowder College to be Neosho's Employer of the Month for August, 2009. We especially wish to recognize their 484 Employees for their commitment to quality and growth in the community, and their dedication to the concept of Servant Leadership

## **NEW BUSINESS**

### **Presentation of three annexation petitions submitted by the City of Neosho: PUB, MP 7, HBE 6.**

The City Council was presented with petitions submitted by the City of Neosho to annex the property located at parcel numbers 16-6.0-13-000-000-017.000, 15-4.0-18-000-000-041.000, and 16-7.0-36-001-010-001.002 into the corporate limits of the City of Neosho, under District R-1, First Dwelling House District.

The petitions were accepted by the council with public hearings scheduled for August 18, 2009.

### **Bill No. 2009-372...Annexing property located at Parcel Number 15-4.0-18-000-000-044.000 within Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 4)...1<sup>st</sup> Reading**

Bill No. 2009-372 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to pass Bill No. 2009-372 on first reading.

Discussion followed.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

### **Bill No. 2009-373...Annexing property located at Parcel Number 15-4.0-18-000-000-043.000 within in Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 5)...1<sup>st</sup> Reading**

Bill No. 2009-373 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to pass Bill No. 2009-373 on first reading.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

### **Bill No. 2009-374...Annexing property located at Parcel Number 15-4.0-18-000-000-033.000 within in Section 36, Township 25 North, Range 32 West, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 6)...1<sup>st</sup> Reading**

Bill No. 2009-374 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2009-374 on first reading.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes.

Motion carried.

**Resolution Bill No. 2009-12...Adopting and approving a minority business enterprise and women's business enterprise policy in contracts and subagreements relating to the State Revolving Fund program as required by the Environmental Protection Agency**

Resolution Bill No. 2009-12 for Resolution 91-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to adopt Resolution Bill No. 2009-12.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider Change Order No. 3 to the contract between the City of Neosho and Swift Construction for the STP Road Overlay Project STP-4700(706)**

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to approve Change Order No. 3 for a net increase of \$40,393.52..

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Jan Blase – Letter of Interest**

Mr. Blase stated the state had stimulus monies available for government projects. He asked the city council to authorize a letter from the Mayor to the County Commission expressing interest in the monies for city projects.

Discussion followed.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to authorize a letter of interest to Mr. Jerry Carter expressing the city's interest in stimulus funds.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Mayor Werneke – Public Servant Appreciation**

Mayor Werneke stated he attended VFW's Public Servant Appreciation Day activities. He stated he was grateful to the public servant's and the public opportunity to show support for what they do.

## **APPOINTMENTS & VACANCIES**

### **Planning & Zoning Commission**

Mayor Werneke announced that two vacancies will exist for terms of 3 years beginning Sept. 1, 2009 due to the expiring terms of Louise Estes and Jay Holweger. There is also one vacancy exists for an unexpired three-year term which began September 1, 2008.

### **TIF Commission**

Mayor Werneke announced that two vacancies will exist for terms of 3 years beginning Sept. 1, 2009, due to the expiring terms of Jeff Maxwell and Matthew Persinger.

### **Board of Appeals**

Mayor Werneke announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

### **Golf Course Committee**

Mayor Werneke announced that a letter of resignation had been received from Mr. Jim Masoner.

Motion was made by Councilman Davidson and seconded by Councilman Persinger to accept the letter of resignation and declare a vacancy on the Golf Course Committee.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes.

Motion carried.

### **CLOSED MEETING:**

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson 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.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

Mayor Werneke closed the meeting at 7:44 p.m.

The meeting reconvened in open session at 9:08 p.m. and Mayor Werneke announced the council conferred with the city attorney and one vote was taken.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to purchase the Frye & Gray real estate using CBDG funds for the total price of \$64,000.00 from NABIFI, and authorize Mayor to execute.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**ADJOURN**

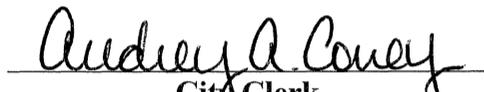
There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:10 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
A handwritten signature in black ink, appearing to be 'D. Werneke', is written over a horizontal line. Below the line, the word 'Mayor' is printed in a standard font.

**ATTEST:**

  
A handwritten signature in black ink, appearing to be 'Audrey A. Conroy', is written over a horizontal line. Below the line, the words 'City Clerk' are printed in a standard font.

**MINUTES  
NEOSHO CITY COUNCIL  
September 1, 2009 - 7:00 p.m.  
Neosho Civic Auditorium  
109 W. Main St., Neosho, MO**

A quorum being present, Mayor Werneke called the meeting to order at 7:05 p.m.

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Councilman Langland gave the opening prayer and Mayor Werneke led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.

**APPROVAL OF MINUTES**

**Regular Session of August 18, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the Regular Session minutes of August 18, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**VISITORS BUSINESS**

**Ernie Trumbly – Aerospace Museum**

Mr. Trumbly reviewed Neosho's aviation history and expressed his desire to open an aerospace museum. He stated he wanted the exhibit to include the T-37 currently being refurbished.

Discussion followed.

Mayor Werneke instructed him to leave contact information with City Clerk Covey.

The following spoke in support of renewing the Economic Development contract with the Chamber of Commerce being considered under New Business.

**Deanna Smithey – Scholastic**

Ms. Smithey read a thank you letter on behalf Steve Marble, Vice President of Customer Service, expressing gratitude to the City Council, City staff, Economic Development, Crowder College, Empire District, and the Chamber of Commerce for their work and effort to keep the Scholastic call center in Neosho when the building flooded in spring 2008. The organizations and their staffs saved hundreds of Neosho jobs when leaving looked like Scholastic's option. A building was acquired and erected on time to meet Scholastic's peak season.

**Gary Roark – Newton County**

Mr. Roark stated his gratitude for the assistance Newton County received from the Economic Development Director, Gib Garrow, and the Chamber of Commerce to provide disaster relief and recovery from the tornados and storm damage in the county during the past two years.

## Council Minutes – September 1, 2009

### **Bill Snow – General Manager, La-Z-Boy**

Mr. Snow stated he supported the contract renewal on behalf of La-Z-Boy. The Economic Development office helped secure Neosho jobs while La-Z-Boy transitioned in 2005 by obtaining Enterprise Zone tax credits and supporting the Howard Bush Drive Extension.

### **Marsh Wallace – Economic Development Manager, Empire District**

Ms. Wallace supported the contract on behalf of Empire District and stated that Jefferson City and surrounding economic development agencies highly regard Neosho's organization. She praised the staff, volunteers, operation, and successes.

### **Oleg Tyurikov – 2009 Chamber of Commerce President**

Mr. Tyurikov supported the contract saying the Chamber is the glue that brings events to and helps build up Neosho.

### **Chris Byers – Jarden Consumer Products**

Mr. Byers stated his support for the contract as a businessman and citizen. He stated that times are tough, but Economic Development is the City's sales force. The job should be handled by professionals like the Chamber of Commerce and Gib Garrow.

### **Gene Schwarz – President, K&S Wire Products & Former Ch. Of Planned Development**

Mr. Schwarz stated Economic Development does an outstanding job. When he took over K&S, he considered moving the business to Carthage. Gib Garrow showed him the reasons to stay in Neosho.

### **Dr. Alan Marble – President, Crowder College**

Dr. Marble stated his support of the contract and added that it is tough to bring business to small towns and the current Economic Development office has partnered with the state, Crowder College, and others to help Neosho grow.

At this time there were no more speakers, but Mayor Werneke asked those in attendance supporting the contract with the Chamber of Commerce for Economic Development Services to stand and be recognized.

### **BIDS**

The following bids were presented for consideration:

#### **General Administration – City Hall Furniture**

Mr. Blase stated the city bid out the replacement furniture for city hall and presented the following bid summary. No recommendation of vendor was given.

#### CITY HALL FURNITURE BID OPENING SUMMARY

Attached is a compilation of the bids received for the City Hall furniture.

The bid opening was held at 10:00 a.m., August 17<sup>th</sup>, 2009 at City Hall. Present for the opening were Nora Houdyshell and Alan Smith.

The following bids were received:

<b>Petter Business Systems (Steel Case Dealer)</b>	<b>\$26,050.00 (used)</b>
510 Charter Oak Dr	<b><u>\$64,640.27 (new)</u></b>
P.O. Box 1120	<b>\$90,690.27 Total</b>
Paducah, KY 42002	(Includes Labor & Setup)
Attn: Rebekah Schnuck	

**Council Minutes – September 1, 2009**

<b>Howson's Office Interiors (Steel Case Dealer)</b> 524 S. Virginia Ave. P.O. Box 1149 Joplin, Mo 64801 Attn: John Howson	<b>\$11,825.00 (used)</b> <b><u>\$57,373.13 (new)</u></b> <b>\$69,198.13 Total</b> (Includes Labor & Setup)
--	--

<b>Egyptian Business Furniture (Steel Case Dealer)</b> 129 West Main Street Belleville, IL 62220 Attn: Kevin Baltz	<b>\$24,550.00 (used)</b> <b><u>\$63,140.27 (new)</u></b> <b>\$87,690.27 Total</b> (Includes Labor & Setup)
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<b>Office Essentials Incorporated (Tayco Brand)</b> 1702 Rosewood Neosho, Mo 64850 Attn: Rhea Keller	<b>\$53,174.00 (Total)</b> (Includes Labor & Setup)
---	--

No Response from:  
GHA Technologies, Inc.  
Four State Office Products  
Corporate Express  
Cavener's Office Supplies & Furniture  
Westco  
Mills Park Centre Furniture

Discussion followed.

Motion was made by Councilman Langland and seconded by Councilman Davidson to award the bid to Office Essentials Incorporated for \$53,174.00, pending a lease-purchase option.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Public Works – La-Z-Boy Parkway Paving**

Mike Hightower, Public Works director, presented the council the attached bid summary labeled "Exhibit A."

Mr. Hightower's recommendation was to approve the bid from Swift Construction Inc. of Neosho for the base bid of \$292,134.77, and the additional alternate bid of \$12,296.00 for the installation of trees for La-Z-Boy Drive and to authorize the city manager to enter into contract negotiations to complete the project.

Discussion followed.

Motion was made by Councilwoman Bowers to approve and award the base bid to Swift Construction in the amount of \$292,134.00.

Motion died due to lack of a second.

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve and award the base and alternate bid to Swift Construction in the amount of \$304,430.77, as requested.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Council Minutes – September 1, 2009**

**UNFINISHED BUSINESS**

**Bill No. 2009-375...Canvassing the returns of the special election held Tuesday, August 4, 2009, submitting to the qualified voters of said city a question whether to issue not more than \$9, 525,000.00 principal amount of sewer revenue bonds...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-375 for Ordinance No. 410-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to pass Bill No. 2009-375 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Bill No. 2009-376...Amending Chapter 220: Nuisances, Section 220.020: Acts, Objects, etc., which may be declared nuisances...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-376 for Ordinance No. 411-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to pass Bill No. 2009-376 on second and third readings.

Lengthy discussion followed.

Motion was made by Councilman Persinger to call the question.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

Mayor Werneke called for the roll call vote for the motion on the floor.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Warren Langland - No,  
Matthew Persinger - No, Jeff Werneke - Yes.

Motion failed.

**Bill No. 2009-378...Amending Chapter 705: Sewers and Sewage Disposal, Section 705.460, Providing for Surcharge for Certain Wastes, of the Municipal Code of Ordinances...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-378 for Ordinance No. 411-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-278 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Council Minutes – September 1, 2009**

**Bill No. 2009-379...Approving a Settlement Agreement and Binding Unilateral Agreement with Southwestern Bell Telephone Company and related entities relating to payment of business license taxes...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-379 for Ordinance No. 412-2009 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to pass Bill No. 2009-379 on second and third readings.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-380...Establishing procedures to report personal financial disclosure statements and conflicts of interest for certain municipal officials...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-380 for Ordinance No. 413-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to pass Bill No. 2009-280 on second and third readings.

Discussion followed.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 16-6.0-14-000-000-029.000 within Section 1, Township 25, Range 32, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (N1)**

Mayor Werneke opened the public hearing. There being no comments, Mayor Werneke closed the public hearing.

**Public hearing regarding a petition submitted by the City of Neosho to annex property located at Parcel Number 15-3.0-07-000-000-011.000, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (LK1)**

Mayor Werneke opened the public hearing. There being no comments, Mayor Werneke closed the public hearing.

**Bill No. 2009-381...Annexing annex property located at Parcel Number 16-6.0-13-000-000-017.000 within Section 13 Township 25N, Range 32W, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (PUB)...1<sup>st</sup> Reading**

Bill No. 2009-381 was read by title only by Mr. Hays.

**Council Minutes – September 1, 2009**

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2009-381 on first reading.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-382...Annexing property located at Parcel Number 15-4.0-18-000-000-041.000 within Section 18, Township 25, Range 31, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 7)...1<sup>st</sup> Reading**

Bill No. 2009-382 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to pass Bill No. 2009-382 on first reading.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-383...Annexing property located at Parcel Number 16-7.0-36-001-010-001.002 within in Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 6)... 1<sup>st</sup> Reading**

Bill No. 2009-383 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2009-383 on first reading.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Public Hearing regarding adoption of the 2009-2010 Fiscal Year Budget**

Mayor Werneke opened the public hearing.

**David Holley**

Mr. Holley stated the budget was not online and the public need it in advance of the council's consideration.

**Cheryl Mosby**

Ms. Mosby stated she was the previous finance director. She received the budget and expressed concern about the city's financial affairs. She addressed layoffs, a proposed transfer to the golf course account, sales tax projections versus actual received, Sewer District debt, and the harms of growth without support for the current establishment.

There being no further comment, Mayor Werneke closed the public hearing.

**Council Minutes – September 1, 2009**

**Bill No. 2009-384...Adopting the 2009-2010 Fiscal Year Budget...1<sup>st</sup> Reading**

Bill No. 2009-384 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilman Langland to pass Bill No. 2009-384 on first reading.

Discussion followed concerning how budget cuts would affect city operations.

Mayor Werneke stated the council would hold a second budget public hearing and council discussion on Tuesday, September 8, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson – Yes.

Motion carried.

**Bill No. 2009-385...Authorizing the Mayor to execute a contract between the City of Neosho and the Missouri Highways and Transportation Commission providing for State Block Grant Funds to design and construct T-Hangar Taxilanes at the Neosho Hugh Robinson Airport...1<sup>st</sup> Reading**

Bill No. 2009-385 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to pass Bill No. 2009-385 on first reading.

Discussion followed concerning the use of airport funds.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Resolution Bill No. 2009-14...Authorizing a contract with the Neosho Area Chamber of Commerce for Economic Development Services**

Resolution Bill No. 2009-14 for Resolution 93-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to adopt Resolution Bill No. 2009-14.

Gib Garrow, Economic Development Director, addressed the council and explained the services he, the economic development committees, and staff provided.

Lengthy discussion followed between the council and Mr. Garrow.

Motion was made by Councilman Persinger to call the question.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

Mayor Werneke called for the roll call vote for the motion on the floor.

**Council Minutes – September 1, 2009**

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**RECESS**

The council recessed at 8:55 p.m. and reconvened at 9:05 p.m.

**Resolution Bill No. 2009-15...Authorizing a contract with Justin S. Beck for Management Services for the Neosho Municipal Golf Course**

Resolution Bill No. 2009-15 for Resolution 94-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Davidson to adopt Resolution Bill No. 2009-15.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Consider agreement between the City of Neosho and The BNSF Railway Company to close Railroad Pedestrian Grade Crossing DOT No. 668 371H**

Without objection, consideration of this item was postponed until September 15, 2009 to allow time for all members to visit the site.

**Consider contract between the City of Neosho and Swift Construction Co. for street improvements to Cash St. and Oakridge Dr.**

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to approve the contract between the City of Neosho and Swift Construction as presented.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**City Manager Blase – South Street Overpass Update**

Mr. Blase stated the contract date to complete the South Street Overpass is September 23, 2009, and the project is expected to finish on time.

**Councilman Davidson – Railroad Crossing Closures**

Councilman Davidson requested the council give direction to the city manager and city attorney to contact the Kansas City Southern Railway Company and MODOT to again seek alternatives to permanently closing the crossings on Park Street and Daugherty Road. He further stated the council could then decide if the alternatives, if any, were financially or practically feasible.

Discussion followed.

## **Council Minutes – September 1, 2009**

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to direct the city manager and city attorney to reopen negotiation with MODOT and KCS to explore alternatives to permanently closing the railroad crossings at Park Street and Daugherty Road.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

### **APPOINTMENTS & VACANCIES**

#### **Airport Industrial Development Board**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning Oct. 1, 2009, due to the expiring terms of Mr. Alton Johnson.

#### **Economic Development Sales Tax Committee**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning Oct. 1, 2009 due to the expiring term of Mr. Ray Stipp.

#### **Enhanced Enterprise Zone Board**

Mayor Werneke announced that two vacancies will exist for terms of four years beginning Oct. 1, 2009, due to the expiring term of the Tax Advisory Committee Representative and the Neosho Land Development Representative.

#### **Planning & Zoning Commission**

Mayor Werneke announced that one vacancy exists for a term of 3 years which began September 1, 2009. A letter of interest was received from Mr. Jay Holweger.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to reappoint Mr. Holweger to the Planning and Zoning Commission for a term of 3 years which began on September 1, 2009.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

#### **TIF Commission**

Mayor Werneke announced that two vacancies exist for terms of 3 years which began September 1, 2009.

#### **Board of Appeals**

Mayor Werneke announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

#### **Golf Course Committee**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began May 1, 2008.

**Council Minutes – September 1, 2009**

**CLOSED MEETING:**

Motion was made by Councilman Langland and seconded by Councilman Davidson to close the meeting pursuant to Section 610.021(2) RSMo,...Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

Mayor Werneke closed the meeting at 9:25 p.m.

The meeting reconvened in open session at 9:47 p.m. and Mayor Werneke announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:48 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL – SPECIAL SESSION**  
**September 8, 2009 - 6:00 p.m.**  
**Neosho Civic Auditorium**  
**109 W. Main St., Neosho, MO**

A quorum being present, Mayor Werneke called the meeting to order at 6:07 p.m.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk. Absent: Matthew Persinger.

**NEW BUSINESS**

**Consider real estate contract between the City of Neosho and James Chatman Jr.**

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to approve the contract for the purchase of real estate from Mr. James Chatman Jr.

Roll call vote:

Heather Bowers - No, Richard Davidson - No, Warren Langland - Yes, Jeff Werneke - Yes.

Motion failed.

**Public Hearing regarding adoption of the 2009-2010 Fiscal Year Budget**

Mayor Werneke opened floor for public comment.

**Cheryl Mosby**

Ms. Mosby stated she reviewed the budget and inquired about the expenditures and balance of the STAR Loan monies for the Municipal Airport.

**Rhonda Warren**

Ms. Warren stated the revenue totals of the Park and Recreation budgets do not match the sales tax income. She asked the discrepancy be addressed.

**Betty Wingo**

Ms. Wingo addressed the council and stated her opinion about how the increased sewer rates were negatively affecting Neosho residents.

Discussion followed.

Ms. Bowers stated her support for an audit of the water billing department.

There being no further comments, Mayor Werneke closed the public hearing.

**Discussion of Bill No. 2009-384, adopting the 2009-2010 Fiscal Year Budget**

Mayor Werneke gave the floor to city staff.

Mr. Blase stated the budget process began in June and included employees from all levels in the organization. Directors, managers, and employees reviewed their departmental budgets and made recommendations to conserve funds in the recession, but still provide the necessary city services.

Mr. Bob Blackwood, City Finance Director reviewed the budget process and the city's revenues and expenditures.

**Council Minutes – September 8, 2009**

City of Neosho Directors addressed the council and provided a budget overview of their respective departments.

Upon the conclusion of staff commentary, the council members commenced discussion.

**Councilman Davidson:** Councilman Davidson discussed the need for more technology and training for City Council Members in the City Clerk’s budget, as well as STAR Loan expenditures for the airport, grant monies tracking, and the use of labor from Drainage and Maintenance to complete City construction work in-house.

**Councilwoman Bowers:** Councilwoman Bowers addressed tuition reimbursements and the purchase of city trucks. She also inquired why the city has a \$1.00 balance for a building.

Mr. Blackwood stated the spec building balance was the result of a decision made by previous administration. The balance gives the Neosho Area Business and Industry Foundation, Inc. a stake in the building.

**Councilman Langland:** Councilman Langland read a prepared statement thanking and supporting staff for their efforts during the budget process. He then addressed the money saved lowering unemployment costs, police department operations, Fire Protection District cost share, and golf course operations.

**Mayor Werneke:** Mayor Werneke discussed the replacement of patrol cars as they continued to age and the Parks and Recreation Department’s cut in services if the economic downturn continues.

**Councilwoman Bowers:** Councilwoman Bowers discussed city owned property, police car maintenance, and the Fire Department’s mutual aid agreements.

Discussion followed concerning the IRS fine to the City of Neosho for failure to report W-2 information to the social security office.

Mr. Blackwood informed her that the city’s quick action once made aware of the problem that began with the previous administration’s failure to report resulted in no fine to the City.

Councilwoman Bowers inquired about car and travel allowances, and specifically those, to the city manager.

Motion was made by Councilwoman Bowers to fire Jan Blase.

Motion died due to lack of a second.

**Mayor Werneke:** Mayor Werneke concluded the discussion with comments regarding the need to fund technology and training in the City Clerk’s office.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:26 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES  
NEOSHO CITY COUNCIL  
September 15, 2009 - 7:00 p.m.  
Neosho Civic Auditorium  
109 W. Main St., Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Werneke gave the opening prayer and led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.

**APPROVAL OF MINUTES**

**Regular Session of September 1, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Regular Session minutes of September 1, 2009.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Closed Session of September 1, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Closed Session minutes of September 1, 2009.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Special Session of September 8, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve the Special Session minutes of September 8, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Abstain, Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes.

Motion carried.

Councilman Persinger stated he abstained due to his absence from the meeting.

**Council Minutes – September 15, 2009**

**VISITORS BUSINESS**

**Gary Kenny – Property Easement**

Mr. Kenny informed the council that a water line was installed on his property, located at 13196 Keane Lane, in 2008. He stated he has made requests for city records and trips to the county courthouse and cannot find proof that the city had an easement to install the line. He requests the city compensate him for the land used to install the water line.

Discussion followed.

Mayor Werneke instructed Mr. Hays to research the background and contact Mr. Kenny by the first meeting in October and to attempt to resolve the issue.

**Peggy Farmer – Taxicab Service**

Ms. Farmer stated she is applying for a license to operate a taxi cab service in Neosho. The public hearing and consideration was supposed to be tonight, but the current holder of a taxi license was not properly notified about the public hearing. Because of this, the hearing and consideration would have to be rescheduled. She stated the rescheduling would set her back three weeks and that was unfair since she turned everything in on time.

After discussion with the city clerk about publication time frames, Mayor Werneke scheduled a special session for Wednesday, September 23, 2009, at 5:00 p.m. to hold a public hearing and consider the issuance of a Certificate of Public Convenience and Necessity.

**Cheryl Mosby – Spec Building Finances**

Ms. Mosby stated the proceeds from the sale of the city spec building went to the Missouri Development Finance Board and they received a tax credit. Ms. Mosby asked then if the city received the credit and who at the city handled its receipt?

**Rhonda Warren – Park and Recreation Finances**

Ms. Warren was recognized during consideration of Bill No. 2009-384.

**PROCLAMATIONS**

**Fair Housing Proclamation**

Motion was made by Councilman Persinger and seconded by Councilman Davidson to affirm the proclamation stating Fair Housing is the Law.

The proclamation read as follows:

***FAIR HOUSING IS THE LAW***

On June 17, 1968, the United States Supreme Court in the case of Jones v. Meyer held that the law prohibits all racial discrimination, private as well as public, in the sale or rental of property.

During that same year Congress passed the 1968 Fair Housing Act, which established a national policy of providing fair housing throughout the United States. Federal statutes now prohibit discrimination in the sale or rental of property based on race, color, religion, sex, handicap, familial status, or national origin.

The State of Missouri and the City of Neosho reminds all citizens that Fair Housing is the law of the land and one of the most basic rights of all citizens.

APPROVED BY THE GOVERNING BODY OF THE CITY OF NEOSHO STATE OF MISSOURI,  
THIS 15th DAY OF SEPTEMBER 2009.

SIGNED: /s/ Mayor

ATTEST: /s/ City Clerk

**Council Minutes – September 15, 2009**

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**BIDS**

There were none.

**UNFINISHED BUSINESS**

**Bill No. 2009-381...Annexing annex property located at Parcel Number 16-6.0-13-000-000-017.000 within Section 13 Township 25N, Range 32W, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (PUB)...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-381 for Ordinance No. 414-2009 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2009-381 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-382...Annexing property located at Parcel Number 15-4.0-18-000-000-041.000 within Section 18, Township 25, Range 31, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification (MP 7)... 2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-382 for Ordinance No. 415-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-382 on second and third readings.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Bill No. 2009-383...Annexing property located at Parcel Number 16-7.0-36-001-010-001.002 within in Section 36, Township 25 North, Range 32 West, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District (HBE 6)... 2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-383 for Ordinance No. 416-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-383 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Council Minutes – September 15, 2009**

**Bill No. 2009-384...Adopting the 2009-2010 Fiscal Year Budget...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-384 for Ordinance No. 417-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Langland to pass Bill No. 2009-384 on second and third readings.

Mayor Werneke gave the floor to Ms. Rhonda Warren, Park and Recreation Board Member.

**Rhonda Warren – Park and Recreation Finances**

Ms. Warren stated she was informed by the Park and Recreation Director that the city does not have the money or personnel to put up Christmas lights like in years past. She suggested soliciting volunteers and contacting the Chamber of Commerce for help.

Ms. Warren also addressed the council about the Park, Recreation, and Drainage sales tax. She stated money from sports should not be going into the general fund, as the sales tax is dedicated.

Lengthy discussion followed concerning the transfer of funds and the potential sale of city property to boost income.

Motion was made by Councilman Langland and seconded by Councilman Persinger to amend by inserting “and that sale proceeds of surplus property fund the understated revenue of approximately \$26,000 of the Park, Recreation, and Drainage sales tax” at the end of the motion.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson – Yes.

Motion carried.

Discussion continued and Mayor Werneke called the meeting to order.

Motion was made by Councilman Persinger to call the question.

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - No, Warren Langland - Yes.

Motion failed.

Councilwoman Bowers stated the city hired a firm named Osborn to conduct a salary survey and discussed money for salaries, tuition, travel and training, and stated she wanted periodic reports ran, as required by the code.

Mayor Werneke called for order in the meeting.

Councilman Langland stated the city council meetings are not a court of law and the allegations and criminal insinuations of Councilwoman Bowers hinder the operation of public meetings and city business. He requested the orders of the day be followed.

Heated discussion continued when Councilwoman Bowers stated she requested an investigation of several council members.

Mayor Werneke again called for order in the meeting.

Councilman Davidson stated he wanted more financial information including general summaries on fund balances. He also requested the council members receive the budget during preparation for 2010-2011 in July instead of August to be better informed.

Mayor Werneke called for the roll call vote for the motion on the floor.

**Council Minutes – September 15, 2009**

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-385...Authorizing the Mayor to execute a contract between the city of Neosho and the Missouri Highways and Transportation Commission providing for State Block Grant Funds to design and construct T-Hangar Taxilanes at the Neosho Hugh Robinson Airport...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-385 for Ordinance No. 418-2009 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-385 on second and third readings.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Bill No. 2009-386...Annexing property located at Parcel Number 15-3.0-07-000-000-011.000, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification, as petitioned by the City of Neosho (LK1)...1<sup>st</sup> Reading**

Bill No. 2009-386 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers to pass Bill No. 2009-386 on first reading.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**RECESS**

The council recessed at 8:30 p.m. and reconvened at 8:41 p.m.

**NEW BUSINESS CONT.**

**Bill No. 2009-387...Annexing property as located at Parcel Number 16-6.0-14-000-000-029.000 within Section 1, Township 25, Range 32, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification, as petitioned by the City of Neosho (N1)...1<sup>st</sup> Reading**

Bill No. 2009-387 was read by title only by Mr. Hays.

Motion was made by Councilman Davidson and seconded by Councilman Persinger to pass Bill No. 2009-387 on first reading.

**Council Minutes – September 15, 2009**

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Public hearing regarding an application submitted by Melvin J. and Peggy L. Farmer for a Certificate of Public Convenience and Necessity for Operation of a Taxicab Service**

Postponed to a City Council Special Session on September 23, 2009.

**Consider issuance of a Certificate of Public Convenience and Necessity for the Operation of a Taxicab Service to Melvin J. and Peggy L. Farmer**

Postponed to a City Council Special Session on September 23, 2009.

**Consider agreement between the City of Neosho and The BNSF Railway Company to close Railroad Pedestrian Grade Crossing DOT No. 668 371H**

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve the agreement between the City of Neosho and The BNSF Railway Company to close Railroad Pedestrian Grade Crossing DOT No. 668 371H.

Councilman Davidson stated he visited the crossing and there is poor visibility due to a curve.

Discussion followed.

Roll call vote:

Matthew Persinger - No, Jeff Werneke - Yes, Heather Bowers - No,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**Consider amending the Electric Service Agreement with Empire District Electric to install one streetlight at the northwest corner of Howard Bush Drive and Burr Crossing**

Motion was made by Councilman Langland and seconded by Councilman Persinger to amend the Electric Service Agreement with Empire District Electric to install one streetlight at the northwest corner of Howard Bush Drive and Burr Crossing and authorize the mayor to execute.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District Electric to install seven streetlights on the South Street Roundabout and on South Street east of the Roundabout**

Motion was made by Councilman Persinger and seconded by Councilman Davidson to amend the Electric Service Agreement with Empire District Electric to install seven streetlights on the South Street Roundabout and on South Street east of the Roundabout

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Council Minutes – September 15, 2009**

**Consider amending Electric Service Agreement with Empire District Electric to add one streetlight at the intersection of Barton Place and Justin's Trail**

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to amend the Electric Service Agreement with Empire District Electric to add one streetlight at the intersection of Barton Place and Justin's Trail

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Consider agreement between the City of Neosho and Rosetta Construction LLC for Sanitary Sewer Improvements, North and East Interceptors, and La-Z-Boy Parkway Area Interceptor**

Motion was made by Councilman Persinger and seconded by Councilman Davidson to approve the contract between the City of Neosho and Rosetta Construction LLC for Sanitary Sewer Improvements, North and East Interceptors, and La-Z-Boy Parkway Area Interceptor

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Consider request from the Neosho High School Coordinator to have a homecoming parade and fireworks display on October 9, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve a fireworks display and homecoming parade.

Councilman Persinger stated the Traffic Commission will review the parade route at a meeting on September 16, 2009.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Steve Hays – Crossing Closure Update**

Mr. Hays stated he talked to MODOT about alternatives to closing Daugherty and Park Crossings, but is waiting to hear from KCS. Discussions have begun, but he will withhold public comment until he has talked to both parties.

**Meeting Absences**

Councilman Persinger stated he will be absent from the October 6, 2009 meeting.

Councilman Davidson stated the MML Conference falls over the October 6<sup>th</sup> council meeting and he and the City Clerk, and potentially others, will also be absent.

Mayor Werneke stated the October 6, 2009, council meeting will be canceled and rescheduled.

**Council Minutes – September 15, 2009**

**APPOINTMENTS & VACANCIES**

**Airport Industrial Development Board**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning October 1, 2009.

**Economic Development Sales Tax Committee**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning October 1, 2009. One letter of interest was received from Mr. Ray Stipp.

Motion was made by Councilman Persinger and seconded by Councilman Davidson to reappoint Mr. Ray Stipp to the Economic Development Sales Tax Committee for a three year term, beginning October 1, 2009.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson - Yes,  
Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Enhanced Enterprise Zone Board**

Mayor Werneke announced that two vacancies will exist for terms of four years beginning October 1, 2009. Two letters of interest have been received from Mr. Ray Stipp and Mr. Rudy Farber.

Motion was made by Councilman Persinger and seconded by Councilman Langland to reappoint Mr. Ray Stipp and Mr. Rudy Farber to the Enhanced Enterprise Zone Board for four year terms, beginning October 1, 2009.

Councilwoman Bowers stated there is a Neosho Land Development Inc. representative on both the Economic Development Sales Tax Committee and the Enhanced Enterprise Zone Board. She said the code states the representative should be from Neosho Industries Inc.

Mr. Hays stated the name changed, but functionally operates the same. He will review the code and propose changes where necessary.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes,  
Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**TIF Commission**

Mayor Werneke announced that two vacancies exist for terms of 3 years which began September 1, 2009. One letter of interest has been received from Mr. Jeff Maxwell.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to reappoint Mr. Jeff Maxwell to the TIF Commission for a three year term, beginning September 1, 2009.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Board of Appeals**

Mayor Werneke announced that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008.

**Golf Course Committee**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began May 1, 2008.

**CLOSED MEETING**

Motion was made by Councilman Davidson and seconded by Councilwoman Bowers 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.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

Mayor Werneke closed the meeting at 9:02 p.m.

The meeting reconvened in open session at 9:27 p.m. and Mayor Werneke announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:28 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



Mayor

**ATTEST:**



Audrey A. Covey  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL – SPECIAL SESSION**  
**September 23, 2009 - 5:00 p.m.**  
**Neosho Civic Auditorium**  
**109 W. Main St., Neosho, MO**

A quorum being present, Mayor Werneke called the meeting to order at 5:00 p.m.

**ROLL CALL**

Present: Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager and Steven Hays, City Attorney. Absent: Audrey Covey, City Clerk. Minutes taken by Kim Messer.

Heather Bowers was seated shortly after the Roll Call.

**NEW BUSINESS**

**Public hearing regarding an application submitted by Melvin J. and Peggy L. Farmer for a Certificate of Public Convenience and Necessity for Operation of a Taxicab Service**

Mayor Werneke opened the floor for public comment at 5:01 p.m.

**Peggy Farmer, Applicant**

Ms. Farmer stated that she would like to open a taxicab service in Neosho and presented the council with signatures supporting the proposed business. The business would be open 24/7 and target handicapped persons. She intends to service areas within 100 miles. Ms. Farmer also stated the city taxicab codes were outdated and recommended the council update them.

**Kevin Foster**

Mr. Foster questioned the need for another taxicab service in Neosho and whether the signatures on Ms. Farmer's document were legitimate.

**Rebecca Brand, Taxicab Operator**

Ms. Brand spoke in opposition to the issuance of a Certificate of Public Convenience and Necessity and gave the council a document showing the public transportation currently available in Neosho. She stated she is the only taxi service in Neosho, but there is not need for a second.

There being no further comments from the public, Mayor Werneke closed the public hearing at 5:14 p.m.

**Consider issuance of a Certificate of Public Convenience and Necessity for the Operation of a Taxicab Service to Melvin J. and Peggy L. Farmer**

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to approve the issuance of a Certificate of Public Convenience and Necessity for the Operation of a Taxicab Service to Melvin J. and Peggy L. Farmer.

Lengthy discussion followed concerning restrictions to free enterprise.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider real estate contract between the City of Neosho and James Chatman Jr.**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve real estate contract between the City of Neosho and James Chatman Jr.

Mayor Werneke opened the floor for public comment.

Mary Horine, Gib Garrow, and John Mills stated their support for the real estate contract.

Kevin Foster stated his opposition for the real estate contract.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes,  
Jeff Werneke - Yes, Heather Bowers - No.

Motion carried.

**Consider Supplemental Agreement No. 1 between the City of Neosho and Bucher, Willis & Ratliff Corporation for Professional Services to add additional taxilanes at the Hugh Robinson Memorial Airport.**

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to approve Supplemental Agreement No. 1 between the City of Neosho and Bucher, Willis & Ratliff for Professional Services to add additional taxilanes at the Hugh Robinson Memorial Airport.

Jan Blase stated that this contact was for the engineering of phase two of the three phase taxilane project at the Hugh Robinson Memorial Airport.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – No.

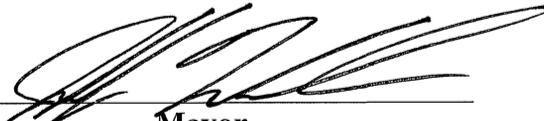
Motion carried.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 6:16 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**October 20, 2009 - 7:00 p.m.**  
**Council Chambers - City Hall**  
**203 E. Main, Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Werneke gave the opening prayer and led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.  
Absent: Richard Davidson

Councilman Davidson's absence was excused without objection.

**VISITORS BUSINESS**

**Gary Kenny – Property Easement**

Mr. Kenny stated he addressed the City Council on September 15, 2009, about a water line he believes the City placed on his property without an easement. At that time, the city attorney was instructed by council to research the background and contact Mr. Kenny by the first meeting in October to attempt to resolve the issue. Mr. Kenny stated he received a letter from the city attorney just before the start of tonight's meeting, and stated his objection that letter was not sent by certified mail, which would have insured his receipt of the letter before this meeting.

Mayor Werneke stated visitor's business was inadvertently moved forward on the agenda and proceeded with Approval of Minutes.

**APPROVAL OF MINUTES**

**Regular Session of September 15, 2009**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Regular Session minutes of September 15, 2009.

Discussion followed; no amendments were made.

Roll call vote:

Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Closed Session of September 15, 2009**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve the Closed Session minutes of September 15, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

## **Council Minutes – October 20, 2009**

### **Special Session of September 23, 2009**

Motion was made by Councilwoman Bowers and seconded by Councilman Langland to approve the Special Session minutes of September 23, 2009.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes.

Motion carried.

### **VISITORS BUSINESS Cont.**

#### **David Holley – Franchise Fees**

Mr. Holley stated that during the 2009-10 budget considerations, it was stated the city is owed approximately \$64,000 in franchise fees. He continued that especially with the economic condition the city is facing, management should oversee and obtain the franchise fees it's due.

#### **Wanda Morgan – Privacy Fence Request**

Mrs. Morgan stated she and her husband live very close to Howard Bush Extension and have previously addressed the council with concerns about the project. Now that it is open, she wanted to inform the council of its actual impact on their lives. The noise pollution is louder than expected and cars constantly turn around in their driveway, creating a safety hazard. The line of trees that used to provide privacy for them is gone, and her family now has security concerns. She wants the city to provide a sight and sound barrier around the property - a tall fence with gates. She urged the council to vote for a fence when they discuss the issue later in the meeting.

#### **Ray Stipp – Storm Water Drainage on the Square**

Mr. Stipp was speaking on behalf of Community Bank and Trust, a member of the downtown strategic planning committee. The committee is discussing ways to address the water run off on the square and underground drainage is being considered. Mr. Stipp urged city staff and the City Council to pursue underground drainage on the square.

### **PROCLAMATIONS**

Mayor Werneke issued the following proclamation:

#### **October Employer of the Month – Spring Hill Assisted Living**

Whereas, the Neosho City Council wishes to recognize the Employers of our community and their contribution to the area's growth and development of our local economy; and

Whereas, Americare Assisted Living has extended care to the senior generation in America's heartland for over twenty years. Americare has eighty-seven assisted living facilities located in Missouri, Kansas, Tennessee and Mississippi; and

Whereas, the Spring Hill Assisted Living mission is devoted to providing a combination of housing, supportive services and health care designed to meet individual residents needs who require help with activities of daily living; and

Whereas, Spring Hill Assisted Living was established in Neosho in September 1995 with two employees and 8,500 sq. ft. Today the facility has expanded to 13,396 sq. ft. and fifteen employees;

Now, therefore, I, Jeff Werneke, Mayor of the City of Neosho, do hereby proclaim Spring Hill Assisted Living to be Neosho's Employer of the Month for October, 2009. We wish to recognize their fifteen dedicated Employees for their care and commitment to quality and growth in the community.

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 29<sup>th</sup> day of September 2009.

/s/ Jeff Werneke, Mayor

## **BIDS**

There were none.

## **UNFINISHED BUSINESS**

**Bill No. 2009-386...Annexing property located at Parcel Number 15-3.0-07-000-000-011.000, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification, as petitioned by the City of Neosho (LK1)...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-386 for Ordinance No. 419-2009 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2009-386 on second and third readings.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2009-387...Annexing property as located at Parcel Number 16-6.0-14-000-000-029.000 within Section 1, Township 25, Range 32, into the corporate city limits of the City of Neosho, under Zoning District R-1, First Dwelling House District Classification, as petitioned by the City of Neosho (N1)...2<sup>nd</sup> & 3<sup>rd</sup> Readings**

Bill No. 2009-387 for Ordinance No. 420-2009 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2009-xxx on second and third readings.

Roll call vote:

Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

## **CORRESPONDENCE**

### **Councilman Persinger – Morse Park Improvements**

Councilman Persinger informed the council he met people who came from Vinita, OK to visit Morse Park and expressed appreciation for the improvements to the park the last two years.

### **Councilwoman Bowers – Letter from Veteran**

Councilwoman Bowers stated the council received a letter from a soldier who arrived in Neosho in the middle of the night in the 1940s and wrote to thank the city for the hospitality shown then.

### **Councilwoman Bowers – Pothole Complaint**

Councilwoman Bowers stated the council received a complaint via email about a pothole.

## **NEW BUSINESS**

**Bill No. 2009-388...Authorizing the issuance of not to exceed \$5,488,800 principal amount of Sewerage System Refunding and Improvement Revenue Bonds (State of Missouri – Direct Loan Program – ARRA) Series 2009B...1<sup>st</sup> Reading**

Bill No. 2009-388 was read by title only by Mr. Hays.

**Council Minutes – October 20, 2009**

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-388 on first reading.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers – Yes.

Motion carried.

**Bill No. 2009-389...Authorizing the City of Neosho to enter into an agreement with Allgeier, Martin and Associates, Inc. for the purpose of providing engineering services for street improvements on Spring Street between Washington Street and White Avenue...1<sup>st</sup> Reading**

Bill No. 2009-389 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-389 on first reading.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes.

Motion carried.

**Consider Authorization No. 16 between the City of Neosho and E. T. Archer Corporation for Professional Engineering Services: Construction Phase Survey Revision**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve Authorization No. 16 between the City of Neosho and E. T. Archer Corporation for Professional Engineering Services for the Construction Phase Survey Revision.

Councilwoman Bowers inquired if this would fix the sewage backup in the schools and the standing water in the area during a storm.

Mr. Mike Zimmerman, Archer Engineers, stated Authorization No. 16 is not for that project, however other work is being done to remedy the problem.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider Authorization No. 17 between the City of Neosho and E. T. Archer Corporation for Professional Engineering Services: Water Treatment and Distribution System Improvements - Design, Bidding and Construction Phase Services**

Motion was made by Councilman Langland and seconded by Councilman Persinger to approve Authorization No. 17 between the City of Neosho and E. T. Archer Corporation for Professional Engineering Services for Water Treatment and Distribution System Improvements - Design, Bidding and Construction Phase Services.

Councilwoman Bowers stated concerns that the downtown area is being worked on first when there are higher priorities in town.

Roll call vote:

Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Amendment No. 1 to the Agreement between the City of Neosho and E.T. Archer**

**Corporation for Professional Engineering Services, dated January 7, 2007**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve Amendment No. 1 to the Agreement between the City of Neosho and E.T. Archer Corporation for Professional Engineering Services, dated January 7, 2007.

Mike Zimmerman from Archer Engineers stated the company has been working on a rate structure that has not adjusted in over two years. The company reserves the right to ask for a rate increase every year, but has not done so since the contract was approved on January 7, 2007. Mr. Zimmerman stated the proposed rates would be good for two years.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - No, Jeff Werneke - Yes, Heather Bowers - No.

Motion failed.

**Consider Change Order No. 1 between the City of Neosho and Rosetta Construction LLC for Sanitary Sewer Improvements, North and East Interceptor – La-Z-Boy Parkway Area Interceptors**

Motion was made by Councilman Langland and seconded by Councilwoman Bowers to approve Change Order No. 1 between the City of Neosho and Rosetta Construction LLC

Discussion followed.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes.

Motion carried.

**Consider Preliminary Engineering Services contract between the City of Neosho and Pickett, Ray, and Silver Inc. for preliminary engineering of downtown street and drainage improvements**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the Preliminary Engineering Services contract between the City of Neosho and Pickett, Ray, and Silver Inc. for preliminary engineering of downtown street and drainage improvements

Councilwoman Bowers inquired if Pickett, Ray and Silver replace Hurste-Roche Engineers for downtown services.

City Manager Blase stated it did not because Hurste-Roche's engineering did not include drainage.

Discussion followed.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider amending the Electric Service Agreement with Empire District Electric to install one streetlight at the intersection of Wood St. and Hill St., as requested by Virginia McKinzie, on behalf of St. Canera's Catholic Church**

Motion was made by Councilman Langland and seconded by Councilman Persinger to amend

**Council Minutes – October 20, 2009**

the Electric Service Agreement with Empire District Electric to install one streetlight at the intersection of Wood St. and Hill St.

Roll call vote:

Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider amending the Electric Service Agreement with Empire District Electric to replace one streetlight at the northwest corner of Sunset Dr. and William H. Blvd.**

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to amend the Electric Service Agreement with Empire District Electric to replace one streetlight at the northwest corner of Sunset Dr. and William H. Blvd.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers – Yes.

Motion carried.

**Discuss furniture bids**

Mayor Werneke stated that staff found the bid awarded to Office Essentials for City Hall furniture did not meet specifications. Staff was asking for the City Council’s direction to proceed.

Rhea Keller from Office Essentials was recognized and addressed the council.

Ms. Keller stated all furniture companies solicited were provided specs from the city.

Mayor Werneke stated the issue was not price but an equivalent level of furniture.

The council reviewed the bid opening summary and discussed awarding the bid to the next lowest bidder.

**CITY HALL FURNITURE  
BID OPENING SUMMARY**

Attached is a compilation of the bids received for the City Hall furniture.

The bid opening was held at 10:00 a.m., August 17<sup>th</sup>, 2009 at City Hall. Present for the opening were Nora Houdyshell and Alan Smith.

The following bids were received:

<b>Petter Business Systems (Steel Case Dealer)</b> 510 Charter Oak Dr P.O. Box 1120 Paducah, KY 42002 Attn: Rebekah Schnuck	<b>\$26,050.00 (used)</b> <b><u>\$64,640.27 (new)</u></b> <b>\$90,690.27 Total</b> (Includes Labor & Setup)
<b>Howsmon’s Office Interiors (Steel Case Dealer)</b> 524 S. Virginia Ave. P.O. Box 1149 Joplin, Mo 64801 Attn: John Howsmon	<b>\$11,825.00 (used)</b> <b><u>\$57,373.13 (new)</u></b> <b>\$69,198.13 Total</b> (Includes Labor & Setup)
<b>Egyptian Business Furniture (Steel Case Dealer)</b> 129 West Main Street Belleville, IL 62220 Attn: Kevin Baltz	<b>\$24,550.00 (used)</b> <b><u>\$63,140.27 (new)</u></b> <b>\$87,690.27 Total</b> (Includes Labor & Setup)
<b>Office Essentials Incorporated (Tayco Brand)</b> 1702 Rosewood	<b>\$53,174.00 (Total)</b> (Includes Labor & Setup)

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Neosho, Mo 64850  
Attn: Rhea Keller

No Response from:

GHA Technologies, Inc., Four State Office Products, Corporate Express, Cavener's Office Supplies & Furniture, Westco, Mills Park Centre Furniture

Discussion followed concerning the need for new furniture.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to award the bid for City Hall furniture to Howsmon's Office Interiors, not to exceed \$69,198.13

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes.

Motion carried.

**Discuss Howard Bush fencing**

City Manager Blase stated he met with Mr. and Mrs. Morgan about the disturbance the Howard Bush Extension is causing them. Though the city is not obligated to pay for a fence, he offered \$4,000 - 7,000 to help with the costs of installing one. He brought the issue before the City Council for its direction.

Mayor Werneke stated it is important to remember the Morgans live outside the city limits, but are negatively impacted by a city project.

Councilwoman Bowers inquired about the history of the Howard Bush Extension and how the Morgan's property became involved.

Discussion followed concerning the fencing types, cost estimates, and security.

City Manager Blase stated that even if the city agreed to purchase a fence, the city would not supervise or perform the work for liability reasons.

Mayor Werneke stated the Morgans have threatened legal action against the city, but stated they were willing to "bury the hatchet" if the city would put in a fence. He continued to say that though the economy makes him reluctant to spend the money, but if the city and the Morgans can negotiate a statement that the Morgans will not pursue legal action against the city for this issue in exchange for a fence and gate, the city should provide the fence.

Lengthy discussion followed.

Motion was made by Councilman Langland and seconded by Councilman Persinger to authorize up to \$20,000 to the Morgans for the construction of a privacy fence and gates on their property.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**Steve Hays – Railroad Closing Update**

Mr. Hays the council should discuss the railroad crossing closure alternatives at the November 3, 2009 meeting.

The city clerk was instructed to place the discussion item on the November 3, 2009 agenda.

**Mayor Werneke – LAGERS Conference**

Mayor Werneke stated the city had an opportunity to send a council member to the LAGERS Conference and asked for volunteers.

Councilwoman Bowers volunteered.

Motion was made by Councilman Langland and seconded by Councilman Persinger to appoint Councilwoman Bowers as the City of Neosho Delegate to the LAGERS Conference on October 29-30, 2009.

Roll call vote:

Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

## **APPOINTMENTS & VACANCIES**

### **Board of Adjustments**

Mayor Werneke announced that one vacancy will exist for a term of three years beginning November 1, 2009 due to the expiring term of Janet Penn.

### **Board of Appeals**

Mayor Werneke announced that three vacancies will exist for terms of three years beginning November 1, 2009, due to the expiring terms of Tom Long, Kevin Bartley, and Gary Crane, and that two vacancies exist for unexpired three-year terms which began November 1, 2007, and November 1, 2008

### **Airport Industrial Development Board**

Mayor Werneke announced that one vacancy exists for a term of three years which began October 1, 2009. One letter of interest was received from Alton Johnson.

Motion was made by Councilman Persinger and seconded by Councilman Langland to reappoint Alton Johnson to the Airport Industrial Development Board for a three year term which began October 1, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

### **Golf Course Committee**

Mayor Werneke announced that one vacancy exists for an unexpired three-year term which began May 1, 2008. Letters of interest were received from Bryan Williams and Tuck Ellis.

Motion was made by Councilman Persinger and seconded by Councilman Langland to appoint Bryan Williams to an unexpired three year term on the Golf Course Committee which began May 1, 2008.

Mayor Werneke stated Mr. Williams is a city employee and inquired if a conflict of interest would occur with the appointment.

Mr. Hays stated that although he did not know of an official conflict, he and Mr. Blase concurred appointing employees should be avoided.

Roll call vote:

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Matthew Persinger - Yes, Jeff Werneke - No, Heather Bowers - No, Warren Langland - No.

Motion failed.

Motion was made by Councilwoman Bowers and seconded by Councilman Langland to appoint Tuck Ellis to an unexpired three year term on the Golf Course Committee which began May 1, 2008.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**CLOSED MEETING:**

Motion was made by Councilman Langland and seconded by Councilman Persinger 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(2) RSMo,...Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Councilwoman Bowers stated she objected going into closed session because she believes the city is only trying to “save face” and many of the issues discussed in closed have come up in open session already.

Roll call vote:

Heather Bowers - No, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

Mayor Werneke closed the meeting at 8:38 p.m.

The meeting reconvened in open session at 9:30 p.m. and Mayor Werneke announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:32 p.m.

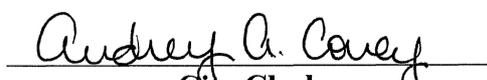
**APPROVED:**

**NEOSHO CITY COUNCIL**



Mayor

**ATTEST:**

  
City Clerk

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**December 15, 2009 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

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

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mayor Werneke gave the opening prayer and led the Pledge of Allegiance.

**ROLL CALL**

Present: Heather Bowers, Richard Davidson, Warren Langland, Matthew Persinger, and Jeff Werneke. Also present: Jan Blase, City Manager; Steven Hays, City Attorney; and Audrey Covey, City Clerk.

**APPROVAL OF MINUTES**

**Special Session of November 21, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the Special Session minutes of November 21, 2009.

Councilman Langland stated he would abstain from the vote due to absence from the special session meeting on November 21, 2009.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Abstained, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Closed Session of November 21, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the Closed Session minutes of November 21, 2009.

Councilman Langland stated he would abstain from the vote due to absence from the closed session meeting on November 21, 2009.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Abstained, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Regular Session of December 1, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Persinger to approve the Regular Session minutes of December 1, 2009.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Council Minutes – December 15, 2009**

**Closed Session of December 1, 2009**

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve the Closed Session minutes of December 1, 2009.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

**VISITORS BUSINESS**

**Claude McDowell – Payment for City Hall Roofing Work**

Mr. McDowell presented the council with an outstanding bill for work he did on the roof of City Hall approximately one and a half years ago. He said he has not received payment and was referred by staff to the City Attorney.

Mr. Hays stated he spoke with Mr. McDowell's attorney on the matter a long time ago and advised Mr. McDowell to contact him.

Mr. McDowell stated he no longer has an attorney and wants to deal with the city directly.

Mr. Hays stated the issue has become a legal one and he would not discuss the case until he receives word that the attorney previously contacted is no longer representing Mr. McDowell.

**Gary Kenny – Property Easement**

Mr. Kenny stated he has addressed the council before about the city's use of an easement on his property located at 13196 Keane Lane and the issue is still not resolved. He stated he plans to take the issue to court if nothing is done. Mayor Werneke confirmed with Mr. Kenny that he has received a letter from the City Attorney Hays stating the city's position and he can pursue legal action if the position is not satisfactory to him.

**Doug Skaggs – City Finances**

Mr. Skaggs addressed the council about the city's financial situation and stated the city should not spend more than revenues bring in. He also expressed concerns about the effects cutting the snow removal budget could have on residents.

**PROCLAMATIONS**

There were none.

**BIDS**

There were none.

**UNFINISHED BUSINESS**

There was none.

**CORRESPONDENCE**

There was none.

**Council Minutes – December 15, 2009**

**NEW BUSINESS**

**Bill No. 2009-391...Authorizing the issuance of \$825,000 principal amount of waterworks system revenue bonds, Series 2010A, of the City of Neosho, Missouri; prescribing the form and details of said bonds and the covenants and agreements to provide for the payment and security thereof; and authorizing certain actions and documents and prescribing other matters relating thereto...1<sup>st</sup> Reading**

Mike Zimmerman from Archer Engineers presented Bill No. 2009-391 and discussed funding options for the city's water project.

Bill No. 2009-391 was read by title only by Mr. Hays.

Motion was made by Councilman Langland and seconded by Councilman Persinger to pass Bill No. 2009-391 on first reading.

Discussion followed.

Roll call vote:

Jeff Werneke - Yes, Heather Bowers - No, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider 2010 Dispatch Contract with Newton County for 24-hour dispatching services**

Motion was made by Councilman Davidson and seconded by Councilman Langland to approve the contract with Newton County for Dispatching Services.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes.

Motion carried.

**Consider Communication Lease Agreement with Stouffer Communications to lease tower space on Washington Hill Tower**

Motion was made by Councilwoman Bowers and seconded by Councilman Davidson to approve the tower lease agreement as recommended.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes.

Motion carried.

**Consider request from the Planning and Zoning Department to proceed with an Energy Efficiency and Conservation Block Grant (EECBG) application for the Water and Wastewater Department**

Mike Hightower, Public Works Director, informed the council that Neosho was one of ten cities chosen than can apply for a grant up to \$1 million to fund projects designed to save utility costs. There is not obligation to the city at this time, but he requests permission to apply for grant money for water and wastewater projects.

## **Council Minutes – December 15, 2009**

Greg Modlish from Siemens showed a PowerPoint presentation explaining the Energizing Missouri Communities Program.

Discussion followed.

Motion was made by Councilman Langland and seconded by Councilman Persinger to authorize the City Manager to execute the EECBG grant application.

Discussion followed.

Roll call vote:

Warren Langland - Yes, Matthew Persinger - Yes, Jeff Werneke - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

### **Consider contract with Swift Construction for the paving of La-Z-Boy Drive**

Motion was made by Councilman Persinger and seconded by Councilman Langland to approve the contract with Swift Construction for the paving of La-Z-Boy Drive.

Discussion followed.

It was the consensus of the council to postpone consideration of the contract with Swift Construction until the funding to pay for the project is secured.

### **Discuss a Petition Audit of the City of Neosho**

Mayor Werneke began discussion stating the city council can not request an audit unless it goes through the governor. The most efficient way is a petition audit from residents.

Councilwoman Bowers stated a few residents are circulating petitions around town now and passed one to Mayor Werneke to sign.

Councilman Davidson stated the audit costs between \$35,000 and \$50,000 and the cost of and participation with the audit will interrupt city operations. He further stated that if the audit occurs, the city needs to take the recommendations and move forward instead of being so concerned with what happened in the past.

Discussion followed.

## **REPORT OF CITY OFFICERS**

### **Mayor Werneke**

Mayor Werneke read the following prepared statement:

A few months ago I was quoted as saying that I had attended a meeting and got some very honest feedback, but I felt that it did not necessarily represent “real Neosho.”

Many of those same people sit in the gallery tonight to mock The City of Neosho and what it means to so many other people that do not attend City Council meetings or post on any internet websites. The “real Neosho” is much larger than any single group. It does include those here tonight, but also includes the churches and schools. It includes the hardworking city staff and the industries / retailers that keep things moving too. There are Senior Citizens and young children, Republicans and Democrats, and the kids at the skate park as well. There are far too many groups to mention that make up the fabric of Neosho and we must remember to speak for them also.

The task before us is greater than any single misstep, accusation, or upcoming election. The entire world is filled with uncertainty and the impact is felt all the way from Dubai to each of our back pockets.

So we must choose a path and take it. Although there is debate on most every issue, times are such that failing to act is worse than taking a wrong next step. The City Council has voted to

**Council Minutes – December 15, 2009**

retain the City Manager. Now we must proceed with action to protect this great community. There will always be time for scrutiny and analysis, but we can never cease to exist because of fear of the adversity. If that ever happens, we have all lost.

Plans are in place to provide much greater information not only to the City Council but also the public. We have already started to receive weekly financial updates and a financial bulletin will be started soon. Explaining municipal accounting is not a simple feat and we want to make sure the message is not lost in the raw data. We are establishing an internal financial committee at the advice of the annual auditor, which includes a Council Member, the Mayor, and staff responsible for tracking and producing financial information to the Council and public.

I ask that the Council and City Manager are given the opportunity to know the situation inside out, and prepare an action plan rather than continually defending past actions and explaining other's media exploits.

If we maintain a common goal, we can remedy our current woes and become a stronger town at the same time.

**APPOINTMENTS & VACANCIES**

**Board of Appeals:** Mayor Werneke announced that two vacancies exist for terms of three years which began November 1, 2009.

**Park and Recreation Board:** Mayor Werneke announced that one vacancy exists for an unexpired term of three years which began May 1, 2009.

**CLOSED MEETING:**

Motion was made by Councilman Davidson and seconded by Councilman Langland 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.

Roll call vote:

Matthew Persinger - Yes, Jeff Werneke - Yes, Heather Bowers - Yes,  
Richard Davidson - Yes, Warren Langland - Yes.

Motion carried.

Mayor Werneke closed the meeting at 8:00 p.m.

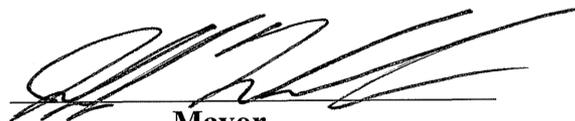
The meeting reconvened in open session at 9:27 p.m. and Mayor Werneke announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

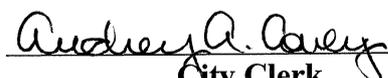
There being no further business to come before the council, Mayor Werneke adjourned the meeting at 9:28 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Clerk