

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**January 4, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Aaron Decker gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Heather Bowers, Matthew Persinger and Tom Workman.

ABSENT: Chris Wright

CITY OFFICERS PRESENT: Craig Jones, Acting City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Baner, Parks & Recreation Director, Mike Hightower, Public Works Director and Brad Stone, Human Resources Director

**APPROVAL OF AGENDA**

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to approve the agenda as presented.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the consent agenda items as listed.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of December 21, 2010 Regular Session were approved as presented.

**VISITORS BUSINESS**

**Jack Bowyer - Airport**

Mr. Bowyer stated he was again addressing Council to find out where the money for the sale of land in the Industrial Park went.

**Doug Skaggs – Golf Course**

Mr. Skaggs stated he would prefer to speak after hearing discussion regarding liquor being sold at the golf course.

## **BIDS**

There were none.

## **UNFINISHED BUSINESS**

**Bill No. 2010-423...Providing that the Code of Ordinances, City of Neosho, Missouri, be amended by revising Section 710.050, 710.130 and 710.180, Chapter 710: Water, of said Code; Providing for water rates generally classification of consumers...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2010-423 for Ordinance No. 457-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Persinger to pass Bill No. 2010-423 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2010-429...Authorizing the Mayor to execute a contract between the City of Neosho and the Missouri Highways and Transportation Commission providing for STP-Enhancement Funds for STP-4700(709) and appropriate Federal Grant Funds and the local match...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2010-429 for Ordinance No. 458-2010 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Persinger to pass Bill No. 2010-429 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

**Public Hearing regarding proposed rezoning of property located at the Northwest quadrant of the intersection of Pineville Road and Gooch Road, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District, to District R-3, Apartment House District, as petitioned by First Community Bank, LLC.**

Mayor Davidson opened the floor for public comment.

Doug Skaggs stated he lives on Pineville Road and this change could possibly decrease the value of his home. He further stated people in the neighborhood bought single dwelling homes and do not want this change.

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

**Bill No. 2011-430...To amend the 2010-2011 budget by increasing the Transportation Grants Fund by \$183,500 for design and construction of the bicycle/pedestrian trail and sidewalk project...1<sup>st</sup> Reading**

Bill No. 2011-430 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-430 on first reading.

Discussion followed.

Roll call vote:

Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**Bill No. 2011-431...To amend the 2010-2011 budget by increasing the Police Grant Special Revenue Fund by \$9,000 for law enforcement safety equipment from the local law enforcement block grant (LLEBG).**

Bill No. 2011-431 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to pass Bill No. 2011-431 on first reading.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Bill No. 2011-432...Canvassing Nominating Petitions and Calling for a Municipal Election to be held April 5, 2011...1<sup>st</sup> Reading**

Bill No. 2011-432 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to pass Bill No. 2011-432 on first reading.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2011-432...Canvassing Nominating Petitions and Calling for a Municipal Election to be held April 5, 2011...2<sup>nd</sup> & 3<sup>rd</sup> Readings...under emergency measure**

Bill No. 2011-432 for Ordinance No. 459-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Persinger to pass Bill No. 2011-432 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Resolution Bill No. 2011-18...Correcting legal description in Ordinance Number 449-2010.**

Resolution Bill No. 2011-18 for Resolution 114-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to adopt Resolution Bill No. 2011-18.

**Council Minutes – January 4, 2011**

Roll call vote:

Tom Workman - Yes, Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider approving contract with Missouri Sugars Holdings, LLC**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve contract with Missouri Sugars Holdings, LLC for the sale of the Doniphan Drive property in the amount of \$63,000.00 and authorize Mayor to sign.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Consider approving contract with Neosho R-5 School District**

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to approve the contract with Neosho R-5 School District for the sale of the Rec Plex in the amount of \$375,000.00 and authorize the Mayor to sign.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light at the intersection of N. College Street and La-Z-Boy Drive.**

Motion was made by Councilman Workman and seconded by Councilman Persinger to amend the Electric Service Agreement with Empire District Electric to replace a street light at the intersection of N. College Street and La-Z-boy Drive and authorize the mayor to execute same.

Discussion followed.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - No, Richard Davidson – Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light at the intersection of Boyce Lane and S. Ripley.**

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to amend the Electric Service Agreement with Empire District Electric to replace a street light at the intersection of Boyce Lane and S. Ripley and authorize the mayor to execute same.

Discussion followed.

Roll call vote:

Tom Workman - Yes, Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**Council Minutes – January 4, 2011**

**Consider amending Electric Service Agreement with Empire District to replace one light at the intersection of Patterson and High Street.**

Motion was made by Councilman Workman and seconded by Councilman Persinger to amend the Electric Service Agreement with Empire District Electric to replace a street light at the intersection of Patterson and High Street and authorize the mayor to execute same.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Alcohol at Golf Course for discussion only**

Todd Banes, Director of Parks and Recreation stated he is asking for the Council's direction on possibly selling alcohol at the golf course to generate more revenue.

Councilman Persinger stated this has been discussed at the Golf Course Committee meetings but they have not been able to reach a solution. He further stated he would think it is best to have a decision made on this matter before the next golf season.

Councilman Workman stated he would like to know how surrounding golf courses monitor people bringing in their own liquor and clarified Mr. Banes was proposing the sale of beer only.

City Attorney Hays stated the City ordinances would need revised should this be approved.

Councilwoman Bowers stated she was concerned about liability to the City. She further stated it was her understanding the Contractor receives all revenues generated by concessions and asked if we acted on the advice from the Auditor regarding the Contractor's agreement with the City. Ms. Bowers also stated she would like the Golf Course Committee to bring ideas to the Council for review and allow City Attorney Hays time to do some research.

Mr. Doug Skaggs stated he is 110% for the golf course being a success. However, Mr. Skaggs further stated he is opposed to the City getting into the alcohol business.

Mayor Davidson stated the golf course has continued to lose money causing the general revenue fund to supplement the difference. If liquor sales generated \$15,000 of revenue it would still not be enough so other options will also need to be explored.

It was the consensus of the Council to have the Golf Course Committee present a couple of options for the Council's consideration.

**REPORT OF CITY OFFICERS**

**Martha Mundt, Director of Finance – Cash Flow Analysis**

Ms. Mundt gave explanation of the cash flow analysis she presented to the City Council, City Clerk and the attending media.

Councilwoman Bowers stated she would have liked the document before the meeting for review and stated in the future it would need to be sent with council packets prior to the meeting.

Mayor Davidson stated as the cash flow analysis is presented the City is unable to make its payments.

Ms. Mundt stated the bank account has money but that it is pooled money and she does not know the exact dollar amount due to the restricted funds that need to be rolled out. She further stated she is working toward that goal by starting in 2007 where designated funds were segregated.

## **Council Minutes – January 4, 2011**

Mayor Davidson further stated we know the cash balance was zero as of October 2009. He further stated the Council needed to know if the City can meet its obligations and does the sale of the property enable the city to add personnel. Mayor Davidson then requested a time line from the Finance Director.

Ms. Mundt stated that is her next priority.

### **Mayor Richard Davidson – Charter Issues**

Mayor Davidson stated there are discrepancies in the charter as it relates to council elections. He further stated the deadline for submitting ballot items to the County is January 25<sup>th</sup>.

### **APPOINTMENTS & VACANCIES**

#### **Airport Industrial Development Board:**

Mayor Davidson announced one vacancy exists for a term of three years beginning October 1, 2010.

#### **Board of Appeals:**

Mayor Davidson announced two vacancies exist for terms of three years beginning November 1, 2010.

#### **Park and Recreation Board:**

Mayor Davidson announced four vacancies currently exist for an unexpired three-year term that began May 1, 2010 due to the resignation of Steve P. Hart as accepted by council, for an unexpired three-year term that began May 1, 2010 due to the resignation of JeAnna McGarrah, for an unexpired three-year term that began May 1, 2009 due to the resignation of Scott Swope and for an unexpired three-year term that began May 1, 2009 due to the resignation of Rhonda Warren.

Motion was made by Councilman Workman and seconded by Councilman Persinger to accept the resignations of JeAnna McGarrah, Scott Swope and Rhonda Warren.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - No.

Motion carried.

Motion was made by Councilman Workman and seconded by Councilwoman Bowers to appoint Rick Callis for a term of three years that began May 1, 2009 to the Parks and Recreation Board.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

#### **Senior Citizens Committee:**

Mayor Davidson announced one vacancy exists for a term of three years beginning November 1, 2010.

Motion was made by Councilman Workman and seconded by Councilman Persinger to appoint Gib Garrow for a term of three years that began November 1, 2010 to the Senior Citizens Committee.

Roll call vote:

Tom Workman - Yes, Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Persinger and seconded by Councilwoman Bowers to adjourn the January 4, 2011, Regular Session City Council meeting.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:50 p.m.

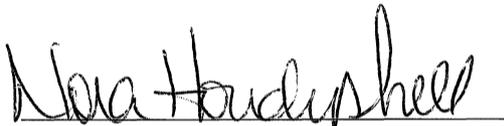
**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**

  
**City Clerk**

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
January 14, 2011 – 5:00 p.m.  
City Hall –Conference Room  
203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 5:05 p.m.

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Matthew Persinger, Tom Workman

ABSENT: Heather Bowers and Chris Wright

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**Proposed City Charter Changes – Discussion only**

**Mayor Davidson** stated the discussion for this meeting was to consider charter changes which would need to be taken before the citizens of Neosho for a vote at the April 5, 2011 election. He further stated the suggested changes would provide oversight improvements of the City's financial matters along with saving the City money by removing the need for a primary election.

**Councilman Tom Workman** stated there needs to be something in place to improve oversight of finances but wanted protection implemented for the finance officer should he or she approach council against the city manager's approval.

**Councilman Matt Persinger** stated to alleviate conflicts with the city manager and finance officer, the finance officer should be a position that was hired by council. He further stated all employees should be made aware of a chain of command in case they have a conflict with their immediate supervisor.

**Mayor Davidson** stated the Council hiring the finance officer would hinder the day-to-day operations of the finance department. Mayor Davidson agreed the employees need to be aware of a chain of command which should be outlined in the employee handbook.

**City Attorney Hays** stated that the concerns in the finance department could be addressed by the council utilizing City Code language rather than Charter amendments however, recommended implementing a Whistle Blower ordinance providing for protection to the employee(s) that who reveal any wrong doing or mismanagement of funds and other specified malfeasance to council.

**Mayor Davidson** stated he would suggest fixing discrepancies the Council has been made aware of during this election process and recommends eliminating the need for a primary election.

Council further discussed possible revisions in Sections 9.01, 9.07 and 2.05.

It was the consensus of the Council to have City Attorney Hays present an ordinance to review at the regular session council meeting scheduled for January 18<sup>th</sup>.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Persinger and seconded by Councilman Workman to adjourn the January 14, 2011 Special Session City Council meeting.

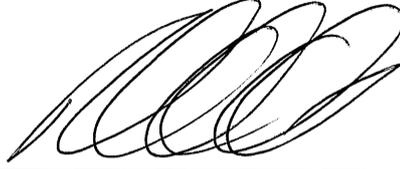
It was the consensus of the council to adjourn the meeting.

Please Note: These are legal size pages.  
**Council Minutes – January 14, 2011**

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 6:10 p.m.

**APPROVED:**

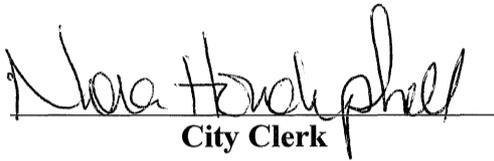
**NEOSHO CITY COUNCIL**



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**Mayor**

**ATTEST:**



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**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**January 18, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

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

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

**ROLL CALL**

**COUNCIL PRESENT:** Richard Davidson, Heather Bowers, Matthew Persinger and Tom Workman.

**ABSENT:** Chris Wright

**CITY OFFICERS PRESENT:** Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**CITY STAFF PRESENT:** Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director, Mike Hightower, Public Works Director and Brad Stone, Human Resources Director

**Amend Agenda:**

Mayor Davidson stated the closed session will need to be removed from this agenda.

**APPROVAL OF AGENDA**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the consent agenda items as listed.

It was the consensus of the council to approve the consent agenda items.

**MINUTES:**

The minutes of January 4, 2011 Regular Session and January 14, 2011 Special Session were approved as presented.

**PROCLAMATIONS**

Mayor Davidson stated the following proclamation was issued:

February Employer of the Month – Access Family Care

Whereas, the Neosho City Council wishes to recognize the Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to our local Economy; and

Whereas, Access Family Care was born out of the Founders' hearts with a great desire to provide medical and dental care services to people impacted by Economic Hardships; and

**Council Minutes – January 18, 2011**

Whereas, Access Family Care receives a 330 Federal Grant from the Bureau of Primary Health Care enabling the local Clinics to provide primary health care, and dental care for the uninsured and underinsured; and

Whereas, Access Family Care's Mission is to provide Primary Health Care, and is serving several Counties in Southwest Missouri through its Clinics in Anderson, Cassville, and Joplin with a total budget of Nine Million Dollars (\$9,000,000); and

Whereas, Access Family Care originally opened their first Clinic in September, 1999 with 10 Employees, and now employs a total of 141 Staff Members, with the Administrative Office being relocated to Neosho in October 2005; and

Now Therefore I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim Access Family Care as Neosho's Employer of the Month for February, 2011. We wish to congratulate the Employees for their dedication, commitment, and contribution to our Community's good health and growth to local economic conditions.

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 20<sup>th</sup> day of January, 2011.

/s/ Richard Davidson, Mayor

**VISITORS BUSINESS**

**Jack Bowyer – Airport**

Mr. Bowyer stated he appreciated the fact the Finance Director found the funds from the sale of real estate that belonged to the airport he inquired about in past meetings. However, he further stated it should be separated out from the operating account for the airport.

**Gene Franklin – City Charter**

Mr. Franklin encouraged the Council to consider changing the ward system of government and do away with the city manager position in favor of a city administrator, while they are already revising the charter. He further stated this would create a popularly-elected mayor's position rather than one chosen by the council. Mr. Franklin stated he would also like two additional council positions.

**BIDS**

The following bid recommendations were presented for consideration:

**Public Works – Overhead Doors at Public Works Building**

Mr. Harlan Moore stated bids were received for fifteen overhead doors and openers for the new public works building located on Nelson Avenue. He further stated city staff recommended the bid from Tri State Overhead Doors, Inc in the amount of \$28,189.89. He further stated although they were not low bid they had a better quality product. Mr. Moore stated this has been budgeted from the Street Sales Tax Fund and the Water/Wastewater Enterprise Fund.

Mr. Mike Hightower, Public Works Director provided samples of the doors for Council's review.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to approve the purchase from Tri State Overhead Doors, Inc. in the amount of \$28,189.89.

Discussion followed.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Council Minutes – January 18, 2011**

The following bid recommendations were presented for consideration:

**Development Services – Asbestos Abatement at 201 S. Jefferson St.**

Mr. Harlan Moore stated bids were received for asbestos abatement for the property located at 201 S. Jefferson Street which is also known as the First Baptist Church. He further stated city staff is recommending the low bid of \$30,850.00 given by Neal Group Construction, LLC. Mr. Moore stated this project is funded by a Missouri Development Finance Board funding agreement.

Motion was made by Councilman Workman and seconded by Councilman Persinger to approve the asbestos abatement bid from Neal Group Construction, LLC in the amount of \$30,850.00.

Discussion followed.

Roll call vote:

Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

The following bid recommendations were presented for consideration:

**Development Services – Asbestos Abatement at 210 and 220 E. Spring St.**

Mr. Harlan Moore stated bids were received for asbestos abatement for the property located at 210 and 220 East Spring Street. He further stated city staff is recommending the low bid of \$14,900.00 given by Neal Group Construction, LLC. Mr. Moore stated this project is funded by Community Development Block Grant and Missouri Development Finance Board funding agreements.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to approve the asbestos abatement bid from Neal Group Construction, LLC in the amount of \$14,900.00.

Discussion followed.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2011-430...To amend the 2010-2011 budget by increasing the Transportation Grants Fund by \$183,500 for design and construction of the bicycle/pedestrian trail and sidewalk project...2nd and 3rd Reading**

Bill No. 2011-430 for Ordinance No. 460-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-430 on second and third readings.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2011-431...To amend the 2010-2011 budget by increasing the Police Grant Special Revenue Fund by \$9,000 for law enforcement safety equipment from the local law enforcement block grant (LLEBG)...2nd and 3rd Reading**

**Council Minutes – January 18, 2011**

Bill No. 2011-431 for Ordinance No. 461-2011 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to pass Bill No. 2011-431 on second and third readings.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Bill No. 2011-434...Rezoning the below described property located at the intersection of Pineville Road and Gooch Road, Neosho, Newton County, Missouri, from District R1, First Dwelling House District, to District R-3, Apartment House District, as petitioned by First Community Bank ...1st Reading**

Bill No. 2011-434 was read by title only by Mr. Hays.

Mayor Davidson stated the Planning and Zoning Board did not recommend the approval of this rezoning.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-434 on first reading.

Roll call vote:

Tom Workman - No, Heather Bowers - No, Richard Davidson - No, Matthew Persinger - No.

Motion failed.

**Bill No. 2011-435...To amend the 2010-2011 budget to roll forward and appropriate unspent Community Development Block Grant (CDBG) funds which are designated for Project 2007-PF-24. These remaining funds are to be appropriated to the Community Development Projects Fund in the amount of \$291,444.38...1st Reading**

Bill No. 2011-435 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Persinger to pass Bill No. 2011-435 on first reading.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Bill No. 2011-436...To amend the 2010-2011 budget to roll forward and appropriate unspent Missouri Development Finance Board Funds which are designated for the Neosho Downtown Revitalization Project. These remaining funds are to be appropriated to the Community Development Projects Fund in the amount of 306,246.04...1st Reading**

Bill No. 2011-436 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to pass Bill No. 2011-436 on first reading.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - No.

Motion carried.

**Bill No. 2011-437...Canvassing at the general municipal election to be held on the 5<sup>th</sup> day of April, 2011, a proposition to amend certain sections of the City Charter, authorizing the Newton County Clerk to conduct said election and for other matters relating to such election, under emergency...1<sup>st</sup> Reading**

Bill No. 2011-437 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-437 on first reading.

Mayor Davidson stated it would save the City money by eliminating a primary election. Mayor Davidson also stated he was informed by the Missouri Municipal League that out of 20 other charter cities surveyed around Missouri, only one had a primary election.

Mayor Davidson stated the whistleblower provision would make an option available for someone to bring to council information of wrong doing and protects them from the city manager threatening their job by taking said information to council.

Councilwoman Bowers stated the employee handbook stated violations were supposed to be reported to the police chief and from there to the city attorney and city manager.

City attorney Steve Hays said the proposed whistleblower provision was directed toward all city department heads, which would include the police chief. Mr. Hayes further stated any city employee or citizen could reveal to any department head reasonable evidence of wrongdoing, in which case that department head would be obligated under the proposed charter language to bring it to council.

Discussion followed.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Bill No. 2011-437...Canvassing at the general municipal election to be held on the 5<sup>th</sup> day of April, 2011, a proposition to amend certain sections of the City Charter, authorizing the Newton County Clerk to conduct said election and for other matters relating to such election, under emergency measure...2<sup>nd</sup> & 3<sup>rd</sup> Readings...under emergency measure**

Bill No. 2011-437 for Ordinance No. 460-2011 was read by title only by Mr. Hays.

Mayor Davidson stated original Bill No. 2011-437 did not include the financial impact language. Mayor Davidson further stated a version with the financial impact language was included for review.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to pass Bill No. 2011-437 with the financial impact language on second and third readings.

Roll call vote:

Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

**Council Minutes – January 18, 2011**

Motion carried.

**Consider amending Electric Service Agreement with Empire District to install one light at the intersection of W. Meadows Drive and N. Meadows Drive.**

Motion was made by Councilman Persinger and seconded by Councilman Workman to amend the Electric Service Agreement with Empire District Electric to add a street light at W. Meadows Drive and N. Meadows Drive and authorize the mayor to execute same.

Discussion followed.

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to install one light at the intersection of Lusk Drive and N. Meadows Drive.**

Motion was made by Councilman Persinger and seconded by Councilman Workman to amend the Electric Service Agreement with Empire District Electric to add a street light at Lusk Drive and N. Meadows Drive and authorize the mayor to execute same.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers – No.

Motion carried.

**Consider acceptance of Chris Wright's resignation as councilperson.**

**City Council**

Mayor Davidson read the following letter of resignation from Councilman Wright:

THIS LETTER IS TO INFORM THE COUNCIL AND THE PUBLIC OF MY RESIGNATION. I regret to inform everyone that I will no longer be serving on the Neosho City Council. I was given the opportunity to take a job that requires me to travel weeks at a time. I have to put the needs of my family first. I want to thank everyone for their support and I hope for the best for the City of Neosho. Chris Wright

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to accept Mr. Wright's letter of resignation.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

Mayor Davidson stated per the Charter, Council has 30 days to appoint a candidate to fill the vacancy. If the Council cannot agree the Clerk will need to call a special election.

It was the consensus of the Council for letters of interest to be received by the City Clerk on or before 4:30 p.m. February 1<sup>st</sup>.

City Attorney Hays stated if there is a person appointed to fill the vacant council seat, they will serve until the April 2012 election at which time they will need to be reelected to finish the three year term ending April 2013.

## **REPORT OF CITY OFFICERS**

### **Harlan Moore – City Manager**

City Manager Moore outlined the new employee insurance plan to Council. He stated the plan should help the annual budget in the amount of \$64,000.00.

### **Martha Mundt – Finance Director**

Ms. Mundt gave a brief overview of the December financials presented to council. She further stated the Davis, Lynn & Moots annual audit will begin the end of February or first week in March. Ms. Mundt explained Davis, Lynn & Moots' original time frame for the audit was January 17<sup>th</sup> but the City couldn't be ready by that date.

### **Mayor Richard Davidson - 405**

Mayor Davidson stated complications with the 405 have been brought to his attention and asked City Manager Moore for an update. He further stated he would not want complications with the 405 to be a barrier from future businesses moving to Neosho.

City Manager Moore stated staff is in the process of reviewing options.

### **Mayor Richard Davidson – Golf Course**

Mayor Davidson stated the Golf Course Committee has elected to not sale alcohol at the golf course. He further stated there needs to be a solution in generating more revenue to the golf course.

### **Mayor Richard Davidson – American Legion**

Mayor Davidson asked for an update of the American Legion agreement.

Mr. Moore stated he and the City Attorney met with them and plan to meet with them again in reference to an easement issue.

### **Councilwoman Heather Bowers- Comprehensive Plan**

Councilwoman Bowers stated she would like to see the comprehensive plan. Mayor Davidson stated it was not a City project.

## **APPOINTMENTS & VACANCIES**

### **Airport Industrial Development Board:**

Mayor Davidson announced one vacancy exists for terms of three years beginning October 1, 2010.

### **Board of Appeals:**

Mayor Davidson announced five vacancies will exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Park and Recreation Board:**

Mayor Davidson announced three vacancies currently exist for an unexpired three-year term that began May 1, 2010 and for an unexpired three-year term that began May 1, 2010 due to the resignation of JeAnna McGarrah as accepted by council and for an unexpired three-year term that began May 1, 2009 due to the resignation of Rhonda Warren as accepted by council.

**Council Minutes – January 18, 2011**

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to adjourn the January 18, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:35 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**MINUTES  
NEOSHO CITY COUNCIL  
February 3, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

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

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

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Heather Bowers, Matthew Persinger, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; David McCracken, Police Chief; and Mike Hightower, Public Works Director

Mayor Davidson stated his appreciation to the City Staff that have worked so hard during the winter weather conditions.

**APPROVAL OF AGENDA**

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to approve the agenda as presented.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the consent agenda items as listed.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of January 18, 2011 Regular Session were approved as presented.

**VISITORS BUSINESS**

There were none.

**BIDS**

There are none.

**UNFINISHED BUSINESS**

**Bill No. 2011-435...To amend the 2010-2011 budget to roll forward and appropriate unspent Community Development Block Grant (CDBG) funds which are designated for Project 2007-PF-24. These remaining funds are to be appropriated to the Community Development Projects Fund in the amount of \$291,444.38...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

**Council Minutes – February 3, 2011**

Bill No. 2011-435 for Ordinance No. 462-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-435 on second and third readings.

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Bill No. 2011-436...To amend the 2010-2011 budget to roll forward and appropriate unspent Missouri Development Finance Board Funds which are designated for the Neosho Downtown Revitalization Project. These remaining funds are to be appropriated to the Community Development Projects Fund in the amount of 306,246.04...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-436 for Ordinance No. 463-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-436 on second and third readings.

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Bill No. 2011-433...To amend the 2010-2011 budget to appropriate donation revenue in the amount of \$2,499.96 to the General Fund Police Department Budget and in the amount of \$2,499.97 to the Fire Sales Tax Fund Budget...1<sup>st</sup> Reading**

Bill No. 2011-433 was read by title only by Mr. Hays.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to pass Bill No. 2011-433 on first reading.

City Attorney Hays stated that after receiving explanation from Finance Director Mundt, there is a sub-category for donations under the general category of Fire Sales Tax Fund. Thus, it would be appropriate to place the donation funds into such account.

Discussion followed.

Roll call vote:

Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger – Yes.

Motion carried.

**Bill No. 2011-438...To amend the 2010-2011 budget to appropriate proceeds of sale of the Recreation Center and necessary expenditures incurred for final disposition of the facility. Total proceeds of sale were \$375,000. General Fund budgeted revenue to be amended for an increased \$225,000. General Fund expenditure budget to be amended for an increase of \$9,100. ...1<sup>st</sup> Reading**

Bill No. 2011-438 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Persinger to pass Bill No. 2011-438 on first reading.

**Council Minutes – February 3, 2011**

Discussion followed.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Consider approving contract with Allgeier, Martin and Associates for professional engineering services for the bike and pedestrian trail project.**

Craig Jones, Director of Development Services stated the Council has approved the MoDOT project agreement and budget amendments providing for financing of a bike and pedestrian trail project between Spring and McKinney Streets. Mr. Jones' cover letter to Council stated that MoDOT will provide reimbursement of 80% of design costs (\$11,744.00) and Neosho Area Business and Industrial Foundation, Inc. will provide 20% of design costs (\$2,936.00).

Motion was made by Councilman Workman and seconded by Councilman Persinger to approve the contract with Allgeier, Martin and Associates in the amount of \$14,680.00 for professional engineering design services for the bike and pedestrian trail project.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Consider approving contract with Neal Group Construction, LLC for asbestos abatement at 201 S. Jefferson Street.**

Craig Jones, Director of Development Services stated Council has already approved the bid from Neal Group Construction for this work.

Motion was made by Councilwoman Bowers and seconded by Councilman Persinger to approve the contract with Neal Group Construction for asbestos abatement in the amount of \$30,850 and authorize the Mayor to execute.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Consider approving contract with Neal Group Construction, LLC for asbestos abatement at 210 and 220 E. Spring Street.**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the contract with Neal Group Construction for asbestos abatement in the amount of \$14,900 and authorize the Mayor to execute.

Roll call vote:

Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger – Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light at the intersection of La-Z-Boy Drive and Wood Street.**

Motion was made by Councilman Workman and seconded by Councilman Persinger to amend the Electric Service Agreement with Empire District Electric to replace a street light at the intersection of La-Z-Boy Drive and Wood Street and authorize the mayor to execute same.

**Council Minutes – February 3, 2011**

Roll call vote:

Heather Bowers - No, Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes.

Motion carried.

**Consider expenditure of Economic Development Sales Tax Funds for infrastructure**

Gib Garrow, Director of Neosho Area Economic Development stated Landes Trucking purchased four acres in the Industrial Park. He further stated the Public Works Director would like the extension of water to Landes Trucking be increased to an 8" line verses the mandated 6" to allow for future expansion and development. Mr. Garrow informed Council the Economic Development Tax Committee met in open session and voted unanimously to send a positive recommendation to approve this expenditure from the Economic Development Sales Tax Fund.

Discussion followed.

Mayor Davidson asked for verification that funds were available.

Gib Garrow stated City Manager Moore told him after the Economic Development Tax Committee meeting that funds were available.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to postpone approval of expenditure of Economic Development Sales Tax Funds for infrastructure upon City Manger's verification of funds.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Consider approval to dispose of fill dirt**

(City Manager Moore arrived at 7:34 p.m. due to hazard road conditions)

Mike Hightower, Public Works Director stated he was approached by a local contractor asking to purchase fill dirt from the Betz-Bond property in the amount of \$14,000.

City Attorney Hays stated this was a unique situation and recommended six months of projections to be reviewed including market value and a maximum amount of dirt to be removed.

Mayor Davidson stated the property was purchased with Economic Development funds and asked if there were restrictions.

Discussion followed.

Motion was made by Councilwoman Bowers and seconded by Councilman Workman to postpone the approval to dispose of fill dirt pending further information to be provided at the next council meeting.

Roll call vote:

Matthew Persinger - Yes, Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

**Consider appointment to City Council vacancy**

Mayor Davidson thanked the candidates who provided a letter of interest for the City Council vacancy and stated all three candidates were qualified.

Motion was made by Councilman Workman and seconded by Councilwoman Bowers to appoint David Ruth.

Roll call vote:

Tom Workman - Yes, Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger – Yes.

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Mayor Richard Davidson – Council Meeting Cancellation**

Mayor Davidson stated due to the recent weather conditions he searched the code to find there is no authority given to cancel a city council meeting.

It was the consensus of the Council to direct City Attorney Hays to draft an ordinance outlining the proper procedure to cancel a city council meeting.

### **Mayor Richard Davidson – 405 Revisions**

Mayor Davidson announced the 405 restrictions are an ongoing challenge in bringing new businesses to Neosho.

It was the consensus of the Council to have a discussion item on the next city council agenda regarding the possible repeal of 405.

### **Mayor Richard Davidson – Financial Legal Opinion**

Mayor Davidson stated the City Manager asked City Attorney Hays for clarification in determining if it is proper to use the fund balance from the 2009 audit and move forward to finalize fund balance.

City Attorney Hays stated during his research he contacted Jefferson City State Auditor's Office who affirmed there was no requirement to go back to 2007 and can draw a line moving forward with the 2009 Audit balance.

Councilman Workman and Councilman Persinger were in agreement to move forward with the 2009 Audit balance.

Discussion continued with Councilwoman Bowers stating concerns regarding transactions in 2006, 2007 and 2008.

Mayor Davidson stated that although he agrees things may have been done inappropriately in prior years, the City does not have the resources or time to research every transaction from five years ago. He further stated his concern for Council authorizing funds to be spent when they do not know the fund balance.

Discussion followed.

It was the consensus of the Council to direct City Manager Moore to move forward with the 2009 Audit balance.

## **APPOINTMENTS & VACANCIES**

### **Airport Industrial Development Board:**

Mayor announced one vacancy exists for terms of three years beginning October 1, 2010.

**Council Minutes – February 3, 2011**

**Board of Appeals:**

Mayor announced five vacancies will exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

**Park and Recreation Board:**

Mayor announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Board of Appeals – Dangerous Buildings & Structures:**

Mayor announced one vacancy currently exists due to the resignation of Chris Wright.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

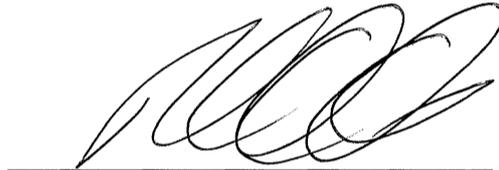
Motion was made by Councilwoman Bowers and seconded by Councilman Workman to adjourn the February 3, 2011 Regular Session City Council meeting.

It was the consensus of the Council to adjourn the February 3, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:00 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**



**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**February 15, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Danny Boggs gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Heather Bowers, Matthew Persinger, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director, Mike Hightower, Public Works Director and Brad Stone, Human Resources Director

**APPROVAL OF AGENDA**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the agenda as presented.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the consent agenda items as listed.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of February 3, 2011 Regular Session were approved as presented.

**PROCLAMATIONS**

Mayor Davidson stated the following proclamation was issued:

March Employer of the Month – Pro Lube Maintenance Repair Center, LLC

Whereas, the Neosho City Council wishes to recognize the Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to our local Economy; and

Whereas, Pro Lube Maintenance Repair Center, L.L.C. is a family owned, full line automobile maintenance/repair shop. The establishment began serving the Neosho Area in 2001 to carry on the legacy and fulfill the father/son dream of Joe and Chris Hawkins; and

**Council Minutes – February 15, 2011**

Whereas, the Pro Lube Maintenance Repair facility became operational with four employees and 7,200 square feet. With the expansion of the facility to 9,360 square feet and eight Professional Technicians, along with the latest Automobile Diagnostic Technology, they are dedicated to the Neosho and surrounding area;

Now therefore I, Richard Davidson, Mayor of the City of Neosho, do hereby Proclaim, Pro Lube Maintenance Repair Center, L.L.C., Neosho's March, 2011 Employer of the month. We wish to congratulate their Employees for the Commitment to Customer Service and their Contribution to the Community's growth.

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 22<sup>nd</sup> day of February, 2011.

/s/ Richard Davidson, Mayor

**VISITORS BUSINESS**

**Doug Skaggs – 405**

Mr. Skaggs stated he has been against the changes in 405 and asked to petition the people to have it revoked when it was passed.

**Doug Skaggs - Recreation Center**

Mr. Skaggs stated the youth of Neosho had something taken away from them when the City closed and sold the Recreation Center. He further stated it will cost the City millions when they decide they want to offer this again to the youth when they could have fixed what the City already had.

**BIDS**

There were none.

**UNFINISHED BUSINESS**

**Bill No. 2011-433...To amend the 2010-2011 budget to appropriate donation revenue in the amount of \$2,499.96 to the General Fund Police Department Budget and in the amount of \$2,499.97 to the Fire Sales Tax Fund Budget...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2011-433 for Ordinance No. 464-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-433 on second and third readings.

Councilman Ruth stated he would abstain from the vote because he was a new councilmember and this was an old business item.

Roll Call:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Abstain, Tom Workman - Yes.

Motion carried.

**Bill No. 2011-438...To amend the 2010-2011 budget to appropriate proceeds of sale of the Recreation Center and necessary expenditures incurred for final disposition of the facility. Total proceeds of sale were \$375,000. General Fund budgeted revenue to be amended for an increased \$225,000. General Fund expenditure budget to be amended for an increase of \$9,100. ...2<sup>nd</sup> and 3<sup>rd</sup> Readings**

Bill No. 2011-438 for Ordinance No. 465-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Persinger to pass Bill No. 2011-438 on second and third readings.

**Council Minutes – February 15, 2011**

Councilman Ruth stated he would abstain from the vote because he was a new councilmember and this was an old business item.

Matthew Persinger - Yes, David Ruth – Abstain, Tom Workman - Yes, Richard Davidson – Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Presentation given by Missouri Department of Conservation – Morse Park**

Rhonda Headland, Community Conservation Planner with the Missouri Department of Conservation presented handouts to the City Council and explained the proposed Morse Park Habitat Improvement Project and Fishing Fun Day. She stated this project is proposed to convert portions of the park to native woodland and meadow conditions reducing the mowing costs and beautify the area. She further stated all costs are proposed to be funded by MDC up to \$25,000. Ms. Headland stated MDC is seeking volunteers and other groups or agencies to be partners in the cooperative agreement.

**Public Hearing regarding a proposed amendment to the City’s Existing Wastewater Collection and Treatment System Master Plan.**

Mayor Davidson opened the floor for public comment.

Mr. Mike Zimmerman with HDR|Archer stated the public hearing was to inform the Council and the public of three things: (1) project options and costs, (2) probable changes in the user fees and (3) environmental impact. Mr. Zimmerman presented to Council a hand out (outlined below) of overall Sewer SRF Loan Summary explaining that all projects have been performed under budget.

Neosho Overall Sewer SRF Loan Summary – After Bids  
Tuesday, February 15, 2011

Construction Costs – Total Project	
North and East Interceptor	
La-Z-Boy Area	\$ 374,535.00
Excepting La-Z-Boy Area	\$1,335,525.00
Crowder 24” Collapsed Sewer Main Replacement	\$ 136,850.00
School Connection North and West Interceptor	\$1,397,520.55
Peak Flow Holding Basin and Pump Station	\$2,936,654.25
Cured In Place (CIPP) Insituform Lining	\$1,047,665.00
<b>Subtotal</b>	<b>\$7,228,749.80</b>
Eng Serv	\$ 728,393.00
Survey	\$ 117,208.00
La-Z-Boy Eng Serv	\$ 70,850.00
Crowder 24” Eng Serv	\$ 15,000.00
GeoTech	\$ 12,737.00
Financing	\$ 238,125.00
<b>Total</b>	<b>\$8,411,062.80</b>
SRF Grant/Loan Available	\$8,480,000.00
Remaining SRF Grant/Loan Application	\$ 68,937.20

Mr. Zimmerman also stated the sewer rates would not be impacted as they were included in the original bond. He further stated there would be no environmental impact.

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

**Council Minutes – February 15, 2011**

**Consider approval of Authorization #18 for Engineering Services for the Crowder Wastewater Sewer Improvement**

Mr. Mike Zimmerman with HDR|Archer presented Authorization No. 18 stating this was for the engineering services for the Crowder Wastewater Sewer Improvement system. He further stated the planning design phase is \$8,000 and construction phase service is \$7,000.00. The total cost for this project is \$15,000.00 which will be taken from the SRF loan.

Motion was made by Councilman Ruth and seconded by Councilman Persinger to approve Authorization No. 18 as presented.

Roll call vote:

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider approval of Change Order #2 for the North and East Interceptor and Change Order #3 for the School North & West Interceptor for sanitary sewer improvements**

Scott Flemming with HDR|Archer presented Change Order No. 2 with Rosetta Construction for the sanitary sewer improvements for the North and East Interceptor resulting in a net decrease in the contract of \$2,524 and presented Change Order No. 3 with Rosetta Construction for the sanitary sewer improvements for the School North and West Interceptor resulting in a net increase in the contract of \$11,637.55.

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve both Change Order Nos. 2 and 3 as presented.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes, Matthew Persinger – Yes, David Ruth – Yes.

Motion carried.

**Consider approval of Change Order #3 for the North & East Interceptor to replace 24” sewer line at Crowder Wastewater plant**

Mike Hightower presented Change Order No. 3 with Rosetta Construction for the sanitary sewer improvements for the North and East Interceptor to replace the 24” sewer line at Crowder Wastewater Plant resulting in a net increase in the contract of \$146,054.

Motion was made by Councilman Ruth and seconded by Councilman Persinger to approve Change Order No. 3 as presented.

Councilman Workman confirmed the change order amount would be included in the SRF Funds.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Bill No. 2011-440...To amend the 2010-2011 budget of the Fire Department Safer Grant fund and appropriate Grant Funds being awarded in the amount of \$780,643...1<sup>st</sup> Reading**

Bill No. 2011-440 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-440 on first reading.

**Council Minutes – February 15, 2011**

(Councilwoman Bowers arrived at 7:35 p.m.)

Fire Department Chief Eads gave an overview to Council regarding the grant process.

Discussion followed.

Roll call vote:

Heather Bowers - Yes, Richard Davidson - Yes, Matthew Persinger - Yes,  
David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light at 1700 N. Wall at the Sewer Peak Basin Facility**

City Manager Harlan Moore clarified this amendment was to install one street light not to replace an existing one.

Motion was made by Councilman Workman and seconded by Councilwoman Bowers to approve the amendment to the Electric Service Agreement with Empire District Electric for the installation of one streetlight at 1700 N. Wall at the Sewer Peak Basin Facility.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes,  
Tom Workman - Yes, Heather Bowers - Yes.

Motion carried.

**Discussion regarding 405**

City Attorney Hays stated if the Council chose to repeal the current Chapter 405 they will need to enact the old code chapter under emergency measure so no time gap exists in the application of the City's zoning laws.

Development Services Director, Craig Jones stated this code needs to be a reflection of what the Community wants. He further stated there were safety concerns regarding signs in the old code.

Councilwoman Bowers stated she would like zoning regulations changed to allow more growth that caters to the students at Crowder College.

It was the consensus of the Council to proceed with the repeal of the current Chapter 405.

**REPORT OF CITY OFFICERS**

**Harlan Moore, City Manager – Trash Complaints and Snow Removal Expenses**

City Manager Moore stated he has fielded several trash complaints. He further stated he would like the public to know the WCA trucks had trouble maneuvering around in the snow and that the City has no control over WCA.

Mr. Moore stated the total costs incurred so far for snow removal is \$59,903.94. He stated the City staff did a good job at keeping overtime down and commended them for a job well done. Mr. Moore further stated the City had enough salt mix to handle a small storm.

**Council Minutes – February 15, 2011**

**Harlan Moore, City Manager – Landes Trucking**

Mr. Moore stated at the last meeting Council requested information regarding the difference in cost for the water extension for Landes Trucking. He further stated the cost difference for the additional 180' plus the hydrant is \$5,481.04. Mr. Moore reminded Council the funding was available from the ED fund.

**Harlan Moore, City Manager – NIMS Training**

Mr. Moore stated it is important the Council take NIMS training in order to meet qualifications for the City to receive future grants.

**Martha Mundt, Finance Director – Financial Report**

Ms. Mundt reviewed with Council the January financial report she provided.

Councilwoman Bowers requested a report of TDD expenditures at the next scheduled Council meeting. She further stated City Attorney Hays had not submitted his invoice to the City for his services as of yet.

City Attorney Hays stated the TDD has not been formed yet and will submit his invoice to the TDD when it is formalized.

Mayor Davidson stated there are no TDD expenditures in this fiscal years budget.

Ms. Mundt handed to Council a cash analysis outlining the City's cash position as of January 31st.

**Councilwoman Heather Bowers – Misuse of Power**

Councilwoman Bowers stated she had requested information via email from the City Clerk and the City Manager regarding water problems. She further requested reason why the City Attorney involved himself through an emailed response.

Councilwoman Bowers requested the resignation or firing of the City Attorney, Police Chief, Craig Jones, Mike Hightower and Debbie Lazure for misuse of power.

Ms. Bowers explained that in 2008 a water main broke causing damages to Chief McCracken's residence at which time the City paid for the repairs. She further stated she and other citizens have suffered damages and the City did not pay for their damages. Ms. Bowers further accused City Attorney Hays of keeping her from accessing records.

Mayor Davidson stated he involved the City Attorney due to a phone call he received from Councilwoman Bowers accusing Chief McCracken of ordering city staff to work on his residence due to a water main break while he was Acting City Manager.

City Attorney Hays stated during the investigation of that accusation it was revealed the time in question was April 30, 2008 and Jan Blase was the City Manager. He further stated it would be inappropriate and against Charter for the Council body to investigate wrongdoing of the City Manager's employee.

Councilwoman Bowers stated she is requesting the Council to proceed with removing Steven Hays, David McCracken, Mike Hightower, Craig Jones and Debbie Lazure who has been a part of the nexus of corruption and coercion of our City Government.

Mayor Davidson stated Chief McCracken was not an employee of the Council therefore he had asked the City Manager to investigate the allegations.

Councilwoman Bowers stated this was a request of public records.

## **Council Minutes – February 15, 2011**

Mayor Davidson confirmed with Nora Houdyshell, City Clerk that copies of the Rubottom invoices were provided to Councilwoman Bowers. Mayor Davidson stated City Manager Moore provided the findings of his investigation at the last meeting.

Councilwoman Bowers stated that it is inappropriate to interfere with requests of records and that decisions are being made based on peoples stature and money. She further stated it is gross negligence of the Public Works Director to not know projects were over budget by millions of dollars. Ms. Bowers also stated that the water billing office had denied her access to billing records for years before they determined them to be public record.

Mayor Davidson stated City Attorney Hays did not block the information to be given to the Council.

Councilwoman Bowers stated Mr. Hays purchased land with insider information.

City Attorney Hays requested Councilwoman Bowers to put these accusations in writing or via email.

Councilwoman Bowers stated she would not do that because she requested the meeting to be recorded and was refused.

Councilwoman Bowers stated that John Ford also had problems caused in his house by the water main break and the City denied him assistance.

Councilman Tom Workman stated he worked for the City for 18 years and can attest on many occasions where the City paid for people's property to be fixed if they were liable for it no matter who they were, how much they made or where they lived. He further stated it did not matter if Mike Hightower was aware of city financial issues.

Mayor Davidson concluded the discussion by stating in his 20-month capacity as a city councilman he has had official involvement with all of the employees Councilwoman Bowers accused of corruption and disagreed with her statement. He further stated he has found them to be dedicated and people of integrity. Mayor Davidson stated for the record that he disagrees wholeheartedly that they have done anything that was inappropriate on purpose. He further stated it saddens him to hear those comments coming from council and regret the employees had to hear it.

### **APPOINTMENTS & VACANCIES**

#### **Airport Industrial Development Board:**

Mayor Davidson announced the one vacancy exists for a term of three years beginning October 1, 2010 for a financial institute officer.

#### **Board of Appeals:**

Mayor Davidson announced five vacancies will exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

#### **Park and Recreation Board:**

Mayor Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

#### **Board of Appeals – Dangerous Buildings & Structures:**

Mayor Davidson announced one vacancy currently exists.

**CLOSED MEETING:**

Motion was made by Councilwoman Bowers and seconded by Councilman Ruth 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:

Matthew Persinger - No, David Ruth – Yes, Tom Workman - Yes,  
Heather Bowers - Yes, Richard Davidson – Yes.

Motion carried.

Mayor Davidson closed the meeting at 8:50 p.m.

The meeting reconvened in open session at 9:15 p.m. and Mayor Davidson announced the council conferred and no action or vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Ruth and seconded by Councilman Workman to adjourn the February 15, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:15 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**March 15, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mike Hightower gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director, Mike Hightower, Public Works Director and Brad Stone, Human Resources Director

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the agenda as presented.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the consent agenda items as listed.

Roll call vote:

David Ruth – Yes, Tom Workman – Yes, Richard Davidson - Yes.

Motion carried.

**MINUTES:**

The minutes of March 1, 2011 Regular Session were approved as presented.

**PROCLAMATIONS**

Mayor Davidson stated the following proclamation was issued:

**Missouri Arbor Day**

Whereas, the Neosho City Council wishes to recognize Missouri Arbor Day; and

Whereas, safely managing our environment remains the key to a strong and prosperous future for our community; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

Whereas trees are a renewable resource giving us paper, and wood for our homes, fuel for our fires and countless other wood products; and

**Council Minutes – March 15, 2011**

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

Whereas, trees are a source of joy and spiritual renewal;

Now therefore I, Richard Davidson, Mayor of the City of Neosho, do hereby urge all citizens to support efforts to care for our trees and woodlands.

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 1<sup>st</sup> day of April, 2011.

/s/ Richard Davidson, Mayor

**April Employer of the Month – Hometown Bank**

Whereas, the Neosho City Council wishes to recognize the Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to our local Economy; and

Whereas, *Hometown Bank* a locally owned financial institution, began serving the Neosho Area with a Loan Production Office in January of 2000 with two employees; and

Whereas, In 2001, *Hometown Bank* opened a full line banking facility in its present location serving the Neosho Community and Area with exceptional customer service. With twelve employees in the Neosho Facility they are using the latest in banking technology with the desire to improve the communities it serves; and

Whereas, *Hometown Bank* serves our Southwest Missouri Area with banking facilities in Carthage, Joplin, Oranogo, Neosho and Pineville, Missouri;

Now therefore I, Richard Davidson, Mayor of the City of Neosho, do hereby Proclaim, *Hometown Bank* as Neosho's April, 2011 Employer of the month. We wish to congratulate their Employees for the Commitment to Customer Service and their Contribution to our City and Community's growth.

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 March, 2011.

/s/ Richard Davidson, Mayor

**VISITORS BUSINESS**

**J.C. Herrell – City Business**

Mr. Herrell commended Mr. Skaggs, Mr. Collinsworth and Mr. Hart for running for City Council and congratulated Mr. Collinsworth and Mr. Hart for winning the Primary Election.

J.C. Herrell stated concerns regarding the use of proceeds from the sale of dirt as referenced within agenda number three under new business. He further stated the money should be used to bring police back.

Mr. Herrell stated the funds being asked for the financial analyst under agenda item number four should go towards hiring a police officer. He further stated the duties for this position is the same as the current Finance Director. Mr. Herrell stated confusion regarding the reference to the yearly and state auditors recommending this position as the state audit has not been released.

J.C. Herrell stated the change order number one with the Neal Group as outlined in agenda item number six under new business to increase money should not be approved.

**Council Minutes – March 15, 2011**

**Jack Bowyer – Airport**

Mr. Bowyer stated his original reason for signing up has been addressed through a conversation with Martha Mundt, Finance Director. Mr. Bowyer further stated concerns regarding the road conditions in front of Power Sports, by MFA, South of Benton School and by Tumbletown.

**Doug Skaggs – Agenda number four under new business**

Mr. Skaggs stated to reserve comment until discussion was had regarding the Financial Analyst position.

**BIDS**

The following bid recommendations were presented for consideration.

**Public Works (Wastewater) – UV Lamps**

Mr. Mike Hightower informed the council the UV Lamp bulbs for the Wastewater Plant last approximately three years and recommended the council accept the low bid from North American UV, Inc. for UV Lamps in the amount of \$4,800.00.

**WATER DEPARTMENT – U.V. BULBS  
BID OPENING SUMMARY**

The bid opening was held at 1:00 p.m., March 7, 2011 in the Lobby of City Hall. Present for the opening were Stacey Barnes and Mike Hightower.

Additional bids were received by Livingston Micrographics in the amount of \$6,113.40, First Light Technologies in the amount of \$9,000, Enviro-line Co. Inc. in the amount of \$10,500 and American Air & Water, Inc. in the amount of \$7,080. No bid was received by UV Doctor.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the purchase of 60 ultraviolet bulbs for the UV System at the Shoal Creek wastewater plant from North American UV, Inc. in the amount of \$4,800.00.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes, David Ruth – Yes.

Motion carried.

**Public Works (Water) – Chemicals at Water Plant**

Mr. Mike Hightower informed the council there were five bidders for the chemicals for the water filtration and wastewater plants and recommended the council accept bid from Brenntag Mid-South for chlorine in the amount of \$102 plus fuel surcharge per delivery and the lowest bid from Mississippi Lime for lime in the amount of \$181.20 per ton and the bid from G.S. Robins & Co. for the Polyaluminum Chloride (PAC) in the amount of \$0.33 per pound.

**WATER FILTRATION DEPARTMENT – CHEMICALS  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., March 9, 2011 in the Conference Room of City Hall. Present for the opening were Stacey Barnes, Renee Johnson and Larry Startin with Brenntag Mid-South, Inc.

The following bids were received by: Brenntag Mid-South in the amount of \$540 per cylinder for chlorine, \$102 per 150 Lb chlorine, \$182.50 per ton for lime and \$0.3585 per pound for PAC; DPC Enterprise in the amount of \$650 per cylinder for chlorine, \$120 per 150 Lb chlorine, no bid for lime and no bid for PAC; Mississippi Lime Company in the amount of no bid for chlorine, no bid per 150 Lb chlorine, \$181.20 per ton for lime and no bid per pound for PAC; G.S. Robins & Co. in the amount of no bid per cylinder for chlorine, no bid per 150 Lb chlorine, no bid per ton for lime and \$0.33 per pound for PAC. No bid returned by Advance Chemical Solutions.

**Council Minutes – March 15, 2011**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the purchases from Brenntag Mid-South for chlorine in the amount of \$102 plus fuel surcharge per delivery and Mississippi Lime for lime in the amount of \$181.20 per ton and G.S. Robins & Co. for the Polyaluminum Chloride (PAC) in the amount of \$0.33 per pound.

Councilman Workman confirmed the bid price is locked in until the end of this fiscal year.

Roll call vote:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Fire Department – Ladder Testing**

Fire Chief Mike Eads informed the council the test/inspection for ladder testing is an annual requirement by NPFA 1911 to ensure all ladders and aerial devices are working properly and safe and recommended the council accept the next to low bid from American Test Center for test/inspection of ground ladders and aerial devise in the amount of \$1,596. Chief Eads further stated although Consolidated Fleet Services was low bid they are a new company and not familiar with their quality of service and the City has worked with American Test Center and trusts them.

Additional bids were received from Underwriter Laboratories in the amount of \$2,037.80 and Consolidated Fleet Services in the amount of \$1,104.50.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the services of test/inspection for ladder testing and aerial devises from American Test Center in the amount of \$1,596.

Roll call vote:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Police Department – Safety Equipment**

Police Chief David McCracken informed the council that bids were received from Fleet Safety Equipment in the amount of \$10,034, OMB Express in the amount of \$10,946.94, Ed Roehr in the amount of \$10,818.82, Galls Police Supply in the amount of \$13,321.15 and Galls Supply (bid #2) in the amount of \$10,607.85 for the purchase of safety equipment and recommended the council accept the low bid from Fleet Safety Equipment in the amount of \$10,034. He further stated this is funded with Missouri Block Grant funds in the amount of \$9,000 and the City will pay the amount of \$1,034.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the purchase of safety equipment with the assistance of grant funds in the amount of \$10,034.

Roll call vote:

David Ruth – Yes, Tom Workman – Yes, Richard Davidson - Yes.

Motion carried.

**Development Services - Networked Copier/Scanner**

City Manager Harlan Moore informed the council the IT Manager requested bids from multiple sources for a photocopier with scanning capability. He further stated the current printers will no longer be used and included as surplus property to cover costs. Mr. Moore recommended

**Council Minutes – March 15, 2011**

council approve the low bid from Ozark Business Systems to purchase a copier/scanner for City Hall in the amount of \$2,612. Mr. Moore stated the phrase (with trade in of current copier) on the provided bid sheet under Ozark Business Systems needs to be stricken.

Additional bids were received from Ricoh/Icon in the amount of \$3,580 and Xerox in the amount of \$5,063.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the purchase of a copier/scanner from Ozark Business Systems in the amount of \$2,612.

Roll call vote:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2011-441...To amend the 2010-2011 budget of the Economic Development Fund for an Economic Development Community Contribution Grant for Water Infrastructure Improvements of Landes Trucking, LLC in the amount of \$6,000...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-441 for Ordinance No. 467-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-441 on second and third readings.

Discussion followed.

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes.

Motion carried.

**Bill No. 2011-442...Amending Chapter 405: Zoning Regulations, of the Code of Ordinances...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-442 for Ordinance No. 468-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-442 on second and third readings.

Tom Workman - Yes, Richard Davidson - Yes, David Ruth – Yes.

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Bill No. 2011-443...Canvassing the returns of the primary election held Tuesday, March 8, 2011, and declaring the results thereof; and calling for a municipal election to be held Tuesday, April 5, 2011...1st Reading**

Bill No. 2011-443 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-443 on first reading.

**Council Minutes – March 15, 2011**

Roll call vote:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Bill No. 2011-443...Canvassing the returns of the primary election held Tuesday, March 8, 2011, and declaring the results thereof; and calling for a municipal election to be held Tuesday, April 5, 2011...2nd & 3rd Readings...under emergency measure**

Bill No. 2011-443 for Ordinance No. 469-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-443 on second and third readings.

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes.

Motion carried.

**Bill No. 2011-444...Declaring certain real property as surplus and setting forth the method of disposing of same...1st Reading**

Bill No. 2011-444 was read by title only by Mr. Hays.

City Manager Harlan Moore was approached by a contractor about purchasing fill dirt for the Crowder College building project. He further stated the determined fair market price for good fill dirt is between \$1-\$2 per cubic yard if the contractor does all the loading and hauling. Mr. Moore stated there is approximately 22,000 cubic yards available from the City owned real estate previously known as Betz/Bond property. He stated the contractor is interested in approximately 14,000 cubic yards of dirt and the removal of this dirt would improve the area and allow it to grow back to a natural state.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-444 on first reading.

Councilman Ruth stated concerns about tree removal to access the dirt and damage caused as a result of this project.

Councilman Workman stated the necessity to have someone oversee the project to keep track of the amount of dirt taken.

City Attorney Hays stated Mike Hightower would have control over the contractor to oversee the project. He further stated a contract would be presented to Council for approval.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes, David Ruth – Yes.

Motion carried.

**Bill No. 2011-445...To authorize establishment of a new FTE position titled Financial Analyst and amend the 2010-2011 budget in the amount of \$15,000 to be allocated between the General Fund (50%) and the Water/Wastewater Fund (50%)...1st Reading**

Bill No. 2011-445 was read by title only by Mr. Hays.

Martha Mundt, Finance Director informed the council of the importance of segregation of duties as outlined by prior audits she has been involved in. She further stated if the position of financial analyst is approved it would free up her time to do analysis that are needed, oversee financial and cash handling and provide support to all other departments more efficiently.

**Council Minutes – March 15, 2011**

Doug Skaggs stated although the City Manager and Finance Director are nice people the current finance director makes \$10,000 more than the prior finance director and the City Manager approved it. He further stated the city manager and finance director combined make over \$200,000. Mr. Skaggs stated the City does not need more employees.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-445 on first reading.

Mayor Davidson stated the finance department has been better at providing needed reports to council in a timely manner. He further asked Ms. Mundt how many employees her department is down from the layoffs.

Ms. Mundt stated her department is down one FTE and the reason they are not funding that position and asking to fund a new FTE is to address a specific need of the department. Ms. Mundt further stated the department still has backlog. She stated timely reconciling is a priority but they are having trouble staying caught up in conjunction with daily challenges.

Mayor Davidson asked Ms. Mundt if the employee she lost performed the reconciling function.

Ms. Mundt stated the Collector did not perform that function but the department has been understaffed for complexities of what this City does. She further stated that the debt such as TIF and other departments need evaluated and cannot be passed down to other staff. Ms. Mundt admitted to working 14 to 16 hour days without complaint but would like the ability to provide a greater service which can be accomplished by adding the financial analyst position.

Mayor Davidson stated this is a significant matter and sees it is justified but would need to look at the budget to see if the additional \$7500 could be funded.

City Manager Moore stated financial problems can be avoided if analyzed properly.

Councilman David Ruth stated although he does not doubt Ms. Mundt's statements, he suggests putting the consideration for this position off until the next budget meeting.

Councilman Tom Workman agreed with Councilman Ruth's statement. He further stated he knows the Finance Department's functions are important but would not consider her situation any worse than other departments that have lost more employees than she has. Mr. Workman suggested first hiring police and the decision of this position be postponed until the next budget discussion. Councilman Workman stated the police department is doing a wonderful job with the resources they have.

Motion was made by Mayor Davidson and seconded by Councilman Workman to postpone Bill No. 2011-445 indefinitely.

Roll call vote:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Consider approval of a grant agreement with Region M Solid Waste Management District for Recycle Center operations**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the Financial Assistance Agreement with Region M Solid Waste Management District for Recycle Center operations.

Roll call vote:

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes.

Motion carried.

**Council Minutes – March 15, 2011**

**Consider approval of Change Order #1 with Neal Group Construction, LLC for asbestos abatement at 201 S. Jefferson St.**

Craig Jones, Development Services Director stated the bid for asbestos abatement was determined without demolition and final count of pipe joints that were hidden in the walls and ceilings. He further stated the change order was to determine the final amount and extend the contract completion date to March 28, 2011. Mr. Jones verified this would be a net zero impact to the City.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve Change Order #1.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes, David Ruth – Yes.

Motion carried.

**Consider Lease Agreement with Great America Leasing Corporation for a Sharp MX6201N Photocopier**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the Great America Leasing Corporation Agreement subject to City Attorney providing amendment to the contract.

Discussion followed.

Roll call vote:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Consider Agreement with Ozark Business Systems for Black and White and Color Copies and Copier Maintenance.**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the Ozark Business Systems agreement.

Discussion followed.

Roll call vote:

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light located 300' East of Skyline Drive on Northwest Boulevard**

Motion was made by Councilman Workman and seconded by Councilman Davidson to amend the Electric Service Agreement with Empire District Electric to replace one light 300' East of Skyline Drive on Northwest Boulevard and authorize the mayor to execute same.

Discussion followed.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes, David Ruth – Yes.

Motion carried.

**Water/Sewer Department Customer Service & Billing – For Discussion Only**

Mayor Davidson stated during the winter storm, City Hall shut down and because the weather prevented a patron to pay his water bill on time, he was charged a late fee although in eight years of service he had never been late. Mayor Davidson further stated the policies of paying the water bills should be reviewed and asked for councilmen's comments.

Councilman Workman stated if City Hall is closed due to weather courtesy should be extended for payment but not to be offered for repeat offenders.

Councilman Ruth stated the policies should be reviewed and the City Manager should be accommodating.

Mayor Davidson directed City Manager Moore to review the water billing payment policy.

Mr. Moore stated he would have a written report for the next meeting.

**REPORT OF CITY OFFICERS**

**Mayor Richard Davidson – Council Comments**

Mayor Davidson stated a councilmember made comments regarding city personnel at a prior meeting. He further stated that the comments are to not be considered a consensus of the council but as her personal opinion.

**City Manager Harlan Moore – State Conservation**

Mr. Moore stated there was a meeting with the State Conservation regarding the forest by Morse Park. He further stated the Conservation recommended treating for honeysuckle to improve the standing of the forest which will be going out for bid.

**City Manager Harlan Moore – Swimming Pool**

Mr. Moore stated Todd Banes is working to improve the look of the City pool by addressing the leak, sandblasting and new paint.

**City Manager Harlan Moore – Letter to Council**

City Manager Moore stated he provided a letter to Council asking for direction.

**City Manager Harlan Moore – Finance Reports**

Mr. Moore stated there has been full disclosure of finance reports as required.

**City Clerk Nora Houdyshell – Visitor Business**

City Clerk Houdyshell stated she attended a clerk conference and learned when a citizen signs up for visitor business it is required to provide their address for the record.

**APPOINTMENTS & VACANCIES**

**Airport Industrial Development Board:**

The Mayor announced one vacancy exists for a term of three years beginning October 1, 2010.

**Board of Appeals:**

The Mayor announced five vacancies will exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

**Council Minutes – March 15, 2011**

**Board of Appeals - Dangerous Buildings & Structures:**

One vacancy currently exists.

**Library Board:**

The Mayor announced one vacancy currently exists for an unexpired three-year term that began July 1, 2009 and expires June 30, 2012 due to the resignation of Sara McDaniel.

**Park and Recreation Board:**

The Mayor announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**NOTICE TO CLOSE PART OF MEETING**

Motion was made by Councilman Davidson and seconded by Councilman Workman 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:

Richard Davidson - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

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

The meeting reconvened in open session at 9:20 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Davidson to adjourn the March 15, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the meeting.

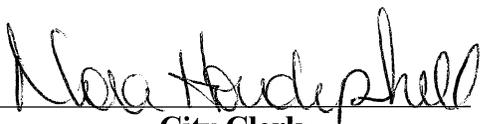
There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:20 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**DRAFT - MINUTES  
NEOSHO CITY COUNCIL  
April 5, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Doug Houdyshell gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Matthew Persinger, David Ruth, Tom Workman.

ABSENT: Heather Bowers

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Mike Hightower, Public Works Director

**AMEND AGENDA**

Mayor Davidson stated the agenda was to be amended to strike number four (4) under new business.

Motion was made by Councilman Workman and seconded by Councilman Persinger to amend the agenda.

It was the consensus of the council to approve the amendment to the agenda.

**APPROVAL OF CONSENT AGENDA:**

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the consent agenda as amended.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of March 15, 2011 Regular Session and Closed Session were approved as presented.

**PROCLAMATIONS**

There were none.

**VISITORS BUSINESS**

There was none.

**BIDS**

The following bid recommendations were presented for consideration.

**Council Minutes – April 5, 2011**

**Parks and Recreation Department – Swimming Pool Paint**

Harlan Moore, City Manager informed the council there were four bidders for the chlorinated swimming pool paint and recommended the council accept bid from T.H. Rogers for swimming pool paint in the amount of \$35.49 per gallon (Gray Seal) with a total estimated cost of \$5,323.50. The two lowest bids did not meet bid specs.

**PARKS AND RECREATION DEPARTMENT – CHLORINATED SWIMMING POOL PAINT  
BID OPENING SUMMARY**

The bid opening was held at 11:00 a.m., March 29<sup>TH</sup>, 2011 in the Conference Room of City Hall. Present for the opening were Todd Baner, Amy Moritz and David Freund.

The following bids were received by: Lowes in the amount of \$27.81 per gallon; Browns in the amount of \$36.05 per gallon; Crystal Clear in the amount of \$58.05 per gallon; T.H. Rogers in the amount \$25.94 per gallon for one brand or \$35.49 per gallon for another brand. No bids returned by Mid West Pool and Spa and In the Swim.

Motion was made by Councilman Persinger and seconded by Councilman Workman to approve the purchase from T.H. Rogers for swimming pool paint in the amount of \$35.49 per gallon.

Roll call vote:

Matthew Persinger - Yes, David Ruth – Yes, Tom Workman – Yes, Richard Davidson - Yes.

Motion carried.

**Public Works – Landes Trucking Water Line Parts Bid**

Harlan Moore, City Manager, informed the council there were three bidders for the Landes Trucking water line parts and recommended the council accept bids from Water Products for the pipe and fire hydrant in the amount of \$3920.82 and from B&L Waterworks for the fittings in the amount of \$2076.04.

**PUBLIC WORKS DEPARTMENT – LANDES TRUCKING WATER LINE PARTS  
BID OPENING SUMMARY**

The bid opening was held at 10:24 a.m., March 29, 2011 in the Conference Room of City Hall. Present for the opening were Stacey Barnes and Cassie Moore.

The following bids were received by: Joplin Supply Company in the amount of \$2540.05 for pipe, \$3112.36 for fittings and \$1633.29 for the hydrant; Water Products Co in the amount of \$2370.82 for pipe, \$2451.36 for fittings and \$1550 for hydrant; B&L Waterworks in the amount of \$2419.20 for pipe, \$2076.04 for fittings and \$0.00 for the hydrant. No bid returned by HD Supply Waterworks.

Motion was made by Councilman Persinger and seconded by Councilman Ruth to approve the purchases from Water Products in the amount of \$3920.82 for the pipe and fire hydrant and from B&L Waterworks in the amount of \$2076.04 for fittings.

Roll call vote:

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2011-444...Declaring certain real property as surplus and setting forth the method of disposing of same...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-444 was read by title only by Mr. Hays.

**Council Minutes – April 5, 2011**

Motion was made by Councilman Persinger and seconded by Councilman Workman to pass Bill No. 2011-444 on second and third reading.

Councilman Ruth stated with reservation he voted yes on the first reading but continues to have concerns and mentioned the City should not be in the dirt sale business.

Discussion followed.

Roll call vote:

Tom Workman - Yes, Richard Davidson - No, Matthew Persinger – Yes, David Ruth – No.

Motion failed.

**CORRESPONDENCE**

Mayor Davidson announced a letter had been received by Council from MoDot “It’s Personal”.

**NEW BUSINESS**

Mayor Davidson stated no one had signed up to speak at the public hearing then opened the floor for public comment.

**Public Hearing regarding proposed rezoning of property located in Neosho Heights Subdivision, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District, to District R-2, Second Dwelling House District, as petitioned by Lane & Swift, L.L.C..**

Mr. Larry Lane approached council and asked if anyone had questions regarding the rezoning.

Discussion followed.

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

**Bill No. 2011-447... Rezoning the below described property located in Neosho Heights Subdivision, Neosho, Newton County, Missouri, from District R1, First Dwelling House District, to District R-2, Second Dwelling House District, as petitioned by Lane & Swift, L.L.C....1<sup>st</sup> Reading**

Bill No. 2011-447 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-447 on first reading.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Consider approval of contract for dirt removal**

City Attorney Hays stated since Bill No. 2011-444 under unfinished business did not pass this item needs to be removed from the agenda.

No discussion or consideration was made.

**Consider amending Electric Service Agreement with Empire District to replace one light located at 604 Oak Ridge Drive.**

Motion was made by Councilman Persinger and seconded by Councilman Ruth to amend the Electric Service Agreement with Empire District Electric to replace one light located at 604 Oak Ridge Drive and authorize the mayor to execute same.

Roll call vote:

Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes, Richard Davidson – Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light located at Hill Street and Oak Ridge Drive.**

Motion was made by Councilman Persinger and seconded by Councilman Workman to amend the Electric Service Agreement with Empire District Electric to replace one light located at Hill Street and Oak Ridge Drive and authorize the mayor to execute same.

Roll call vote:

David Ruth – Yes, Tom Workman - Yes, Richard Davidson - Yes, Matthew Persinger - Yes.

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light at 325 W. Brook.**

Motion was made by Councilman Persinger and seconded by Councilman Workman to amend the Electric Service Agreement with Empire District Electric to replace one light located at 325 W. Brook and authorize the mayor to execute same.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes, Matthew Persinger – Yes, David Ruth – Yes.

Motion carried.

**REPORT OF CITY OFFICERS**

**City Manager Moore - LLEBG Revised Agreement (Police Department)**

City Manager Moore stated the revised LLEBG Agreement was due to a clerical error and that the numbers are correct.

**City Manager Moore – Water Billing Procedures**

City Manager Moore stated right before the meeting he handed out an outline of water billing procedures to Council.

**APPOINTMENTS & VACANCIES**

**Airport Industrial Development Board:**

The Mayor announced one vacancy exists for a term of three years beginning October 1, 2010 and that one letter of interest had been received by Vance Keaton, Community President with First Community Bank.

Motion was made by Councilman Workman and seconded by Councilman Persinger to appoint Vance Keaton to the Airport Industrial Development Board.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Board of Appeals:**

The Mayor announced five vacancies will exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

**Board of Appeals - Dangerous Buildings & Structures:**

One vacancy currently exists.

**Library Board:**

The Mayor announced one vacancy currently exists for an unexpired three-year term that began July 1, 2009 and expires June 30, 2012 due to the resignation of Sara McDaniel.

**Park and Recreation Board:**

The Mayor announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Persinger and seconded by Councilman Ruth to adjourn the April 5, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 7:13 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_

**Mayor**

**ATTEST:**

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

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
April 11, 2011 – 5:00 p.m.  
The Civic Center  
109 W. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 5:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Matthew Persinger, David Ruth, Tom Workman

CITY OFFICERS PRESENT: Steven Hays, City Attorney and Nora Houdyshell, City Clerk.

**Public Hearing regarding Heather Bowers forfeiture of seat**

Mayor Davidson stated the purpose of the hearing and read City Charter 2.09 in its entirety followed by the reading of City Charter 2.07 in its entirety.

**Note for the record:**

Mayor Davidson stated that this provision has not been modified or changed since the voters approved the Charter in April 1973.

City Attorney Hays read the procedures for the public hearing as outlined below:

1. Statement of Purpose:  
To provide Heather Bowers a Charter § 2.09 Hearing.
2. Charge:
  - Ms. Bowers failed to attend three (3) consecutive regular meetings of the council; and,
  - No such absence was excused by the Council; and
  - In accordance with the mandates of Charter § 2.07 Ms. Bowers position of Council member is thereby forfeited.
3. Ms. Bowers' Presentation of Testimony and Evidence:  
(Testimony and Evidence Should Remain Relevant to Charge)
4. Discussion and Questions from Council Members:  
(Discussion and Questions Should Remain Relevant to Charge)
5. Final Argument of Ms. Bowers:
6. Council Members Complete Element Questions:  
(Signature on Form of Record)  
(If You Prefer Open Discussion, Poll the Members Positions)
7. Announcement of Result/Poll Council Members Openly:  
(Regardless of Open Polling of Members or Completing Question in Writing all Members Should Complete Written Questions)
8. Adjourn

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve procedure as presented.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**Council Minutes – April 11, 2011**

Mayor Davidson stated since he has an equal vote in this proceeding, he would recommend the hearing be overseen by an impartial 3<sup>rd</sup> party, Mr. Duane Cooper.

Motion was made by Councilman Workman and seconded by Councilman Persinger to appoint Mr. Duane Cooper as master over this hearing.

Roll call vote:

Matthew Persinger - Yes, David Ruth – Yes, Tom Workman - Yes, Richard Davidson – Yes.

Motion carried.

Mr. Cooper gave his credentials and instructed everyone to follow the procedures as outlined and read by the City Attorney.

Ms. Heather Bowers stated Mr. Cooper represented her three years ago.

Mr. Cooper stated he did not remember representing Ms. Bowers and asked if there was objection from the Council for him to proceed.

It was the consensus of the Council to proceed with Mr. Cooper as master over the hearing.

Ms. Bowers requested City Attorney Hays to read, in their entirety, the following sections from the Charter: 1.03 (Powers of the City); 2.01 (Where Powers Vested); 2.05 (Mayor and Mayor Pro Tempore); 2.09 (Judge of Qualifications) and 2.15 (Council Journal and Rules).

Ms. Bowers then presented the following points for the Council to amend the draft of April 5<sup>th</sup> minutes and excuse her absence:

- She contacted the Mayor and City Clerk by phone and text messages before each meeting she was absent to explain her children were sick. Ms. Bowers produced a phone log indicating the times and numbers called. Entered as Defense Exhibit 3.
- Ms. Bowers also produced an email from City Clerk Houdyshell to City Manager Moore stating Ms. Bowers had left a message apologizing she missed their Monday meeting due to her son being sick. Entered as Defense Exhibit 4.
- She arrived at the April 5<sup>th</sup> meeting at 7:17 p.m.
- Council meetings have been delayed in the past for other members to arrive.
- Mayor Davidson withheld information.
- She presented copies of minutes where prior council had excused absences. Entered as Defense Exhibit 1.
- She has meetings at City Hall and stays informed of city business.

Ms. Bowers stated there were emails from Mayor Davidson informing council of expected conduct of meetings. She further stated Mayor Davidson changed the agenda to include the consent agenda. Ms. Bowers also mentioned an email dated April 6 by Steven Hays stating she has forfeited her seat. Entered as Defense Exhibit 2.

Councilman Ruth stated Mayor Davidson notified him of Ms. Bowers' absence earlier that afternoon. He further stated from his prior experience on council an absence was done by roll call.

Mr. Cooper opened the floor for discussion of the Council.

Mayor Davidson stated the consent agenda was to make things more efficient and is used a lot by other cities. He further stated there has been only one excused absence during his term.

Mr. Cooper read requirements of the three questions and told Council to read questions and vote.

Mr. Cooper received the results and read:

Question 1. Did Councilwoman Bowers fail to attend three (3) consecutive regular meetings of the Neosho City Council? Answer: Affirmative by all members and Mayor.

**Council Minutes – April 11, 2011**

Question 2. If the answer to #1 above was in the affirmative, were any of said meetings excused on the date of failure to attend? Answer: Negative by all members and Mayor.

Question 3. After hearing all evidence this afternoon, do you now excuse Ms. Bowers for any meeting missed as referred to in her Charge of Charter Section 2.07, Vacancies-Forfeiture of Office? Answer: 3 votes no (Richard Davidson, Matt Persinger and Tom Workman) and one vote yes (David Ruth). The majority have spoken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Persinger to adjourn the April 11, 2011 Special Session City Council meeting.

It was the consensus of the council to adjourn the meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 6:03 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**April 19, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mike Hightower gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Matthew Persinger, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Baner, Parks & Recreation Director and Mike Hightower, Public Works Director

**AMEND AGENDA**

Mayor Davidson stated the agenda was to be amended to strike number four (4) under old business and move to number eight (8) under new business. He also stated for courtesy of visitors, number seven (7) under new business will be moved to number (2) under new business and number two (2) under new business will be moved to number seven (7) under new business.

**APPROVAL OF AGENDA**

Motion was made by Councilman Ruth and seconded by Councilman Workman to approve the agenda as amended.

It was the consensus of the council to approve the agenda as presented.

**APPROVAL OF CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the consent agenda.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - Yes,  
David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of April 5, 2011 Regular Session and April 11, 2011 Special Session were approved as presented.

**PROCLAMATION**

Mayor Davidson stated the following proclamation was issued on April 26, 2011.

May Employer of the Month – Neosho True Value  
**Whereas**, the Neosho City Council wishes to recognize the Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to our local Economy; and

Bill No. 2011-448 for Ordinance No. 470-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Persinger and seconded by Councilman Ruth to pass Bill No. 2011-448 on second and third readings.

Roll call vote:

Tom Workman - Yes, Richard Davidson - Yes,  
Matthew Persinger – Yes, David Ruth – Yes.

Motion carried.

**Consideration of appointment to vacant council seat. Five letters of interest have been received. (1) Steve Hart (2) JC Herrell (3) Bill Slade (4) William Gil and (5) Andrew Hamby**

Mayor Davidson announced William Gil has been removed from consideration of appointment.

Councilman Ruth moved to appoint Steve Hart.

### **Point of Order**

Mayor Davidson allowed J.C. Herrell to address council. Mr. Herrell stated Mr. Persinger should not be able to vote since new council will be working with Mr. Collinsworth instead of Mr. Persinger.

Mayor Davidson stated the vacancy occurred during the current council's watch.

City Attorney Hays stated there is no legal reason why Matt Persinger should not be able to vote.

JC Herrell stated it was an ethical reason and Mr. Collinsworth should have a say in who he works with. He further stated when the County Clerk certified the election results the old council no longer existed.

Mayor Davidson stated he was in support of conducting as is.

Councilman Ruth moved to appoint Steve Hart with a second from Councilman Workman.

There being no other nominations, motion was made by Councilman Ruth and seconded by Councilman Workman to cease nominations and appoint Steve Hart as councilperson.

Roll call vote:

Richard Davidson - Yes, Matthew Persinger - No, Councilman Ruth – Yes,  
Tom Workman - Yes.

Motion carried.

### **RECOGNITIONS**

Mayor Davidson presented a plaque to Councilman Persinger in recognition of his service to the City of Neosho.

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

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

It was the consensus of the council to adjourn...sine...die.

**Public Works – Rotar Blades**

Mike Hightower, Public Works Director, informed the council there were two bidders for the rotar blades and recommended the council accept the bid from JCI/Electric Motor Supply for the rotar blades in the amount of \$22,464.00.

**PUBLIC WORKS DEPARTMENT – ROTAR BLADES  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., April 6, 2011 in the Lobby of City Hall. Present for the opening were Stacey Barnes, Cassie Moore and Jim Wood from JCI/Electric Motor Supply.

The following bids were received by: JCI/Electric Motor Supply in the amount of \$22,464, Enviro-line Co., Inc in the amount of \$34,000.00.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the purchase from JCI/Electric Motor Supply in the amount of \$22,464 for rotar blades.

Roll call vote:

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

Motion carried.

**Public Works – Pump**

Mike Hightower, Public Works Director, informed the council there were four bidders for pump and recommended the council accept the bid from Letts, Vankirk & Associates for the pump at Shoal Creek for the water filtration plant in the amount of \$15,236.00. He further stated this would be installed by our maintenance crew.

**PUBLIC WORKS DEPARTMENT – PUMP  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., April 7, 2011 in the Conference Room of City Hall. Present for the opening were Mike Hightower and John Harrington.

The following bids were received by: Letts, Vankirk & Associates in the amount of \$15,236 plus installation fee of \$3,760; Pioneer Industrial in the amount of \$16,198 (no bid for installation); Layne Christenson in the amount of \$26,526 plus installation fee of \$6,842. No bid returned by Evans Enterprises, Inc.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the purchase from Letts, Vankirk & Associates in the amount of \$15,236 for the pump.

Roll call vote:

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

Motion carried.

**Parks and Recreation Department – Pool Chlorine Bid**

Todd Banes, Parks Director informed the council there were five bidders for the swimming pool chlorine and recommended the council accept bid from Midwest Pool and Spa for swimming pool chlorine tablets in the amount of \$4,198.74.

**PARKS AND RECREATION DEPARTMENT – SWIMMING POOL CHLORINE  
BID OPENING SUMMARY**

The bid opening was held at 11:00 a.m., April 13, 2011 in the office of the Parks and Recreation Department. Present for the opening were Amy Moritz and Rich Auch.

Mr. and Mrs. Morgan addressed council giving an overview of the history and concluded by stating their concerns were initially for noise barrier but since have greater concerns for security. Mr. and Mrs. Morgan further stated they would like the city to consider an agreement for them to build a concrete fence, concrete posts with metal gates.

Mayor Davidson stated agreement for consideration to help the Morgan's but there were concerns regarding availability of funds as well as the uncertainty of prevailing wage being a possible issue.

Councilman Ruth stated there needs to be a meeting with Mr. Moore to discuss available funds. He further stated the city may not be able to provide \$20,000 but would like make an effort and to find a common ground.

Councilman Hart stated concerns about the fence actually keeping out noise and confirmed the Morgan's live outside the city limits.

It was the consensus of the council to look at the property and discuss it again at the May 3<sup>rd</sup> council meeting with City Attorney Hays forwarding the prior agreement between the City and Mr. and Mrs. Morgan along with Mr. Moore determining fund balances.

#### **Consider approval of Change Order No. 1 for La-Z-Boy Drive**

Mike Hightower, Finance Director stated the contract with Swift Construction for La-Z-Boy Drive has had the final inspection requiring the change order to accurately reflect the actual quantities constructed. He further stated there was \$6065.19 of over runs and \$9956.57 of under runs making the final contract amount of \$314,280.80.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve Change Order No. 1 in the amount of (\$3,891.38).

Roll call vote:

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

Motion carried.

#### **Consider approval of Signature Granite, LLC Lease Agreement**

Motion was made by Councilman Ruth and seconded by Councilman Workman to approve agreement with Signature Granite in the amount of \$1550 for the right to cultivate and harvest hay and seed on 160 acres of airport property.

Roll call vote:

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

Motion carried.

#### **Consider approval of Adult Softball Agreement**

City Attorney Hays stated there was an agreement provided to Jeff Studdard for the use of the softball fields. He further stated the agreement required liability insurance. Mr. Hays stated that Mr. Studdard searched for insurance and it was costly so no agreement has been reached. City Attorney Hays advised Council that the City should require liability insurance when activity occurs on city property.

Discussion followed.

## **REPORT OF CITY OFFICERS**

There were none.

## **APPOINTMENTS & VACANCIES**

### **Board of Appeals:**

The Mayor announced five vacancies will exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Golf Course Committee:**

The Mayor announced two vacancies will exist for terms of three years beginning May 1, 2011 due to the expiring terms of Tuck Ellis and Keith Reardon. One letter of interest has been received by Tuck Ellis requesting reappointment.

Motion was made by Councilman Workman and seconded by Councilman Hart to reappoint Tuck Ellis to the Golf Course Committee.

Roll call vote:

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

Motion carried.

Motion was made by Councilman Workman and seconded by Councilman Hart to reappoint Keith Reardon to the Golf Course Committee.

Roll call vote:

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

Motion carried.

### **City County Library Board:**

The Mayor announced one vacancy currently exists for a remaining term that will expire June 30, 2012.

### **Park and Recreation Board:**

The Mayor announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

### **Councilmember Annual Appointments**

Mayor Davidson stated the council member's appointments as follows:

Airport Industrial Development Board	Richard Davidson
Board of Appeals (Dangerous Buildings & Structures)	Richard Davidson & Steve Hart
Economic Development Sales Tax	Richard Davidson
Enhanced Enterprise Zone Board	Tom Workman
Historic District Commission	Charles Collinsworth
Senior Citizen Committee	Tom Workman
Traffic Commission	David Ruth

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**April 25, 2011 – 4:00 p.m.**  
**City Hall – Lobby**  
**203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 4:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Steve Hart, Richard Davidson and Tom Workman. Charles Collinsworth arrived at 4:05 p.m. and David Ruth arrived at 4:38 p.m.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**CLOSED MEETING:**

Motion was made by Councilman Workman and seconded by Councilman Hart to close the meeting pursuant to Section 610.021(14) RSMo... Records which are protected from disclosure by law.

Roll call vote:

Richard Davidson - Yes, Steve Hart - Yes, Tom Workman - Yes.

Motion carried.

Mayor Davidson closed the meeting at 4:03 p.m.

The meeting reconvened in open session at 4:46 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Hart to adjourn the April 25, 2011 Special Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 4:48 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**MINUTES  
NEOSHO CITY COUNCIL  
April 25, 2011 – 5:00 p.m.  
City Hall – Lobby  
203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 5:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Steve Hart, Richard Davidson, David Ruth and Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**CLOSED MEETING:**

Motion was made by Councilman Hart and seconded by Councilman Workman to close the meeting pursuant to Section 610.021(17) RSMo...Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter.

Roll call vote:

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

Motion carried.

Mayor Davidson closed the meeting at 5:02 p.m.

The meeting reconvened in open session at 5:31 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Hart and seconded by Councilman Workman to adjourn the April 25, 2011 Special Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 5:32 p.m.

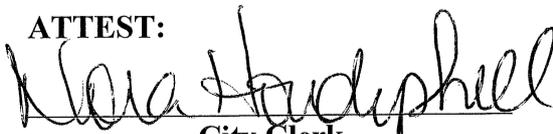
**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_

**Mayor**

**ATTEST:**

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

**MINUTES  
NEOSHO CITY COUNCIL  
May 3, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Charles Collinsworth gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Mike Hightower, Public Works and Jeff Booth, Human Resources Director

**AMENDED AGENDA**

Mayor Davidson stated number eight (8) under new business needs to be deleted as it is not in the city limits.

**APPROVAL OF AGENDA**

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the agenda as amended.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the consent agenda items as listed.

It was the consensus of the council to approve the consent agenda items.

**MINUTES:**

The minutes of April 19, 2011 Regular and Closed Sessions and April 25, 2011 Special and Closed Sessions were approved as presented.

Roll call vote:

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

Motion carried.

**UNFINISHED BUSINESS**

**Bill No. 2011-449...Canvassing the returns of the Municipal Election held Tuesday, April 5, 2011, submitting to the qualified voters of the City of Neosho propositions to amend the City Charter...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-449 for Ordinance No. 472-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-449 on second and third readings.

Roll call vote:

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

Motion carried.

## **VISITORS BUSINESS**

### **Wanda Morgan – Fence**

Ms. Morgan addressed council and stated the prior council approved paying for a fence and feels the current council is receiving bad legal advice.

### **Wanda Morgan – City Manager**

Ms. Morgan cautioned council when considering hiring a new city manager to do their homework by looking at his/her character and the lives that person has affected.

### **Jack Bowyer – Morgan Fence**

Mr. Bowyer stated the citizens were told the council could not rescind the decision the prior council made regarding the railroad closings so he was confused as to how this council could rescind the decision regarding the Morgan's fence.

City Attorney Hays stated the railroad closings had a binding contract executed by both parties. He further stated the Morgan's never signed a contract with the City regarding the fence.

### **Jack Bowyer – Airport**

Mr. Bowyer stated he is still waiting on an answer regarding where the airport money has gone. He further stated it was his understanding the City Manager files a report every year with FAA disclosing the amount in the airport account.

The Mayor deferred the inquiry to City Manager Moore who asked Craig Jones, Development Services Director to address the inquiry. Mr. Jones stated he is waiting on MoDOT Aviation. He further continued to state there was a land sale in 2007 to Missouri Sugars and in 2006 Jim Cole, former City Manager, indicated in a memo to council that there was \$15,000 in the Airport Fund. Mr. Jones stated there were also funds spent for construction to outfit a Jet A storage tank and council approved MoDOT designed airport terminal. Mr. Jones further stated the report sent to the FAA did show a zero balance.

Mr. Bowyer concluded by stating the report probably declared a zero balance.

## **BID**

The following bid recommendations were presented for consideration.

### **City Clerk – Fire Proof File Cabinet**

Mayor Davidson stated the permanent records such as minutes, resolutions and ordinances were required by State to be in a fire proof cabinet. He further stated the Clerk has access to a fireproof vault but it is not secured.

Nora Houdyshell, City Clerk informed the council there were three bidders for the fire proof file cabinet and recommended the council accept bid from Simply Solutions in the amount of \$1,690.02 each.

**Council Minutes – May 3, 2011**

The following bids were received by: Simply Solutions in the amount of \$1,690.02; Redico in the amount of \$1,820.00; Office Depot in the amount \$1,929.99.

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the purchase from Simply Solutions for one fire proof file cabinet in the amount of \$1,690.02.

Roll call vote:

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

Motion carried.

**Public Works – Asphalt**

Harlan Moore, City Manager, informed the council there were two bidders for the asphalt for streets and recommended the council accept the bid from Blevins Asphalt Co for the asphalt in the amount of \$47.00 a ton for Hot Mix and \$59.00 a ton for Cold Mix not to exceed \$15,000. He further stated we will pick up the asphalt.

**PUBLIC WORKS DEPARTMENT – ASPHALT  
BID OPENING SUMMARY**

The bid opening was held at 10:30 a.m., April 28, 2011 in the Lobby of City Hall. Present for the opening were Stacey Barnes, Mike Hightower and Brian Pickett with Swift Construction Co.

The following bids were received by: Swift Construction Co. in the amount of \$58.00 per ton for Hot Mix and \$75.00 per ton for Cold Mix (\$76.00 per ton if delivered); Blevins Asphalt in the amount of \$47.00 per ton for Hot Mix and \$59.00 per ton for Cold Mix. No bid returned by APAC Missouri.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the purchase from Blevins Asphalt Co in the amount of \$47.00 a ton for Hot Mix and \$59.00 at ton for Cold Mix not to exceed \$15,000.

Roll call vote:

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

Motion carried.

**CORRESPONDENCE**

Mayor Davidson announced one letter had been received by Zella M. Collie stating appreciation for the City Manager addressing the signage issues on Daugherty Road.

**NEW BUSINESS**

**Public Hearing regarding a Voluntary Petition to Annex 12890 Norway Road submitted by Lucy Christian.**

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

**Public Hearing regarding an application submitted for a Special Use Permit to operate a beauty salon in an R-1, First Dwelling House District Classification, located at 803 Wornall Drive.**

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

**Bill No. 2011-450...Granting a special use permit to Robert and Evelyn Foster and Mistie Warrant to operate a beauty salon in an R-1 First Dwelling House District, located at 803 Wornall Street, Neosho, Missouri...1<sup>st</sup> Reading**

Bill No. 2011-450 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to pass Bill No. 2011-450 on first reading.

Roll call vote:

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

Motion carried.

**Consider approval of FEMA/SEMA application.**

City Manager Moore stated this is an application to start the process of reimbursement to clean up the snow.

Motion was made by Councilman Hart and seconded by Councilman Workman to authorize Mayor to execute the application to recover costs deemed eligible by FEMA/SEMA.

Roll call vote:

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

Motion carried.

**Consider approval of request for proposal for aviation fuel.**

Craig Jones, Development Services stated this RFP is being presented for Council's approval to procure a vendor for a multi-year branded aviation fuel supplier agreement. He further stated this would provide a competitive selection process, would provide fuel to the City at a fixed predetermined price, provide business support services such as marketing, quality control inspections, training and credit card equipment and processing.

**Point of Order**

Mr. Jack Bowyer stated he would like to deal with someone local.

Mayor Davidson stated this RFP recommendation was to approve a certain criteria not an individual.

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the issuance of the RFP for aviation fuel.

Roll call vote:

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

Motion carried.

**Consider approval of City Engineer and authorize entering into contract.**

Harlan Moore, City Manager stated after a lengthy review process conducted by himself, Craig Jones, Mike Hightower and Tom Workman that Staff recommends the Council approve the agreement with Allgeier, Martin and Associates for engineering services for future projects in streets, water/wastewater, drainage and plan review.

**Council Minutes – May 3, 2011**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agreement with Allgeier, Martin and Associates for engineering services and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider acceptance of a donation for planting of plants and flowers and accepting 85 yards of color enhanced mulch.**

Mayor Davison stated he received notification that the 85 yards of color enhance mulch was donated by NABIFI not Natural Accents as indicated in the cover letter.

Councilman Workman confirmed with City Manager Moore that Todd Banes, Park Director will be conducting the labor.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to accept the donations of plants, flowers and mulch from NABIFI.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

Mayor Davidson stated he would like to hear from the councilmen regarding their findings after looking at the Morgan's property regarding the fence.

Councilman Hart stated after looking at the Morgan's property he noticed there is better lighting, police travel the road and these things would increase the value of their property. He further stated he was sorry the previous council made promises that he can't support. Councilman Hart further stated he would not feel right spending the money collected by City taxpayers to be spent on property that was not in the City limits.

Councilman Collinsworth stated he also looked at the property and is sorry the prior council made promises based on erroneous information but he agrees with Councilman Hart in that these changes have enriched the land. He further stated there is some responsibility of the property owners to know what they own before they make plans. Councilman Collinsworth further stated there would be noise from Highway 60. He suggested he doesn't recommend the City pay for a fence but would agree to hedges or bushes.

Councilman Ruth stated he would agree to hedges or a partial fence but believed the City was not in a position to pay \$20,000.

Councilman Workman stated the Council should be obligated to do something and liked the idea of the bushes but agreed that the City could not afford \$20,000. He further stated he is ready to put this matter behind them and move forward.

City Manger Moore confirmed the money spent would need to come from the general fund.

Mayor Davidson stated he was uncomfortable spending \$20,000 from the general fund before hiring police back. He further stated he liked the idea of the hedges.

Mrs. Wanda Morgan stated they would waive the obligation of the \$20,000 if they could come to an agreement for something else. She stated she would be happy with a fence like the High School has put in. Mrs. Morgan stated they priced a fence for \$16 per foot for the steel materials only and they would need approximately 90 feet.

Mayor Davidson confirmed with Mrs. Morgan that \$1600 would provide a fence they would be agreeable to.

Councilman Hart stated he had been approached by someone stating if the Council agreed to pay the Morgan's for a fence they would be asking the Council for money as well. He further stated he would be concerned about setting precedence.

Councilman Ruth stated there could be an agreement drawn up stating the Council is not setting precedence just trying to honor a prior Council's decision.

Discussion followed.

It was the consensus of the council to pay the Morgan's \$2500 and direct the City Attorney to draw an agreement.

## **APPOINTMENTS & VACANCIES**

### **Board of Appeals:**

The Mayor announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **City County Library Board:**

The Mayor announced two vacancies exist. One for a remaining term that will expire June 30, 2012. One vacancy will exist for a three-year term beginning June 30, 2011, due to the expiring term of Lee Ann Murphy. One letter of interest has been received by Lee Ann Murphy to continue her position on the board.

Motion was made by Councilman Workman and seconded by Councilman Hart to reappoint Lee Ann Murphy to the Library Board.

Roll call vote:

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

Motion carried.

### **Golf Course Committee:**

The Mayor announced one vacancy currently exists for a three-year term beginning May 1, 2009, due to the resignation of Larry Neff.

Motion was made by Councilman Ruth and seconded by Councilman Workman to accept the resignation of Larry Neff from the Golf Course Committee.

Roll call vote:

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

Motion carried.

**Neosho Housing Authority:**

The Mayor announced two vacancies exist for a four-year term beginning April 1, 2011, due to the expiring term of Dan Hierholzer and Paul Clark. Two letters of interest have been received by Dan Hierholzer and Paul Clark to continue their positions on the board.

Motion was made by Councilman Workman and seconded by Councilman Hart to reappoint Dan Hierholzer and Paul Clark to the Neosho Housing Authority.

Roll call vote:

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

Motion carried.

**Park and Recreation Board:**

The Mayor announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

The Mayor announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

Motion was made by Councilman Workman and seconded by Councilman Hart to accept the resignation of Jay Holweger from the Planning & Zoning Commission.

Roll call vote:

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

Motion carried.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the May 3, 2011 Regular Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 7:56 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
A handwritten signature in black ink, appearing to read 'Davidson', is written over a horizontal line. Below the line, the word 'Mayor' is printed in a bold, sans-serif font.

**ATTEST:**

  
A handwritten signature in black ink, appearing to read 'Lisa Hordly', is written over a horizontal line. Below the line, the words 'City Clerk' are printed in a bold, sans-serif font.

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**May 17, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Aaron Decker gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Mike Hightower, Public Works and Jeff Booth, Human Resources Director

**APPROVAL OF AGENDA**

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

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of May 3, 2011 Regular Session were approved as presented.

**UNFINISHED BUSINESS**

**Bill No. 2011-450...Granting a special use permit to Robert and Evelyn Foster and Mistie Warrant to operate a beauty salon in an R-1 First Dwelling House District, located at 803 Wornall Street, Neosho, Missouri...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-450 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-450 on second and third readings.

**Council Minutes – May 17, 2011**

Mayor Davidson stated the Petitioner has moved and no longer requesting the permit.

Roll call vote:

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

Motion failed.

**VISITORS BUSINESS**

**Clifton Kerr – Water Drainage**

Mr. Kerr stated he lives at 625 Archer Court and for the past 15 years has requested the City to address the drainage issues on his property. Mr. Kerr further stated two years ago Mike Hightower placed temporary ties in his yard until the City could put in curbs. Mr. Kerr requested the City to replace his retaining wall that has been damaged due to the drainage issue.

**BID**

The following bid recommendations were presented for consideration.

**Development Services – Airport T-Hangar**

Craig Jones, Development Services Director, informed the council there were five bidders for the Airport T-Hangars and recommended the council accept the bid from Larry Snyder & Co. in the amount of \$566,000.00. He further stated the next low bid does not fall within the 3% allowance for local preference. Mr. Jones stated if the bid is approved he will present a contract at the June 7<sup>th</sup> council meeting with notice to proceed June 8<sup>th</sup>.

**DEVELOPMENT SERVICES – AIRPORT T-HANGAR  
BID OPENING SUMMARY**

The bid opening was held at 3:00 p.m., May 6, 2011 in the Lobby of City Hall. Present for the opening were Harlan Moore, Craig Jones, Billy Sallee, Phil Thomas, mark Whyde, Travis Parish, Patrick Capron, Dennis Farrell, Jason Flynn and Richard Davidson.

The following bids were received by: Larry Snyder & Co. in the amount of \$566,000; Branco Enterprises, Inc. in the amount of \$588,500; Bru-Con LLC in the amount of \$640,000; Construction Services Group in the amount of \$644,531 and Federal Construction in the amount of \$653,800.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to approve the purchase from Larry Snyder & Co. in the amount of \$566,000 for the construction of the Airport T-Hangar.

Roll call vote:

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

Motion carried.

**Public Works – Sprinkler System**

Mike Hightower, Public Works Director, informed the council there were two bidders for the sprinkler system and recommended the council accept the bid from Joplin Fire Protection in the amount of \$39,158.

**PUBLIC WORKS DEPARTMENT – FIRE SPRINKLER SYSTEM  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., April 27, 2011 in the Lobby of City Hall. Present for the opening were Mike Hightower and Cassie Moore.

The following bids were received by: Joplin Fire Protection in the amount of \$39,158; RP3 Inc. in the amount of \$35,500. No bid returned by Show Me Fire.

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to Joplin Fire Protection in the amount of \$39,158 for a fire sprinkler system in the new public works facility.

Roll call vote:

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

Motion carried.

### **Public Works – Leak Detection Survey**

Mike Hightower, Public Works Director, informed the council there was one bid received for the leak detection survey and recommended the council accept the bid from Westrum Leak Detection in the amount of \$5,600 per year for three years.

#### **PUBLIC WORKS DEPARTMENT – LEAK DETECTION SURVEY BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., May 11, 2011 in the Lobby of City Hall. Present for the opening were Stacey Barnes and Cassie Moore.

The following bids were received by: Westrum Leak Detection in the amount of \$5,600 each year. No bids returned by Heath Consultants, Municipal Management Corporation and American Leak Detection.

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the bid from Westrum Leak Detection in the amount of \$5,600 per year for three years and allow Mayor to sign the agreement.

Roll call vote:

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

Motion carried.

### **CORRESPONDENCE**

There was none.

### **NEW BUSINESS**

#### **Bill No. 2011-451...Amending the City of Neosho Personnel Policy Handbook for Employees...1<sup>st</sup> Reading.**

Bill No. 2011-451 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-451 on first reading.

After City Manager Moore introduced Human Resources Director, Jeff Booth, he presented Bill No. 2011-451 with a brief explanation of FLSA guidelines and proposed changes to the personnel policy regarding comp time for city staff.

Discussion followed.

**Council Minutes – May 17, 2011**

It was the consensus of the council to amend the motion to specify department heads to be determined exempt.

Motion to amend was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-451 on first reading as amended.

Roll call vote:

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

Motion carried.

Roll call vote:

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

Motion carried.

**Bill No. 2011-452...Amend the 2010-2011 Budget for an increase of \$1,000 in the General Fund Police Department Budget and for an increase of \$1,000 in the Fire Department Fund Budget for Donations Received..1<sup>st</sup> Reading**

Bill No. 2011-452 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Hart to pass Bill No. 2011-452 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-453...Amend the 2010-2011 Budget to appropriate the Energy Efficiency and Conservation Block Grant into the Water/Wastewater Grant Fund in the amount of \$58,639.88 and providing for a City match of \$19,546.63 to be funded from Water/Wastewater Fund balance resulting in a total expenditure appropriation of \$78,186.51...1<sup>st</sup> Reading.**

Bill No. 2011-453 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-453 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-454...Amend the 2010-2011 Budget by appropriation existing fund balance in the amount of \$42,000, funded equally from the Water/Wastewater and Street Funds to be used for completion of Phase 1 and a portion of Phase 2 of construction of the public works facility...1<sup>st</sup> Reading.**

Bill No. 2011-454 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Ruth to pass Bill No. 2011-454 on first reading.

Discussion followed.

Roll call vote:

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

Motion carried.

**Bill No. 2011-455...Annexing the below described property located within Section 2, Township 25 North, Range 32 West, all of which is contiguous with the City of Neosho, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District Classification...1<sup>st</sup> Reading.**

Bill No. 2011-455 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-455 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-456...Extending its intent to participate in Natural Hazard Mitigation and to work toward becoming a safer community...1<sup>st</sup> Reading.**

Bill No. 2011-456 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-456 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-457...To amend the 2010-2011 Budget by appropriating a salary increase in the Fire Department Budget in the amount of \$2,324 for a mid-year increase in the Fire Chief's salary...1<sup>st</sup> Reading**

Bill No. 2011-457 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-457 on first reading.

Roll call vote:

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

Motion carried.

**Council Minutes – May 17, 2011**

**Resolution Bill No. 2011-19...Setting Certain Regulations and Fees for the Neosho Municipal Golf Course.**

Resolution Bill No. 2011-19 for Resolution 115-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Davidson to adopt Resolution Bill No. 2011-19.

Mr. Justin Beck, Golf Course Manager approached council stating Mr. Jeff Haas was unable to attend the meeting to present the Golf Course Committee's recommendation for an all inclusive pass with limitations.

Councilman Ruth stated concerns regarding golf course debt and was against further offering discounts.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider acceptance of Jack and Wanda Morgan Release Agreement and payment for fence**

City Attorney Hays stated at the last council meeting he was directed to prepare a document wherein Mr. and Mrs. Morgan would be dissolved. He further stated the document was provided and has been executed and notarized by Mr. and Mrs. Morgan.

Motion was made by Councilman Ruth and seconded by Councilman Workman to accept the full release of all claims as written and authorize City Manager to pay funds.

Roll call vote:

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

Motion carried.

**Consider acceptance of donation and approval of payment for fireworks contract**

Todd Banes, Parks Director requested council to accept the donation of fireworks display from Liberty Pyrotechnics for Celebrate Neosho being held June 25<sup>th</sup>, 2011. He further stated the event will be expanded to include live entertainment, food vendors and inflatables for kids to play on. Mr. Banes further stated although the fireworks are donated, Liberty Pyrotechnics is requesting the city to pay for his insurance. He recommends the fee be paid from the hotel/motel tax fund.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to accept the donation of fireworks display and authorize Mayor to execute contract.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of request for proposal for billboard services and agreement**

Todd Banes, Parks Director presented a plan to develop a tourism plan to incorporate billboards, a tourism based website, promotion of events being held in the city of Neosho

Motion was made by Councilman Davidson and seconded by Councilman Workman to accept the proposal from Missouri Neon and authorize Mayor to execute after City Attorney's approval.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of Energy Audit Engineering Services Agreement**

Mike Hightower, Public Works Director explained to council on March 5, 2010, DNR awarded the City an Energy Efficiency and Conservation Block Grant in the amount of \$58,639.88 which was accepted by Council. He further stated that included in the grant was the requirement for the City to contract with an energy service company to conduct an energy audit to evaluate energy uses at the wastewater plants.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve agreement with HDR and instruct the Mayor to execute same.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of GE Capital Solutions Lease Agreement**

City Attorney Hays stated the council approved the purchase of a copier but the recommended Leasing Company from Iowa did not meet the specifications. He further stated the local vendor put him in touch with GE Leasing and the proposed agreement has been approved.

Discussion followed.

Councilman Ruth asked what the interest rate of the lease was which could not be confirmed.

Motion was made by Councilman Ruth and seconded by Councilman Workman to postpone approval of the GE Capital Solutions Lease Agreement pending further information.

Roll call vote:

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

Motion carried.

**Consider approval of advertising in National Fish Hatchery Publication**

Harlan Moore, City Manager stated Encore Publishing asked the City to participate in the National Fish Hatchery Visitor Guide and recommended advertising on the inside cover for a fee of \$1000.

**Council Minutes – May 17, 2011**

Motion was made by Councilman Ruth and seconded by Councilman Workman to proceed with advertisement and authorize Mayor to execute agreement.

Roll call vote:

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

Motion carried.

**Recommendations for Council actions on Late Fees – Discussion Only**

Mayor Davidson stated during a time of signing checks he noticed late fees being paid and was told it was from cleaning up past accounts. He further stated his concerns and recommended all late fee payments should be brought before council as it is not approved in the budget.

It was the consensus of the council that late fee payments are brought before council and directed City Attorney Hays to prepare an ordinance to be brought to the June 7<sup>th</sup> council meeting.

**REPORT OF CITY OFFICERS**

**Richard Davidson, Mayor – MML Conference**

Mayor Davidson stated the MML conference is in June and encouraged council members to alert the Clerk if they are planning to attend.

**Harlan Moore, City Manager – Department Updates**

Mr. Moore gave a summary of each department's accomplishments and projects.

**Harlan Moore, City Manager – Proposal for additional new hire**

Mr. Moore stated he is seeking guidance regarding the possible creation of a new department to maintain drainage ditches.

It was the consensus of the council for the City Manager to proceed with gathering information for consideration.

**APPOINTMENTS & VACANCIES**

**Board of Appeals:**

Mayor Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

**City County Library Board:**

Mayor Davidson announced one vacancy exists for a remaining term that will expire June 30, 2012.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2009, due to the resignation of Larry Neff.

**Park and Recreation Board:**

Mayor Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Davidson to adjourn the May 17, 2011 Regular Session City Council meeting.

Roll call vote:

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

Motion carried.

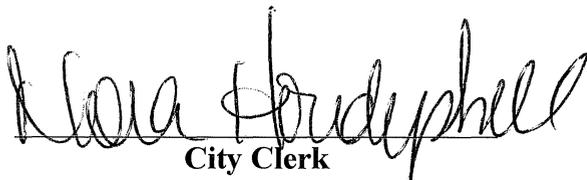
There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:10 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**June 7, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Danny Boggs gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

**COUNCIL PRESENT:** Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

**CITY OFFICERS PRESENT:** Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**CITY STAFF PRESENT:** Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Mike Hightower, Public Works and Jeff Booth, Human Resources Director

**APPROVAL OF AGENDA**

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

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of May 17, 2011 Regular Session were approved as presented.

**VISITORS BUSINESS**

There was none.

**UNFINISHED BUSINESS**

**Bill No. 2011-451...Amending the City of Neosho Personnel Policy Handbook for Employees...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-451 for Ordinance No. 473-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-451 on second and third readings.

Mayor Davidson stated upon approval of the first reading Council directed City Attorney Hays to bring the revised ordinance outlining the exempt positions for 2<sup>nd</sup> and 3<sup>rd</sup> reading.

City Attorney Hays stated the revision has been made as well as changing the effective date.

Roll call vote:

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

Motion carried.

**Bill No. 2011-452...Amend the 2010-2011 Budget for an increase of \$1,000 in the General Fund Police Department Budget and for an increase of \$1,000 in the Fire Department Fund Budget for Donations Received.. 2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-452 for Ordinance No. 474-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Hart to pass Bill No. 2011-452 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-453...Amend the 2010-2011 Budget to appropriate the Energy Efficiency and Conservation Block Grant into the Water/Wastewater Grant Fund in the amount of \$58,639.88 and providing for a City match of \$19,546.63 to be funded from Water/Wastewater Fund balance resulting in a total expenditure appropriation of \$78,186.51...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-453 for Ordinance No. 475-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-453 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-454...Amend the 2010-2011 Budget by appropriation existing fund balance in the amount of \$42,000, funded equally from the Water/Wastewater and Street Funds to be used for completion of Phase 1 and a portion of Phase 2 of construction of the public works facility...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-454 for Ordinance No. 476-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Workman to pass Bill No. 2011-454 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-455...Annexing the below described property located within Section 2, Township 25 North, Range 32 West, all of which is contiguous with the City of Neosho, as petitioned by the City of Neosho, under Zoning District R-1, First Dwelling House District Classification...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-455 for Ordinance No. 477-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to pass Bill No. 2011-455 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-456...Extending its intent to participate in Natural Hazard Mitigation and to work toward becoming a safer community...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-456 for Ordinance No. 478-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-456 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-457...To amend the 2010-2011 Budget by appropriating a salary increase in the Fire Department Budget in the amount of \$2,324 for a mid-year increase in the Fire Chief's salary...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-457 for Ordinance No. 479-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-457 on second and third readings.

Roll call vote:

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

Motion carried.

## **BID**

The following bid recommendations were presented for consideration.

### **Development Services/IT – Networked Copier/Scanner**

Nora Houdyshell, City Clerk, informed the council there were three bidders for the networked copier/scanner and recommended the council accept the bid from Ozark Business Systems for purchasing the machine in the amount of \$6,000 and accepting the service/maintenance agreement.

DEVELOPMENT SERVICES/INFORMATION TECHNOLOGY  
NETWORKED COPIER/SCANNER  
BID OPENING SUMMARY

The bid opening was held at 2:00 p.m., May 31, 2011 in the City Hall Conference Room. Present for the opening were Harlan Moore and Nora Houdyshell, City of Neosho and Howard Forsythe and Chris Martin with Copy Products.

The following bids were received by: Copy Products in the amount of \$11,225; Lakeland Office System in the amount of \$8,700 and Ozark Business Systems in the amount of \$6000 for purchasing the equipment.

The following bids were received by: Copy Products in the amount of \$0.005 per b/w copy and \$0.05 for color print; Lakeland Office System in the amount of \$0.007 per b/w copy and \$0.06 for color print and Ozark Business Systems in the amount of \$1,000 annually up to 200,000 b/w copies; \$0.05 per b/w copy over 200,000 and \$0.065 per color print for the maintenance/service agreement.

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to Ozark Business Systems in the amount of \$6,000 for the networked copier/scanner and approve the maintenance lease in the amount of \$1,000 annual fee and authorize Mayor to execute.

Discussion followed.

Roll call vote:

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

Motion carried.

#### **CORRESPONDENCE**

City Manager Moore gave a brief explanation of the enclosed correspondence regarding the disposal of Police Department property.

#### **NEW BUSINESS**

**Bill No. 2011-458...Providing for a year-end budget adjustment for the Fiscal Year 2009-2010 reducing annual budgeted revenues in the net amount of \$3,903,999.38 and reducing annual budgeted expenditures in the net amount of \$9,099,756.11 for the fiscal year beginning October 1, 2009 and ending September 30, 2010...1<sup>st</sup> Reading**

Bill No. 2011-458 was read by title only by Mr. Hays.

City Manager Moore stated this was a final year-end budget adjustment for Fiscal Year 2009-2010.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-458 on first reading.

Roll call vote:

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

Motion carried.

#### **Consider request for water service at 13062 Laura Lane**

Craig Jones, Development Services Director stated when city water was extended to Kodiak Road and Laura Lane water service was connected to some of the property owner's buildings but not the one being requested. He further stated this property is outside city limits and not

contiguous with current corporate limits of the City. Mr. Jones stated to satisfy the code requirement for the property owners agreement to be annexed, an Irrevocable Consent for Annexation has been executed and recorded against the property deed as a covenant running with the land.

Motion was made by Councilman Workman and seconded by Councilman Davidson to approve request for water service at 13062 Laura Lane.

Councilman Ruth requested the code this requirement falls under and voiced concerns regarding the checker board effect of annexations outside city limits.

City Attorney Hays sated 710.140 adopted June 7, 1977.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of Change Order #1 with Insituform for Sewer Line Rehabilitation**

Scott Fleming with HDR|Archer stated this change order is for a total reduction of \$19,787.25 due to the reduced amount of repairs needed.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve Change Order No. 1 in the reduced amount of \$19,787.25 and authorize Mayor to execute.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of Change Order #4 with Rosetta Construction for sewer at Crowder Wastewater plant.**

Scott Fleming with HDR|Archer the increase amount of \$10,297.63 as outlined in Change Order No 4 is due to contractor fees and additional necessary manhole maintenance.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve Change Order No. 4 in the amount of \$10,297.63 and authorize Mayor to execute.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of Supplemental Agreement No 1 with Allgeier, Martin & Associates for the bike and pedestrian trail project.**

City Manager Moore stated Supplemental Agreement No 1 was not an increase of money but of time.

Motion was made by Councilman Ruth and seconded by Councilman Hart to approve Supplemental Agreement No 1 and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of a contract with Larry Snyder & Company for T-Hangar construction.**

Craig Jones, Development Services Director stated Council approved a bid for T-hangar construction on May 17, 2011 from Larry Snyder & Co. in the amount of \$566,000. He further stated once the contractor will start 10 days after receiving the letter to proceed.

Motion was made by Councilman Workman and seconded by Councilman Ruth to approve the contract with Larry Snyder & Company for T-Hangars in the amount of \$566,000 and authorize Mayor to execute.

Discussion followed.

Roll call vote:

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

Motion carried.

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

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the Relay for Life Fireworks display.

Roll call vote:

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

Motion carried.

**Consider request to form a Drainage Maintenance Crew.**

Mike Hightower, Public Works Director stated concerns with the flooding in Neosho and lack of manpower to maintain the upkeep of City-owned properties. Mr. Hightower suggested the council approve the hiring of one full time and one part time employee to make up the proposed Drainage Maintenance Crew along with the purchasing of one 72” zero turn commercial mower, one 30-35 hp 4x4 tractor with bush hog and a commercial weed eater. He further stated the crew would be responsible for mowing and maintaining all of the drainage buyout areas, maintaining all drainage ditches and waterways and maintenance and data collection for Storm Water Management. Mr. Hightower stated the additional personnel and equipment would be paid out of the Drainage Sales Tax Fund.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the request to form a Drainage Maintenance Crew with one full time employee and one part time employee and authorize City Manager to purchase requested equipment to be funded from the Park/Drainage Tax Fund.

Further discussion followed.

Roll call vote:

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

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Harlan Moore, City Manager – Flood Damage**

City Manager Moore stated FEMA declared the County for flood damage. He further stated the City is keeping track of all flood repairs and look to be reimbursed for efforts made.

### **Harlan Moore, City Manager – Joplin Disaster Assistance**

City Manager Moore stated the City of Neosho did aid Joplin in the tornado disaster relief. He further stated the Police Department has 279 hours, estimated cost \$8600; the Fire Department has 311 hours, estimated cost \$5750; the Public Works Department has 183 hours, estimated costs \$2865 along with use of equipment. Mr. Moore stated the overtime and hours worked to help with these efforts are still within the budget.

Mr. Moore further thanked the employees who have worked selfishly with assisting Joplin during this time.

### **Harlan Moore, City Manager – Golf Course Debt**

City Manager Moore handed out a report of golf course debt prepared by Gilmore and Bell to all council members and clerk. Mr. Moore stated he would like the council to review the information for future discussion.

### **Richard Davidson, Mayor – Town Hall Meeting**

Mayor Davidson stated the quarterly meeting he promised has been scheduled for June 28, 2011 at 7:00 p.m. at the Civic Center located at 109 W. Main Street.

### **Richard Davidson, Mayor – MML Training**

Mayor Davidson reminded council members of the MML training coming up and encouraged them to attend.

## **APPOINTMENTS & VACANCIES**

**Board of Appeals:** Five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **City County Library Board:**

Mayor Richard Davidson announced one letter of interest has been received for the vacancy that exists for a remaining term that will expire June 30, 2012.

Motion was made by Councilman Hart and seconded by Councilman Workman to appoint Ms. Keri Collinsworth to the Library Board.

Roll call vote:

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

Councilman Collinsworth abstained due to personal relations with the applicant.

Motion carried.

**Golf Course Committee:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2009, due to the resignation of Larry Neff.

**Park and Recreation Board:**

Mayor Richard Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

**NOTICE TO CLOSE MEETING**

**CLOSED MEETING:**

Motion was made by Councilman Ruth and seconded by Councilman Workman 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:10 p.m.

The meeting reconvened in open session at 9:12 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the June 7, 2011 Regular Session City Council meeting.

It was the consensus of the council to approve the adjourn the June 7, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:12 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

**Mayor**

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Nora Handlyphell', positioned above a horizontal line.  
**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**June 21, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

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

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

**ROLL CALL**

**COUNCIL PRESENT:** Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

**CITY OFFICERS PRESENT:** Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**CITY STAFF PRESENT:** Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Baner, Parks & Recreation Director and Mike Hightower, Public Works and Jeff Booth, Human Resources Director

**AMEND AGENDA**

Mayor Davidson stated the agenda needed to be amended to delete number three (3) under new business and add closed session minutes for approval for June 20, 2011 (10:00 a.m., 2:00 p.m. & 4:00 p.m.) and June 21, 2011 (10:00 a.m., 1:00 p.m. & 3:00 p.m.).

Motion was made by Councilman Workman and seconded by Councilman Hart to amend the agenda for the purposes of deleting Number three (3) under new business and adding Closed Special Session minutes for approval for June 20, 2011 (10:00 a.m., 2:00 p.m. & 4:00 p.m.) and June 21, 2011 (10:00 a.m., 1:00 p.m. & 3:00 p.m.).

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agenda as amended.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of June 7, 2011 Regular Session; June 7, 2011 Closed Session; June 14, 2011 Special Session; June 14, 2011 Special Closed Session; June 20, 2011 at 10:00 a.m., 2:00 p.m. and 4:00 p.m. Special Closed Session and June 21, 2011 at 10:00 a.m., 1:00 p.m. and 3:00 p.m. Special Closed Sessions were approved as presented.

**VISITORS BUSINESS**

There was none.

## **UNFINISHED BUSINESS**

**Bill No. 2011-458...Providing for a year-end budget adjustment for the Fiscal Year 2009-2010 reducing annual budgeted revenues in the net amount of \$3,903,999.38 and reducing annual budgeted expenditures in the net amount of \$9,099,756.11 for the fiscal year beginning October 1, 2009 and ending September 30, 2010...2<sup>nd</sup> and 3<sup>rd</sup> Reading**

Bill No. 2011-458 for Ordinance No. 480-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Workman to pass Bill No. 2011-458 on second and third readings.

Roll call vote:

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

Motion carried.

## **BID**

The following bid recommendations were presented for consideration.

### **Police Department – Glock Weapons**

David McCracken, Police Chief, informed the council Glock, Inc is the only authorized law enforcement distributor of Glock pistols for the State of Missouri, therefore, is the sole source for procurement purposes of Glock weapons used by the Police Department.

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to Glock , Inc. in the amount of \$1582 for the upgrade of two duty weapons and the purchase of three additional weapons.

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

Motion carried.

### **Public Works – Drainage Mower**

Mike Hightower, Public Works Director, informed the council there were five bidders for the drainage mower and recommended the council accept the bid from Swartz Tractor for purchasing the mower in the amount of \$10,479 that includes a three (3) year warranty.

#### **PUBLIC WORKS DEPARTMENT – DRAINAGE MOWER BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., June 16, 2011 in the City Hall. Present for the opening were Harlan Moore, Mike Hightower and Chris LaGrange from S&H Farm Supply.

The following bids were received by: S&H Farm Supply in the amount of \$10,479; Swartz Tractor Sales in the amount of \$10,479 (includes a three year warranty); Legacy Farm & Lawn in the amount of \$11,623.80; Anderson Car & Tractor in the amount of \$10,479 and Five Star Equipment in the amount of \$10,479.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to award the bid to Swartz Tractor in the amount of \$10,479.

Roll call vote:

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

Motion carried.

### **Public Works – Drainage Tractor**

Mike Hightower, Public Works Director, informed the council there were four bidders for the drainage tractor and recommended the council accept the bid from Swartz Tractor for purchasing the tractor in the amount of \$16,575.

#### **PUBLIC WORKS DEPARTMENT – DRAINAGE TRACTOR BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., June 16, 2011 in the City Hall. Present for the opening were Harlan Moore, Mike Hightower and Chris LaGrange from S&H Farm Supply.

The following bids were received by: S&H Farm Supply in the amount of \$17,979; Swartz Tractor Sales in the amount of \$16,575; Legacy Farm & Lawn in the amount of \$17,910.97; Anderson Car & Tractor in the amount of \$18,409 (option 1) and \$17,409 (option 2).

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to award the bid to Swartz Tractor in the amount of \$16,575.

Roll call vote:

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

Motion carried.

### **Administration - Real Estate Services**

Harlan Moore, City Manager, informed the council there were three bidders for the real estate services and recommended the council accept the bid from Steve Spicer Realty for real estate services in the amount of 3% commission.

#### **ADMINISTRATION – REAL ESTATE SERVICES BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., June 17, 2011 in the City Hall. Present for the opening were Cassie Moore and Nora Houdyshell.

The following bids were received by: Show-Me Real Estate with 5.5% Commission; Charles Burt Realtors with 4% Commission and Steve Spicer Realty with 3% Commission.

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to Steve Spicer Realty at 3% Commission and approve City Manager to engage the services.

Roll call vote:

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

Motion carried.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

### **Public Hearing regarding a proposed application for Community Development Block Grant Funds on behalf of Crowder College.**

Mayor Davidson opened the floor for public comment.

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

### **Resolution Bill No. 2011-20...Stating intent to seek funding through the Community Development Block Grant Program and authorizing the Mayor to pursue activities in an attempt to secure funding.**

Resolution Bill No. 2011-20 for Resolution 116-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Ruth to adopt Resolution Bill No. 2011-20.

Roll call vote:

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

Motion carried.

### **Bill No. 2011-459...Declaring certain personal property as surplus and setting forth the method for disposing of same...1<sup>st</sup> Reading.**

Bill No. 2011-459 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-459 on first reading.

Discussion followed.

Roll call vote:

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

Motion carried.

### **Bill No. 2011-460...To amend the 2010-2011 Police Department Budget for an increase in surplus property sale revenue and appropriation of expenditure in the amount of \$2,500...1<sup>st</sup> Reading.**

Bill No. 2011-460 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-460 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-461...To amend the 2010-2011 Golf Course Department Budget to appropriate donation revenue from the Men's Golf Association to be budgeted for purchases associated with the irrigation system maintenance in the amount of \$8,000...1<sup>st</sup> Reading.**

Bill No. 2011-461 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Workman to pass Bill No. 2011-461 on first reading.

Discussion followed.

Roll call vote:

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

Motion carried.

**Bill No. 2011-462...Providing that Chapter 430 of the Code of ordinances, City of Neosho, Missouri, be amended by revising Section 430.160 of said Code, and setting an effective date thereof.**

Bill No. 2011-462 was read by title only by Mr. Hays.

Mayor Davidson removed himself from the discussion and vote of this matter as he may have a potential conflict and instructed Mayor Pro-Tem Workman to take the chair.

Motion was made by Councilman Ruth and seconded by Councilman Hart to pass Bill No. 2011-462 on first reading.

Roll call vote:

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

Motion carried.

### **Consider approval of FEMA Application**

Martha Mundt, Finance Director requested Council consideration for authorizing Mayor Davidson to execute the application for FEMA Federal/State Public Assistance Grant on behalf of the City to cover eligible costs associated with Disaster Relief #1980.

Motion was made by Councilman Workman and seconded by Councilman Hart to authorize the City to make application and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

### **Golf Course Operations – Discussion Only**

Motion was made by Councilman Hart to close the nine (9) holes known as The Lakes at the Neosho Golf Course to save money and expenses and to renegotiate Justin Beck's contract.

Mayor Davidson stated this was a discussion only item therefore it could not have a motion but could give consensus of council for action.

Justin Beck, Golf Course Professional stated the golf course is currently maintaining 27 holes with an 18-hole budget.

Councilman Ruth stated consensus to close the nine holes but had concerns regarding the maintenance of the nine holes. Councilman Ruth then recommended opening the floor to the golfers and Golfer's Association members that attended the meeting.

Discussion followed.

Mayor Davidson stated that although the golf course revenue is not covering the debt it is contributing to the debt payments. He further stated the debt payments have been interest only payments therefore over the next five years the debt load will increase burdening the general fund even more.

Discussion followed.

It was the consensus of the council to direct the City Manager, Parks Director and Justin Beck to produce a report at the first meeting in July of savings if the nine holes are closed.

## **REPORT OF CITY OFFICERS**

### **Harlan Moore – Golf Course Debt**

Mr. Moore stated that staff has already been working on producing figures for the golf course and Justin Beck has been instrumental in the process.

## **APPOINTMENTS & VACANCIES**

### **Board of Appeals:**

Five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Golf Course Committee:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2009, due to the resignation of Larry Neff.

### **Park and Recreation Board:**

Mayor Richard Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

### **Planning & Zoning Commission:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

## **NOTICE TO CLOSE MEETING**

### **CLOSED MEETING:**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:30 p.m.

The meeting reconvened in open session at 9:08 p.m. and Mayor Davidson announced the council conferred with the city attorney and vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

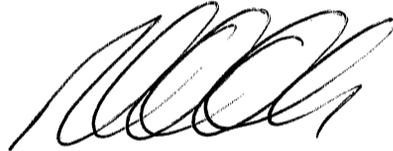
Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the June 21, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the June 21, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:08 p.m.

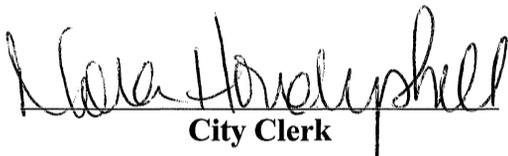
**APPROVED:**

**NEOSHO CITY COUNCIL**



\_\_\_\_\_  
**Mayor**

**ATTEST:**



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

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**July 5, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Jim Hardwicke gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Jeff Booth, Human Resources Director

**APPROVAL OF AGENDA**

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

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Ruth and seconded by Councilman Workman to approve the agenda as presented.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of June 21, 2011 Regular Session and June 21, 2011 Closed Sessions were approved as presented.

**VISITORS BUSINESS**

**Gene Franklin – Howard Bush Extension**

Mr. Gene Franklin requested a no truck sign be placed on Highway 60 due to noise.

**Jerry Sherwood – Golf Course**

Mr. Jerry Sherwood suggested shortening the distance between the nine holes Council is proposing to close at the Neosho Golf Course to make it more family friendly and to keep the cost for families at a minimum.

**UNFINISHED BUSINESS**

**Bill No. 2011-459...Declaring certain personal property as surplus and setting forth the method for disposing of same...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-459 for Ordinance No. 481-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to pass Bill No. 2011-459 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-460...To amend the 2010-2011 Police Department Budget for an increase in surplus property sale revenue and appropriation of expenditure in the amount of \$2,500...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-460 for Ordinance No. 482-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-460 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-461...To amend the 2010-2011 Golf Course Department Budget to appropriate donation revenue from the Men's Golf Association to be budgeted for purchases associated with the irrigation system maintenance in the amount of \$8,000...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-461 for Ordinance No. 483-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Ruth to pass Bill No. 2011-461 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-462...Providing that Chapter 430 of the Code of ordinances, City of Neosho, Missouri, be amended by revising Section 430.160 of said Code, and setting an effective date thereof...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-462 for Ordinance No. 484-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Ruth to pass Bill No. 2011-462 on second and third readings.

Roll call vote:

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

Motion carried.

## **BID**

There were none.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

### **Consider Airport Industrial Development Board recommendation – T-Hangar Fees**

Mayor Davidson stated the Airport Board is recommending the Council approve a fee for T-Hangar rentals to be set \$175 per month for a month-to-month lease along with a \$175 non-refundable deposit. He further stated in comparison to surrounding cities this is a fair price.

Motion was made by Councilman Workman and seconded by Councilman Hart to set monthly lease rates at \$175 for T-hangars at the Neosho Municipal Airport and the City to accept a non-refundable \$175 deposit to be applied to rent/lease fees.

Discussion followed.

Roll call vote:

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

Motion carried.

### **Consider course of action regarding golf course operations**

Motion was made by Councilman Hart and seconded by Councilman Ruth to close the nine holes, effective immediately, known as The Lakes and proceed with alternative options for land use.

Roll call vote:

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

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Mayor Richard Davidson – Combining Boards**

Mayor Davidson stated he would like to discuss combining the Park and Recreation Board and Golf Course Board at the next regular session council meeting.

## **APPOINTMENTS & VACANCIES**

### **Board of Appeals:**

Mayor Richard Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Golf Course Committee:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2009, due to the resignation of Larry Neff.

### **Park and Recreation Board:**

Mayor Richard Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

### **Planning & Zoning Commission:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

## **NOTICE TO CLOSE MEETING**

### **CLOSED MEETING:**

Motion was made by Councilman Davidson and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 7:40 p.m.

The meeting reconvened in open session at 8:52 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

## **ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

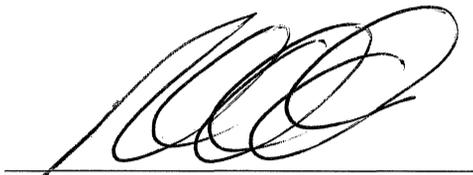
Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the July 5, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the July 5, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:52 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the beginning, positioned above a horizontal line.

**Mayor**

**ATTEST:**

A handwritten signature in black ink, appearing to read 'Nora Houdysheer', positioned above a horizontal line.  
**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**July 15, 2011 – 10:00 a.m.**  
**City Hall – Lobby**  
**203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 10:00 a.m.

**ROLL CALL**

COUNCIL PRESENT: Steve Hart, Richard Davidson and Tom Workman, Charles Collinsworth and David Ruth.

CITY OFFICERS PRESENT: Harlan Moore, City Manager and Nora Houdyshell, City Clerk.

**CLOSED MEETING:**

Motion was made by Councilman Davidson and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 10:05 a.m.

The meeting reconvened in open session at 10:50 a.m. and Mayor Davidson announced the council conferred and one vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Davidson and seconded by Councilman Workman to adjourn the July 15, 2011 Special Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 10:50 a.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**DRAFT MINUTES  
NEOSHO CITY COUNCIL  
July 19, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

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

A quorum being present, Mayor Davidson called the meeting to order at 7:03 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; Todd Banes, Parks & Recreation Director; Mike Hightower, Public Works Director and Jeff Booth, Human Resources Director

**APPROVAL OF AGENDA**

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

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

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

Roll call vote:

Charles Collinsworth - Yes, Richard Davidson – Abstain (Employer of the Month), Steve Hart – Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of July 5, 2011 Regular Session, July 15, 2011 Special Session and July 5, 2011 and July 15, 2011 Closed Sessions were approved as presented.

**VISITORS BUSINESS**

**Randy Emmert – Gravel Driveway**

Mr. Emmert stated he would like to see the scales of quality to be more balanced for residences as it pertains to driveways. He handed out photos of a neighboring residence with a gravel driveway.

Councilman Hart agreed with Mr. Emmert and stated the gravel runoff into the streets could cause the drains to clog.

Mayor Davidson stated this subject matter will be on the next council meeting agenda for discussion.

**Connie Burns – Park and Immigrants**

Ms. Burns stated she has had trash and fire crackers thrown at her, by adults, while walking her dog at night through Morse Park. She further stated there is a City-owned tree that has a limb tearing up the air conditioner and roof of the apartment building she lives in.

**Jerry Sherwood – Golf Course**

Mr. Sherwood stated volunteers should be asked to help maintain the golf course to save the City money.

**UNFINISHED BUSINESS**

There was none.

**BID**

**Public Works – Street Repair**

Mike Hightower, Public Works Director, informed the council there were three bidders for the street repairs for McCord St, Adams, St and Front St and recommended the council accept the bid from Swift Construction for repairs in the total amount of \$21,132.80. Mr. Hightower further stated these projects have been identified by FEMA to be eligible for 75% reimbursement under the Newton County Flood Declaration #1980.

**PUBLIC WORKS DEPARTMENT – ASPHALT  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., July 13, 2011 in the City Hall. Present for the opening were Ryan Long and Brian Pickett with Swift Construction Co.

The following bids were received by:

	McCord St.		Adams St.	Front St.
Swift Construction Co	\$6,617.80	C/S	\$8,360	\$5,250
		A	\$9,265	
Blevins Asphalt	\$6,630		No Bid	\$7,920
Plus \$4,000 to total for mobilization			\$10,248	
APAC Missouri	\$8,486.40		No Bid	\$9,504
Plus \$3,055 to total for mobilization			\$6,886.25	

\*C/S is Chip and Seal; A is Asphalt

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to Swift Construction in the amount of \$21,132.80.

Roll call vote:

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

Motion carried.

**CORRESPONDENCE**

**City Clerk Memorandum – Website Postings**

Nora Houdyshell, City Clerk informed the Council and citizens of Neosho the 2011 ordinances may now be viewed on the City website and will add 2010 ordinances as time permits.

## **NEW BUSINESS**

### **Resolution Bill No. 2011-21...Setting certain regulations, fees and rental agreement terms for the Neosho Municipal Airport.**

Resolution Bill No. 2011-21 for Resolution 117-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adopt Resolution Bill No. 2011-21.

Roll call vote:

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

Motion carried.

### **Consider approval of Contract with Empire District Electric for extension of electrical services on Airport property.**

Craig Jones, Development Director stated this was to extend electrical services to T-Hangars at the municipal airport with a cost of \$11,113 that will be charged to the T-Hangar construction budget.

Motion was made by Councilman Ruth and seconded by Councilman Collinsworth to approve the contract and easement with Empire District Electric Company and authorize Mayor to execute the documents.

Roll call vote:

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

Motion carried.

### **Consider approval of First Amendment to Tax Credit Agreement with the Missouri Development Finance Board and Crowder College for the MARET Center Project.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the original and first amendment Tax Credit Agreement with the Missouri Development Finance Board and Crowder College for the Maret Center Project and authorize City Manager to execute.

Roll call vote:

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

Motion carried.

### **Consider amending Electric Service Agreement with Empire District to replace one light at 1216 Circle Drive.**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the amendment to the Electric Service Agreement with Empire District Electric for the replacement of one streetlight at 1216 Circle Drive.

Roll call vote:

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

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Mayor Richard Davidson – Bank Reconciliations**

Mayor Davidson stated Council received financials and confirmed with Finance Director Mundt that all of the City accounts are now reconciled through January 2011.

### **Harlan Moore, City Manager – Utility Bills**

Mr. Moore stated although some citizens declared their utility bills have been received two weeks late, the bills go out the last day of the every month.

### **Councilman David Ruth – Street Sweeper**

Councilman Ruth stated the streets needed to be swept. City Manager Moore stated the street sweeper was not repairable.

## **APPOINTMENTS & VACANCIES**

### **Board of Appeals:**

Mayor Richard Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Golf Course Committee:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2009, due to the resignation of Larry Neff.

### **Park and Recreation Board:**

Mayor Richard Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

### **Planning & Zoning Commission:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

## **NOTICE TO CLOSE MEETING**

### **CLOSED MEETING:**

Motion was made by Mayor Davidson and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 7:40 p.m.

The meeting reconvened in open session at 8:32 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the July 19, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the July 19, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:32 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**MINUTES**  
**Airport Industrial Development Board**  
**July 25, 2011 – 2:00 pm**  
**Conference Room - Hugh Robinson Memorial Airport**  
**1400 Terry Johnson Drive - Neosho, Missouri**

**CALL TO ORDER**

Richard Davidson called the meeting to order at 2:03 pm.

**ROLL CALL**

Members Present: Rick Sweet, Richard Davidson, Kyle Franklin, Vance Keaton

Members Absent: Mark Knight, Gib Garrow, Kelly Anderson

Others Present: Billy Sallee (City), Craig Jones (City), Chris Flageolle (Lochner-BWR), Donald Klapmeyer (Lochner-BWR), Michael Waller (Lochner-BWR)

**APPROVAL OF MINUTES**

1. **Regular Session of April 20, 2011:** Vance Keaton moved to approve, Rick Sweet seconded. All present were in favor. Motion carried.

**VISITOR'S BUSINESS**

**UNFINISHED BUSINESS**

**CORRESPONDENCE**

**NEW BUSINESS**

1. **Consider making a recommendation to the City Council regarding selection of an aviation fuel supplier** – Discussion was held, Mr. Davison reported that key considerations for favoring AvFuel Corporation were the lower fuel price available from Avfuel, competitiveness of credit card rates, point of sale credit card equipment offered by both suppliers, Avfuel's line service training videos, and marketing support offered by Avfuel. It was consensus without objection that the Board recommend the Council select Avfuel Corporation for a branded fuel supplier agreement.
2. **Discussion regarding Airport Master Plan and Capital Improvement Plan** – representatives from Lochner-BWR Division, a firm which has provided consulting engineering services for the airport, discussed with Board members and staff several previous projects, projects currently listed with MODOT and FAA as potential project needs, and the various considerations that would influence planning for future projects and funding mechanisms. No action was taken.
3. **Discussion and approval of a Request for Qualifications for professional engineering**

**MINUTES**  
**Neosho Airport Industrial Development Board**  
July 25, 2011

**services** – Staff presented a draft Request for Qualifications proposed for distribution to qualified consulting firms to meet the FAA requirements for procurement of aviation related engineering services. It was the consensus of the Board to approve the Request for Qualifications. and operate the selection process in order to bring a recommendation to City Council for the September 6, 2011 meeting.

4. **Discussion of timeframe for selection of an engineering consultant** - It was the consensus of the Board to operate the selection process in order to bring a recommendation to City Council for the September 6, 2011 meeting.
5. **Consider a regular meeting schedule** - The Board discussed potential meeting days and times. By consensus the regular monthly meeting will be scheduled for the same Tuesday as the first City Council meeting of each month, at 2pm. The next such meeting is to be held September 6, 2011.

**REPORTS**

1. **Project Update - T-Hangar Construction** – Craig Jones indicated the project remains on schedule.

**ADJOURN**

Rick Sweet moved to adjourn, Vance Keaton gave the second. Meeting was adjourned by unanimous consent at 3:20 pm.

Submitted:

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Craig Jones, Director, Development Services

Approved:

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Richard Davidson, Chairman

**DRAFT MINUTES  
NEOSHO CITY COUNCIL  
August 2, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Buddy Funk gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Mayor Davidson called the meeting to order at 7:03 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; Todd Banes, Parks & Recreation Director and Jeff Booth, Human Resources Director, David McCracken, Police Chief and Mike Hightower, Public Works Director.

**AMEND AGENDA**

Mayor Davidson stated the agenda needs to be amended as follows:

Remove the liability and property insurance bid and remove number five under new business regarding the advertising contract with Missouri Neon.

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agenda as amended.

Roll call vote:

Charles Collinsworth - Yes, Richard Davidson – Abstain (Employer of the Month), Steve Hart – Yes, David Ruth – Yes, Tom Workman - Yes.

Motion carried.

**MINUTES:**

The minutes of July 19, 2011, Regular Session, July 19, 2011 Closed Session and July 19, 2011 Special Session and July 19, 2011 Closed Special Sessions were approved as presented.

## **VISITORS BUSINESS**

### **Jerry Sherwood – American Legion**

Mr. Sherwood stated he requested twice to be on the agenda and refused. He further stated the agreement had been corrected and directed comments towards City Attorney Hays regarding the expedition of the agreement process.

Mayor Richard Davidson stated Council is going into closed under Section 610.021(1) to discuss this matter.

## **UNFINISHED BUSINESS**

There was none.

## **BID**

There were none.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

### **Consider recommended implementation of storm water management programs, policies and sanctions.**

Craig, Jones, Development Services Director reviewed the background regarding the current storm water policies and procedures and regulatory mandates for local regulations and programs. He further stated Ms. Ruth Wallace from Missouri Department of Natural Resources, Joe Wilson and Mike Atkinson with Allgeier, Martin and Associates, City Engineer were present for further assistance in discussions of this issue.

Ms. Wallace addressed council explaining the State and Federal guidelines for storm water management programs and policies. She further stated the City of Neosho is obligated to adopt and implement required policies and procedures by June 2013.

Mr. Wilson stated that the current ordinances do not meet the requirements of the storm water discharge permit.

Discussion followed by all council members as to each member's opinions and concerns regarding the regulations and the financial impact to the city.

Mr. Jones stated the drainage crews council approved are in place and will help this process but more staff is needed to support implementation of the required storm water program documents. He further stated he would like to see ordinance revisions adopted by October 1<sup>st</sup> becoming effective December 1<sup>st</sup> or January 1<sup>st</sup>. Mr. Jones stated there is a public comment process and would like to see the citizens be more involved.

### **Consider request for city water at 13858 Pennell.**

Mike Hightower, Public Works Director stated this was a standard annexation request for water hookup.

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the annexation for water services for the Ambulance District located at 13858 Pennell.

Roll call vote:

Richard Davidson - Yes, Steve Hart – Yes, David Ruth – Yes,

Tom Workman - Yes, Charles Collinsworth - Yes.

Motion carried.

**Consider selection of aviation fuel supplier.**

Craig Jones, Development Services Director stated the Airport Industrial Development Board is recommending City Council approve AvFuel Corporation as the City's aviation fuel supplier.

Mayor Davidson stated this is formalizing the process as requested by the State Audit.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the selection of AvFuel Corporation as the City's aviation fuel supplier.

Roll call vote:

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

Motion carried.

**Consider Loan Renewal with National Museum of the United States Air Force.**

Harlan Moore, City Manager reviewed the background of the City obtaining the T-37A aircraft.

City Attorney Hays stated he has been notified another City is interested in taking the aircraft. Mr. Hays stated the National Museum has agreed to work with the City in transferring this aircraft to another location. Mr. Hays recommended the council renew this agreement with the understanding that the National Museum will find another location for this aircraft before the next renewal date.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agreement with the National Museum of the United States Air Force for a term of one year.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

**Harlan Moore, City Manager – FY 2011/2012 Budget**

Mr. Moore stated staff is working on the FY 2011/2012 budget and asked council provide dates they are available for budget talks.

Mayor Davidson directed council to provide dates they are available to the City Clerk by the following Friday.

**Harlan Moore, City Manager – State Audit Response**

Mr. Moore stated he has asked Martha Mundt, Finance Director to provide a document for communication regarding the State Audit Recommendations Checklist.

Ms. Mundt handed out a form for Council's review and asked for feedback regarding the formatting of the form. She further stated with limited staff she struggles to make the day-to-day operations but hopes to have updated reports to the council with the required 90 day time frame given by the State Audit's office.

Mayor Davidson stated staff has had the State Audit recommendation since April and expects to have updated reports at every council meeting up to the 90 day time frame.

**Harlan Moore, City Manager – Pool Fire**

Mr. Moore publically thanked Todd Banes and staff for the outstanding job of cleaning the pool and reopening within a short time of the fire of the pool concession stand. He further stated there has been a \$6,000 reward for any information leading to the arrest of the perpetrators.

**Councilman Steve Hart – Sports Complex**

Councilman Hart stated he would like staff to explore options for the planning process of constructing a sports complex on the nine holes (also known as The Lakes) at the Neosho Golf Course.

Mayor Davidson directed City Manager Moore to produce an RFQ to developers for proposed services.

**APPOINTMENTS & VACANCIES**

**Board of Appeals:**

Mayor Richard Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

**Golf Course Committee:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2009, and that one letter for consideration has been received by Patrick Meredith.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to appoint Patrick Meredith to the Golf Course Committee for the remainder of the three term beginning May 1, 2009.

Roll call vote:

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

Motion carried.

**Park and Recreation Board:**

Mayor Richard Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

Mayor Richard Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

**NOTICE TO CLOSE MEETING**

**CLOSED MEETING:**

Motion was made by Mayor Davidson and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:35 p.m.

The meeting reconvened in open session at 9:50 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to adjourn the August 2, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the August 2, 2011 Regular Session City Council meeting.

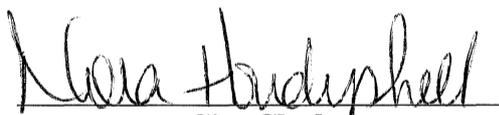
There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:50 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**MINUTES  
NEOSHO CITY COUNCIL  
August 5, 2011 –4:00 p.m.  
City Hall – Lobby  
203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 4:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson and Tom Workman and Charles Collinsworth.

CITY OFFICERS PRESENT: Nora Houdyshell, City Clerk.

**CLOSED MEETING:**

Motion was made by Mayor Davidson and seconded by Councilman Collinsworth 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:

Charles Collinsworth – Yes, Richard Davidson - Yes, Tom Workman - Yes.

Motion carried.

Mayor Davidson closed the meeting at 4:03 p.m.

The meeting reconvened in open session at 4:14 p.m. and Mayor Davidson announced the council conferred and one vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Davidson and seconded by Councilman Collinsworth to adjourn the August 5, 2011 Special Session City Council meeting.

Roll call vote:

Richard Davidson – Yes, Tom Workman - Yes, Charles Collinsworth - Yes.

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 4:14 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**



**City Clerk**

**MINUTES  
NEOSHO CITY COUNCIL  
August 16, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Eugene Tindall gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Todd Banes, Parks & Recreation Director and Jeff Booth, Human Resources Director, David McCracken, Police Chief and Mike Hightower, Public Works Director.

**ATTENDANCE**

Mayor Davidson announced he received an email dated July 19<sup>th</sup> stating Councilman Tom Workman would be unavailable to attend the meeting.

Motion was made by Councilman Ruth and seconded by Mayor Davidson to excuse Tom Workman's absence from the August 16<sup>th</sup> council meeting.

It was the consensus of the council to excuse Councilman Workman's absence.

**AMEND AGENDA**

Mayor Davidson stated the agenda needs to be amended as follows:  
Remove the liability and property insurance bid and remove number five under new business regarding the advertising contract with Missouri Neon.

**APPROVAL OF AGENDA**

Motion was made by Councilman Hart and seconded by Councilman Ruth to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Collinsworth and seconded by Councilman Ruth to approve the agenda as amended.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of August 2, 2011, Regular Session, August 2, 2011 Closed Session, August 5, 2011 Special Session and August 5, 2011 Closed Special Sessions were approved as presented.

**VISITORS BUSINESS**

There were none.

**UNFINISHED BUSINESS**

There was none.

**BID**

**Public Works – Truck Bed & Hoist**

Mike Hightower, Public Works Director, informed the council there were three bids solicited with one returning a bid for the truck bed and hoist and recommended the council accept the bid from Bus Andrews Truck Equipment, Inc. for a truck bed and hoist in the total amount of \$6,916.

**PUBLIC WORKS DEPARTMENT – TRUCK BED AND HOIST  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., August 10, 2011 in the Lobby of City Hall. Present for the opening were Stacey Barns and Cassie Moore.

The following bids were received by:

Drake Scruggs Equipment	None
Kranz Automotive Body	None
Bus Andrews Truck Equipment	\$3,091 – Bed \$3,825 - Hoist

Motion was made by Councilman Ruth and seconded by Councilman Collinsworth to award the bid to Bus Andrews Truck Equipment in the amount of \$6,916.

Roll call vote:

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

Motion carried.

**Public Works – Rotor Tube**

Mike Hightower, Public Works Director, informed the council there were three bidders for the rotor tube and recommended the council accept the bid from JCI/Electric Motor Supply for purchasing a rotor tube in the total amount of \$8,528.

**PUBLIC WORKS DEPARTMENT – ROTOR TUBE  
BID OPENING SUMMARY**

The bid opening was held at 10:15 a.m., August 10, 2011 in the Conference Room at City Hall. Present for the opening were Stacey Barnes, Mike Hightower and Jim Wood from JCI/Electric Motor Supply.

The following bids were received by:

JCI/Electric Motor Supply	\$8,528
Midwest Tool, Inc.	\$9,500
D.R.M. Industries	\$11,500

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to award the bid to JCI/Electric Motor Company in the amount of \$8,528.

Roll call vote:

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

Motion carried.

### **Code Enforcement - ADA Automatic Door Opening System**

Harlan Moore, City Manager, informed the council there were three bidders for the ADA door openers and recommended the council accept the bid from Overhead Door for the ADA door openers in the total amount of \$7,232.

#### CODE ENFORCEMENT– ADA DOOR OPENERS BIDS RECEIVED BY EMAIL

The following bids were received by:

Overhead Door of Springfield	\$7,232
Arkansas Automatic Doors, Inc.	\$10,120
Macy's Glass	\$12,500

Motion was made by Councilman Ruth and seconded by Councilman Hart to award the bid to Overhead Doors of Springfield in the amount of \$7,232.

Roll call vote:

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

Motion carried.

### **Police Department – Animal Control Truck Unit (Sale)**

Harlan Moore, City Manager, informed the council there were two bidders for the sale of the animal control vehicle and recommended the council accept the bid from the City of Republic in the total amount of \$25,001.

#### POLICE DEPARTMENT – SALE OF ANIMAL CONTROL VEHICLE BID OPENING SUMMARY

The bid opening was held August 1, 2011. Present for the opening were Chief David McCracken and Officer Brad Fienen.

The following bids were received by:

City of Republic	\$25,001
City of Kirksville	\$25,001

Motion was made by Councilman Collinsworth and seconded by Councilman Hart to award the bid to the City of Republic in the amount of \$25,001.

Roll call vote:

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

Motion carried.

**Police Department – Patrol Unit (Purchase)**

Harlan Moore, City Manager, informed the council that city staff has determined there were three units on the lot at Olathe Ford in the Kansas City area that have the only police package vehicles available and are a sole source. City staff recommended the council accept the bid from Olathe Ford for the purchase of a police patrol package vehicle in the total amount of \$25,000.

Motion was made by Councilman Ruth and seconded by Councilman Hart to award the bid to Olathe Ford in the amount of \$25,000.

Roll call vote:

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

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Public hearing providing for the rate of taxation and the levy and collection of taxes for real property assessment for the fiscal year commencing October 1, 2011.**

Mayor Davidson opened the floor for public comment.

Mr. Ken Mayer stated due to the City's current financial situation, he is for the property tax and agrees it should stay in place.

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

**Bill No. 2011-463...Providing for the rate of taxation and the levy and collection of taxes for real property assessment for the fiscal year commencing October 1, 2011...1<sup>st</sup> Reading.**

Bill No. 2011-463 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to pass Bill No. 2011-463 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-463...Providing for the rate of taxation and the levy and collection of taxes for real property assessment for the fiscal year commencing October 1, 2011...2<sup>nd</sup> & 3<sup>rd</sup> Readings...under emergency measure.**

Bill No. 2011-463 for Ordinance No. 485-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to pass Bill No. 2011-463 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-464...To amend the 2010-2011 Police Department Budget for an increase in surplus property sale revenue and appropriate of expenditure in the amount of \$25,000...1<sup>st</sup> Reading.**

Bill No. 2011-464 was read by title only by Mr. Hays.

Motion was made by Councilman Ruth and seconded by Councilman Hart to pass Bill No. 2011-464 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-464...To amend the 2010-2011 Police Department Budget for an increase in surplus property sale revenue and appropriate of expenditure in the amount of \$25,000...2<sup>nd</sup> & 3<sup>rd</sup> Readings...under emergency measure.**

Bill No. 2011-464 for Ordinance No. 486-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Ruth to pass Bill No. 2011-464 on second and third readings.

Roll call vote:

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

Motion carried.

**Consider contract between the City of Neosho and the Neosho R-V School District for a School Resource Officer.**

City Manager Moore gave overview of the contractual conditions for the school resources officer.

Mayor Davidson directed Mr. Moore to make sure city staff has a procedure in place to bill this in a timely manner.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to approve the agreement with Neosho R-V School District and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider acceptance of donation to the Neosho Police Department.**

Police Chief, David McCracken stated there was an unfortunate incident where a boy lost his life and the family is generously donating the rifle to the Neosho Police Department.

Motion was made by Councilman Collinsworth and seconded by Councilman Ruth to accept the donation with thanks.

Roll call vote:

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

Motion carried.

**Consider contract with Allgeier, Martin & Associates for Engineering Services for demolition at 201 S. Jefferson Street.**

Craig Jones, Development Services Director stated staff requested the city engineer to provide a proposal and agreement for engineering services for preparation of specifications for demolition of the property located at 201 S. Jefferson formerly known as First Baptist Church. Mr. Jones further stated the maximum fee is capped at \$19,000 and funds are provided under the existing agreement with Missouri Development Finance Board for downtown infrastructure projects.

City Attorney Hays stated Mr. Jones needs to check with the First Baptist Church staff before demolition as the sales contract between the parties contained a statement where First Baptist Church has first right to the stained glass window.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to approve the agreement with Allgeier, Martin & Associates and authorize the Mayor to execute.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider contract with Empire District Electric for extension of electrical services on Airport Property.**

Craig Jones stated the original contract and easement documents provided by Empire District for utility extension were quoted at \$11,113 and were approved by council on July 19, 2011. He further stated the design changes requested by city staff resulted in a lower cost.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to approve the revised contract with Empire District Electric Company in the amount of \$10,736 and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider contract for Community Development Block Grant Funds for Crowder College's accommodation of FEMA's temporary housing operation.**

Motion was made by Councilman Ruth and seconded by Councilman Collinsworth to approve the grant agreement and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider amending Electric Service Agreement with Empire District to remove one light at 1000' west of Business 71 Highway on Waldo Hatler Memorial Drive.**

Harlan Moore, City Manager stated the light being removed was located at the 13<sup>th</sup> hole of the golf course and no longer needed. He further stated he has provided a list of light pole changes the City is requesting which should result in a savings of \$4,000.

Motion was made by Councilman Ruth and seconded by Councilman Hart to amend the Electric Service Agreement with Empire District Electric to remove a street light at the 1000' west of Business Highway 71 on Waldo Hatler Drive and authorize the mayor to execute same.

Roll call vote:

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

Motion carried.

**Consider approval of Star Loan payment and re-amortization.**

Harlan Moore, City Manager stated on August 3, 2011 the City received a new amortization schedule from MoDOT Aviation directly relating to the STAR Loan. He further stated he consulted with the City Attorney when realizing the payment request in the amount of \$2,677.25 and the amortization schedule was due back to MoDOT Aviation by August 15. Mr. Moore stated the decision made by MoDOT will relieve the City of having to budget the unspent portion of the loan in the next fiscal year.

Motion was made by Councilman Collinsworth and seconded by Councilman Hart to retroactively approve the signing of the amortization and payment in the amount of \$2,677.25 to MoDOT.

Roll call vote:

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

Motion carried.

**Consider approval of the Neosho School homecoming parade activities and Fall Festival tractor parade route.**

Motion was made by Councilman Ruth and seconded by Councilman Hart to approve the Traffic Commission recommendation and allow the Neosho School homecoming parade activities and Fall Festival tractor parade route.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

**Harlan Moore, City Manager – FY2011-2012 Budget**

Mr. Moore stated there were technical difficulties in providing the drafted FY2011-2012 budget but hopes to have a copy in their hand before they leave the meeting.

**Harlan Moore, City Manager – Airport Hangar Project**

Mr. Moore stated the hangar project is currently running on schedule.

**Richard Davidson, Mayor - Ditches**

Mayor Davidson stated he applauds the efforts of the Drainage Crew.

**Steve Hart, Councilperson – Sports Complex**

Mr. Hart asked Mr. Moore the status of the RFP as it pertains to a future sports complex.

Mr. Moore stated he has worked on the budget for the last 10 days and would address the issue as soon as he could.

## **APPOINTMENTS & VACANCIES**

### **Board of Appeals:**

Mayor Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

### **Park and Recreation Board:**

Mayor Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

### **Planning & Zoning Commission:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning April 1, 2009, due to the resignation of Jay Holweger.

## **CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 7:40 p.m.

The meeting reconvened in open session at 8:30 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

## **ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Collinsworth and seconded by Councilman Hart to adjourn the August 16, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the August 16, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:30 p.m.

**APPROVED:**

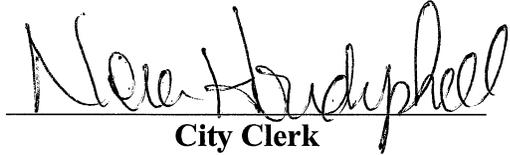
**NEOSHO CITY COUNCIL**



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**Mayor**

**ATTEST:**



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**City Clerk**

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
August 23, 2011 - 6:00 p.m.  
Municipal Civic Auditorium  
109 W. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 6:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman (arrived at 6:27 p.m.).

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Todd Banes, Parks & Recreation Director and Jeff Booth, Human Resources Director, David McCracken, Police Chief, Martha Mundt, Finance Director and Mike Hightower, Public Works Director.

**Financial Work Session**

Harlan Moore, City Manager gave budget outline. Mr. Moore included in his overview the following:

1. A 3.5% increase in pay for all City employees.
2. Recommending seven (7) full time employees.
3. The City discontinues outsourcing operations of the Golf Course and start maintaining the course with City-employed staff.
4. No new capital projects for the next fiscal year.

Martha Mundt, Finance Director proceeded with budget overview.

Discussion followed.

Councilman Tom Workman arrived at 6:27 p.m.

When reviewing the sports program budget, it was the consensus of the council to direct city staff to review the YMCA contract and discuss at the following budget work session scheduled for August 30<sup>th</sup>.

It was also the consensus of the council to direct Martha Mundt to compare the sports programs budgets from 2005 to current to determine if the City made or loss money while running these programs.

Discussion followed.

Mayor Davidson announced there would be a five minute break. Council reconvened at 7:05 p.m.

When reviewing the golf course fund, discussion was engaged whether or not economic development funds could be used to contribute to the golf course debt. The floor was turned over to Steve Hays, City Attorney. Mr. Hays stated the short answer is yes. He further explained a legal opinion had been requested by City staff as follows:

*August 12, 2011*

*Martha Mundt  
Finance Director, City of Neosho  
203 E. Main St.  
Neosho, MO 64850*

Re: *Legal Opinion, Use of Capital Improvement/Economic Development Tax Funds*

Dear Ms. Mundt:

In response to your recent inquire referencing the tax commonly known as the Economic Development Tax, more accurately identified as Capital Improvement/Economic Development Tax, currently collected by the City of Neosho in accordance with RSMo 94.577, please note the following:

Question Presented:

Would it be appropriate to utilize the tax, passed by the voters of Neosho on June 7, 1994, and currently being collected by the City of Neosho in accordance with RSMo 94.577, for the retirement of Neosho Golf Course bond debt or the maintenance of the golf course capital improvement?

Discussion:

A historical review of this tax is important for the understanding of the use thereof.

On April 5, 1994, the Neosho City Council enacted Ordinance #94-9 calling for a Special Election which proposed the question:

**“SHALL THE CITY OF NEOSHO, MISSOURI, IMPOSE A ONE-EIGHTH CENT SALES TAX SOLELY FOR ECONOMIC DEVELOPMENT?”**

Subsequent thereof, the citizens of the City of Neosho, Missouri passed the proposition with 441 “Yes” and 311 “No” votes counted.

Thereafter, as required by the laws of the State of Missouri the Department of Revenue began the collection of said tax. By its designation, the Department of Revenue collected this tax in accordance with RSMo 94.577. RSMo 94.577.1 reads in part:

**94.577.1. The governing body of any municipality except those located in whole or in part within any first class county having a charter form of government and not containing any part of a city with a population of four hundred thousand or more and adjacent to a city not within a county for that part of the municipality located within such first class county is hereby authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half of one percent sales tax on all retail sales made in such municipality which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of funding capital improvements, including the operation and maintenance of capital improvements, which may be funded by issuing bonds which will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. A municipality located in a charter county may impose a sales tax on all retail sales for capital improvements as provided in section 94.890. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the municipality to impose such tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such bonds and their retirement by such tax, or to authorize the retirement of debt under previously authorized bonded indebtedness. (Emphasis added for subsequent discussion)**

Within RSMo Chapter 94, Capital Improvement is defined, specifically at RSMo 94.575.2, as:

**94.575.2. “Capital improvements”, any capital or fixed asset having an estimated economic useful life of at least two years.**

Referencing the language in Ordinance 94-9 in which the tax is to be imposed “solely for economic development”, economic development must likewise be defined. As commonly defined in the business community, Economic Development is:

***The progress in an economy, or the qualitative measure of thereof. Economic development usually refers to the adoption of new technologies, transition from agriculture-based to industry-based economy, and general improvement in living standards.***

The National League of Cities simply defines Economic Development as:

***The process of building strong, adaptive economies.***

Analysis:

The tax which was voter approved on June 7, 1994, is a tax that must currently be used for the funding of capital improvement(s), its operation and/or maintenance, as it relates to economic development, which may be funded by issuing bonds to be retired by the revenues received from the tax, or the retirement of debt under previously authorized bonded indebtedness.

As such a tax relates to the funding of the Neosho golf course debt and/or the maintenance thereof, two questions must be addressed:

*Is a Golf Course a Capital Improvement?*

*Clearly, in accordance with RSMo 94.575.2, the Neosho Golf Course is a capital or fixed asset which has an economic useful life of two or more years. Therefore, it is a capital improvement.*

*Is the Neosho Golf Course a Tool or Source of Economic Development?*

*As unambiguously indicated by the enclosed American Planning Association report, city parks, including, but not limited to golf courses, are considered tools of economic development. Key points to such development include:*

1. *Real property values are positively affected*
2. *Municipal revenues are increased*
3. *Affluent retirees are attracted and retained*
4. *Knowledge workers and talent are attracted to live and work*
5. *Homebuyers are attracted to purchase homes.*

*As the Neosho Golf Course impacts the City of Neosho in these manners, helps with the transition from an agricultural to industrial base economy, assists in the allowance of an adaptive and stronger city economy and improves living standards, it is a source of Economic Development.*

*Conclusion:*

*The Neosho Golf Course meets both the capital improvement test and the economic development test as it relates to the tax passed by Neosho voters on June 7, 1994. In accordance with RSMo 94.577, such a tax may be used for purposes of debt reduction, operation and maintenance of capital improvements. The Neosho Golf Course is a tool of economic development for the City of Neosho.*

*The tax funds collected as a result of the June 7, 1994 ballot initiative, affirmatively passed by the voters of the Neosho and collected by the Department of Revenue under RSMo 94.577 may be utilized for debt reduction and maintenance of the Neosho Golf Course.*

*Respectfully submitted,  
Steven A. Hays  
Enc.*

*File: <http://www.planning.org/cityparks/briefingpapers/pdf/economicdevelopment.pdf>*

***Executive Summary***

*Parks provide intrinsic environmental, aesthetic, and recreation benefits to our cities. They are also a source of positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract retirees. At the bottom line, parks are a good financial investment for a community. Understanding the economic impacts of parks can help decision makers better evaluate the creation and maintenance of urban parks.*

*Real property values are positively affected.  
Municipal revenues are increased.  
Affluent retirees are attracted and retained.  
Knowledge workers and talent are attracted to live and work.  
Homebuyers are attracted to purchase homes.*

***KEY POINT #1: Real property values are positively affected.***

*More than 100 years ago, Frederick Law Olmsted conducted a study of how parks help property values. From 1856 to 1873 he tracked the value of property immediately adjacent to Central Park, in order to justify the \$13 million spent on its creation. He found that over the 17-year period there was a \$209 million increase in the value of the property impacted by the park. As early as the 19th century the positive connection between parks and property values was being made. Olmsted's analysis shows the real dollar amount impact of parks. His study was not a unique situation, however. Several studies conducted over the last 20 years reaffirm his findings, in cities across the country. Below are more examples of how proximity to a park setting is connected to property values.*

***Chattanooga, Tennessee:*** *In the early 1980s this city was facing rising unemployment and crime, polluted air, and a deteriorating quality of life. To lure middle-class residents back, local government, businesses, and community groups decided to improve the quality of life by cleaning the air, acquiring open space, and creating parks and trails. As a result, property values rose more than \$11 million, an increase of 127.5 percent.*

***Atlanta:*** *After Centennial Olympic Park was built, adjacent condominium prices rose from \$115 to \$250 a square foot. As noted on the Centennial Olympic Park website, "Thousands of people who have made the move to downtown Atlanta have chosen Centennial Olympic Park as their front yard." [www.centennialpark.com](http://www.centennialpark.com).*

***Amherst, Massachusetts:*** *Cluster housing with dedicated open space was found to appreciate at an annual rate of 22 percent, compared to a comparable conventional subdivision's rate of 19.5 percent. This translated in 1989 dollars to a difference of \$17,100.*

***KEY POINT #2: Municipal revenues are increased.***

*Another component of the Central Park study was an assessment of increased tax revenue as a result of the park. The annual excess of increase in tax from the \$209 million in property value was \$4 million more than the increase in annual debt payments for the land and improvement. As a result of building Central Park, New York City made a*

profit. Increased property values and increased municipal revenues go hand in hand. Property tax is one of the most important revenue streams for cities. By creating a positive climate for increased property values, the tax rolls will benefit in turn. As shown with Central Park, parks can both pay for themselves and generate extra revenue. In addition, tax revenues from increased retail activity and tourism-related expenditures further increase municipal monies.

#### **Property Tax Benefits**

**Chattanooga:** Improvements in Chattanooga resulted in an increase in annual combined city and county property tax revenues of \$592,000 from 1988 to 1996, an increase of 99 percent. (Lerner and Poole, 1999).

**Boulder:** The presence of a greenbelt in a Boulder neighborhood was found to add approximately 500,000 in property tax revenue annually.

#### **Sales Tax Benefits**

**Oakland, California:** The presence of the East Bay Regional Park District is estimated to stimulate about \$254 million annually in park-related purchases, of which \$74 million is spent in the local East Bay economy.

**Shopping Districts:** Surveys indicate that prices for products in districts with trees were on average about 11 percent greater than in no-tree districts; the quality of products were rated 30 percent higher than in areas with no sidewalk landscaping.

#### **Tourism-Related Benefits**

**Atlanta:** Centennial Olympic Park has an estimated 1.5 million visitors each year, attending 175 public events.

**San Antonio, Texas:** Riverwalk Park, created for \$425,000, is lined with outdoor cafes, shops, bars, art galleries, and hotels, and has overtaken the Alamo as the most popular attraction for the city's \$3.5-billion tourism industry.

#### **KEY POINT #3: Affluent retirees are attracted and retained.**

"There is a new, clean growth industry in America today—The industry is retirement migration" (Foreward in Longino, 1995, 7). By the year 2050, according to the U.S. Census Bureau, approximately 1 in every 4 Americans will be 65 years of age or older, creating an affluent group of retirees with financial benefits, including Social Security, military benefits, and pension plans. With an average life expectancy of between 75 and 83 years, this is a significant population group, both in size and affluence. They are also mobile, moving to various locations across the country—places as diverse as northern Wisconsin and Michigan, the mountains of Colorado and Montana, and New England. Members of this mobile retiree cohort have been termed "GRAMPIES": (Growing [number of] Retired Active Monied People In Excellent Shape). GRAMPIES want communities that provide leisure and recreation amenities. In a study by Miller et al. (1994), a retiree sample was asked to review 14 features and indicate their importance in the decision to move. The first three in rank order were scenic beauty, recreational opportunities, and mild climate. Retirees bring expendable income into their communities. If 100 retired households come to a community in a year, each with a retirement income of \$40,000, their impact is similar to that of a new business spending \$4 million annually in the community. (Crompton, p. 65). They increase the tax base and are "positive" taxpayers, using fewer services than they pay for through taxes. For example, they pay taxes to school districts but do not send children there. Retirees transfer significant assets into local investment and banking institutions, expanding the local deposit base that can be used for commercial and industrial financing.

#### **KEY POINT #4: Knowledge workers and talent are attracted to live and work.**

...cities are characterized by a sense of place, beauty in the natural environment, a mixed-use transportation system and a 24-hour lifestyle. These are the characteristics that will attract the creativity and brainpower that undergird the new economy." Steven Roulac, futurist, The Roulac Group. A significant change has occurred in the American economy. Industry today is composed of smokeless industries, high technology, and service-sector businesses, collectively referred to as the "New Economy." The workers in the New Economy are selling their knowledge, as opposed to physical labor, as the main source of wealth creation and economic growth. These employees, referred to in studies as "knowledge workers" or "talent," work in a "footloose" sector—companies are not tied to a certain location in order to achieve a competitive advantage. What the companies are attached to is retaining their talent and attracting more talent. As a result, several studies have been conducted to determine what factors are important to talent when they are making employment decisions. A survey of 1,200 high technology workers in 1998 by KPMG found that quality of life in a community increases the attractiveness of a job by 33 percent. Knowledge workers prefer places with a diverse range of outdoor recreational activities, from walking trails to rock climbing. Portland, Seattle, Austin, Denver, and San Francisco are among the top cycling cities; they also are among the leaders in knowledge workers. Workers attracted to an area are then positioned to put money back into the local economy through jobs, housing, and taxes, which then contribute to parks.

#### **KEY POINT #5: Homebuyers are attracted to purchase homes.**

"Parks, ponds, bike paths." "Nearly five acres of woodland protected as a nature sanctuary" "My lake...my park...my home." All around the U.S. real estate brokers and homebuilders are advocating parks as one of the top residential selling points. The desire to live near parks also translates into real dollars. A 2001 survey by the National Association of Realtors (NAR) revealed that 57 percent of voters would choose a home close to parks and open space over one that was not. In addition, the NAR survey found that 50 percent of voters would be willing to pay 10 percent more for a house located near a park or protected open space. The National Association of Home Builders found that 65 percent of home shoppers surveyed felt that parks would seriously influence them to move to a community. According to Economics Research Associates (ERA), a 1991 survey in Denver found that 48 percent of residents would pay more to live in a neighborhood near a park or greenway. One of the most popular planned community models today is golf-course residential development. However, surveys have shown that the majority of people who live in golf course communities don't play golf regularly—as many as two-thirds, according to ERA. They are attracted to the dedicated open space, the expansive views, and the guarantee that both elements will stay

*the same. By promoting, supporting, and revitalizing urban parks, cities can help attract a significant portion of the homebuying community.*

**City Parks Forum Briefing Papers**

*This is one in a continuing series of briefing papers on how cities can use parks to address urban challenges. We hope the information here helps you to create great urban parks in your city. Please visit our website at [www.planning.org/cpf](http://www.planning.org/cpf) to learn more about The City Parks Forum.*

Councilman Ruth stated he was not convinced that a city-employee ran golf course was the answer.

Finance Director, Martha Mundt stated the expected personnel expenses were close to what is paid by outsourcing management. Ms. Mundt further stated she would provide itemization at the following work session scheduled for August 30<sup>th</sup>.

Councilman Hart stated concerns regarding the disparity between last years, this year's and projected revenues.

Justin Beck, contracted Golf Course Pro stated the weather, a reduced amount of course maintenance and the Joplin tornado contributed to the lessened revenue.

Jeff Haas, the only Golf Course Committee member present at the meeting, stated operating the course under contract protects the city from budgeting surprises and under the current agreement with Mr. Beck, gives him financial incentive to bring revenue into the City Golf Course.

Mayor Davidson stated under the recommendation of the State Auditor's office, the contract with Mr. Beck would need to be bid out every year instead of maintaining the three year contract currently in place. He further stated concerns and cost effectiveness of a city ran golf course.

**ADJOURN**

Motion was made by Councilman Hart and seconded by Mayor Davidson to adjourn the August 23, 2011 Special Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:40 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



\_\_\_\_\_  
**Mayor**

**ATTEST:**

  
**City Clerk**

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
August 30, 2011 - 6:00 p.m.  
Municipal Civic Auditorium  
109 W. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 6:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman (arrived at 6:27 p.m.).

CITY OFFICERS PRESENT: Harlan Moore, City Manager and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Todd Banes, Parks & Recreation Director and Jeff Booth, Human Resources Director, David McCracken, Police Chief, Martha Mundt, Finance Director and Mike Hightower, Public Works Director.

**Financial Work Session**

Discussion was engaged by all members as to their thoughts regarding the golf course operations and golf carts.

Discussion followed.

It was the consensus of the council to buy the 70 golf carts in the amount of \$91,000 currently housed at the Neosho Golf Course with the intention to buy a new fleet in spring 2012.

Discussion followed.

It was the consensus of the council to continue with Justin Beck's current contract due to expire September 30, 2012, with the expectation that the golf course will look much better than it did this year.

Mayor Davidson announced there would be a five minute break. Council reconvened at 7:15 p.m.

Martha Mundt, Finance Director proceeded with the budget overview.

When reviewing the Tax Increment Financing (TIF) budget, Ms. Mundt was directed to provide a TIF map to city clerk and provide information regarding the restrictions, if any, for the remaining balance in the fund once the debt has been retired.

When reviewing the Economic Development Sales Tax Fund, discussion was held regarding the \$161,000 recommended by City Manager to pay from economic development sales tax fund to go to the public golf course debt associated with capital improvements.

Mayor Davidson stated the economic development sales tax committee recommended \$81,000 go to the golf course instead.

It was the consensus of the council to keep the proposed economic development budget with the entire \$161,000 going to pay towards golf course debt.

**ADJOURN**

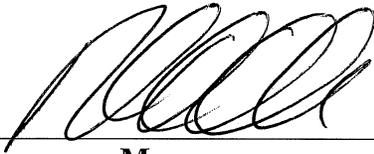
Motion was made by Councilman Workman and seconded by Councilman Hart to adjourn the August 30, 2011 Special Session City Council meeting.

It was the consensus of the council to adjourn the August 30, 2011 Special Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:11 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



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**Mayor**

**ATTEST:**



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**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**September 6, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

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

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

**COUNCIL PRESENT:** Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

**CITY OFFICERS PRESENT:** Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**CITY STAFF PRESENT:** Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; Todd Banes, Parks & Recreation Director and Jeff Booth, Human Resources Director, David McCracken, Police Chief and Mike Hightower, Public Works Director.

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agenda as presented.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

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

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of August 16, 2011, Regular Session, August 16, 2011 Closed Session, August 23, 2011 Special Session and August 30, 2011 Special Sessions were approved as presented.

**PROCLAMATIONS**

Mayor Davidson stated the following proclamation was issued to the Neosho, Missouri National Fish Hatchery:

**WHEREAS**, the Neosho City Council wishes to recognize the Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to our local Economy; and

**WHEREAS**, Neosho, Missouri National Fish Hatchery was established in 1888 with land purchased from Lemuel and Mary Hearrell for \$2,472.00. Hearrell Spring, which was purchased for One Dollar, provided 300 gallons of water flow per minute at that time. Today the water flow to the Hatchery is provided from four gravity flow underground springs providing 1,500 gallons per minute at 54 to 64 degrees; and

**WHEREAS**, the location for the **Neosho National Fish Hatchery** was selected for its abundance of fresh spring water and the availability of railroad access. By 1889, fish were being raised, and by 1890 the fish hatchery was a productive fish station raising seven species of warm and cold water fish. To date, the hatchery has produced over 130 species of cold, cool, and warm water fish since its establishment; and

**WHEREAS**, today, **Neosho National Fish Hatchery** is focused on Pallid Sturgeon recovery, production of Rainbow Trout for mitigation, and Native Mussel propagation (including the rearing of Freshwater Drum to be used as host fish for mussels), as well as the active preservation of the endangered Ozark Cavefish; and

**WHEREAS**, the **Neosho National Fish Hatchery** on December 9<sup>th</sup>, 2010 opened its doors to the public on a unique new 9,800 square foot Visitors Center. The historic design is a tribute to the history of the original hatchery production building and to the biology behind its operations; and

**Now Therefore** I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim **Neosho National Fish Hatchery** to be Neosho's Employer of the Month for October, 2011. We extend our congratulations to their six staff members for their continuous dedication of preservation and service to all visitors worldwide.

**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 20<sup>th</sup> day of September, 2011.

/s/ Richard Davidson, Mayor

## **VISITORS BUSINESS**

### **Peggy Farmer – Landis Road**

Mrs. Farmer stated she runs a taxi cab service in Neosho and appreciates the City and Police Department. However, she has contacted the prior and current City Manager with the request to get something done about Landis Road to no avail. She handed pictures of the road to the Council for review and asked the road be repaved.

### **Tom Sutton – YMCA**

Mayor Davidson announced Tom Sutton has signed up to speak during visitor business but would like to address council during the discussion of youth summer programs.

### **Sterile Esters – Handicap Signs**

Mr. Esters stated he would like to see two handicap signs located on Spring Street in front of the Old Newton Motel.

### **Jennifer Adams – Youth Programs**

Ms. Adams stated she would like to see the youth programs stay with the Neosho YMCA. She further stated the YMCA has friendlier hours and helpful staff for sports sign ups and programs. Ms. Adams stated the hours and procedures the City currently has in place for soccer sign-ups makes it very difficult.

### **Angie Leach – Youth Programs**

Ms. Leach stated she has been involved in youth ball programs for three years. She further stated they teach better fundamentals and always have a staff member present for assistance.

### **Lonnie Reed – Youth**

Mr. Reed stated he appreciated the City but there is no place for kids to go with supervision and would like there to be somewhere like a recreation center for them to go.

## **UNFINISHED BUSINESS**

There was none.

## **BID**

**Public Works – Annual Chemicals**

Mike Hightower, Public Works Director, informed the council there were two bidders for the chlorine, lime and PAC and recommended the council accept the bid from Brenntag Mid-South in the amounts of \$530/cyl for 1 ton chlorine, \$100.50/cyl for 150 lb chlorine, \$187.50/ton for lime and \$0.348/# for PAC. Mr. Hightower further stated there was one bid for the Polymer and recommended the council accept the bid from For Bend Services, Inc. in the amount of \$693/drum for polymer.

**WATER FILTRATION DEPARTMENT – ANNUAL CHEMICALS  
BID OPENING SUMMARY**

The bid opening was held at 10:15 a.m., August 17, 2011 in the Council Chambers of City Hall. Present for the opening were Stacey Barns, Mike Hightower and Larry Startin with Brenntag Mid-South.

The following bids were received by:

Brenntag Mid-South	Bid:	1 ton chlorine:	\$530.00/cyl
		150 Lb chlorine:	\$100.50/cyl
		Lime:	\$187.50/ton
		PAC:	\$0.348/#
		Polymer:	No Bid
DPC Enterprise	Bid:	1 ton chlorine:	\$650.00/cyl
		150 Lb chlorine:	\$120.50/cyl
		Lime:	No Bid
		PAC:	No Bid
		Polymer:	No Bid
For Bend Services, Inc.	Bid:	1 ton chlorine:	No Bid
		150 Lb chlorine:	No Bid
		Lime:	No Bid
		PAC:	No Bid
		Polymer:	\$693.00/drum

No Bid received from Mississippi Lime Company

Motion was made by Councilman Hart and seconded by Councilman Workman to award the bid to Brenntag Mid-South for chlorine, lime and PAC and Fort Bend Services, Inc. for polymer.

Roll call vote:

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

Motion carried.

**Public Works – FY2012 Concrete**

Mike Hightower, Public Works Director, informed the council there were two bidders for the as-needed concrete pricing for repairs of streets, curbing, sidewalks and any other Public Works Department needs and recommended the council accept the bid from Neosho Concrete, the local bidder in the amounts of \$84 for 4000 street mix; \$84 for 4000 curb mix; \$84 for 4000 wall mix; \$77 for flowable fill; \$5.50 for 2% calcium; \$5.50 for fiber; \$67 for black dye and \$50 for light load charge.

**PUBLIC WORKS DEPARTMENT – FY 2012 CONCRETE  
BID OPENING SUMMARY**

The bid opening was held at 10:30 a.m., August 17, 2011 in the Council Chambers of City Hall. Present for the opening were Stacey Barns, Mike Hightower and Debbie Brashear, from Neosho Concrete.

The following bids were received by:

Neosho Concrete Products, Inc.	Bid:	4000# Street Mix	\$84.00
		4000# Curb Mix	\$84.00
		4000# Wall Mix	\$84.00
		Flowable Fill	\$77.00
		2% Calcium	\$ 5.50
		Fiber	\$ 5.50
		Black Dye	\$67.00
		Light Load Charge	\$50.00

Neosho Concrete Products, Inc.	Bid:	4000# Street Mix	\$88.00
		4000# Curb Mix	\$88.00
		4000# Wall Mix	\$88.00
		Flowable Fill	\$75.00
		2% Calcium	\$ 4.00
		Fiber	\$ 5.50
		Black Dye	\$58.00
		Light Load Charge	\$50.00

Motion was made by Councilman Hart and seconded by Councilman Workman to award the bid to Neosho Concrete for concrete services.

Roll call vote:

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

Motion carried.

#### **Public Works – FY2012 Rock**

Mike Hightower, Public Works Director, informed the council there was one bidder for the as-needed rock pricing and recommended the council accept the bid from Kemp Stone in the amounts of \$6.25/ton for 1” base rock; \$7.75/ton for ¾” clean; \$5.50/ton for lime screenings; \$9.25/ton for ¼” chips; \$9.75/ton for 6” rip rap and \$12.00/ton for 12” rip rap.

#### **PUBLIC WORKS DEPARTMENT – FY 2012 Rock BID OPENING SUMMARY**

The bid opening was held at 10:45 a.m., August 17, 2011 in the Council Chambers of City Hall. Present for the opening were Stacey Barns and Mike Hightower.

The following bids were received by:

Kemp Stone	Bid:	1” base rock	\$6.25 per ton
		¾” clean	\$7.75 per ton
		Lime screenings	\$5.50 per ton
		¼” chips	\$9.25 per ton
		6” rip rap	\$9.75 per ton
		12” rip rap	\$12.00 per ton

Del Oro Stone bid packet was returned  
Joplin Stone Co. – no bid

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to award the bid to Kemp Stone for rock.

Roll call vote:

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

Motion carried.

**Public Works – FY2012 Rock Salt**

Mike Hightower, Public Works Director, informed the council there were three bidders for the as-needed rock salt pricing and recommended the council accept the bid from Central Salt, LLC in the amount of \$65.25 per ton.

**PUBLIC WORKS DEPARTMENT – FY 2012 Bulk Rock Salt  
BID OPENING SUMMARY**

The bid opening was held at 11:00 a.m., August 17, 2011 in the Council Chambers of City Hall. Present for the opening were Stacey Barns and Mike Hightower.

The following bids were received by:

Cargill, Inc.	\$68.08/ton
Bingham Sand & Gravel	\$71.60/ton
Central Salt, LLC	\$65.25/ton

No bids received from Independent Salt Company and Kunshek Chat & Coal, Inc.

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to Central Salt, LLC in the amount of \$65.25 per ton.

Roll call vote:

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

Motion carried.

**Public Works – FY2012 Bulk Fuel Bids**

Mike Hightower, Public Works Director, informed the council there were two bidders for the bulk fuel and recommended the council accept the bid from MFA Oil in the amounts of \$0.22 for unleaded regular fuel and \$0.235 (summer) and \$0.25 (winter) for No. 2 diesel. He further stated although MFA Oil is not the low bidder, the fuel is a better quality and will help the long term maintenance of vehicles.

**PUBLIC WORKS DEPARTMENT – FY 2012 BULK FUEL  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., August 17, 2011 in the Council Chambers of City Hall. Present for the opening were Stacey Barns and Mike Hightower.

The following bids were received by:

	Unleaded Regular Fuel	No. 2 Diesel
MFA Oil Co.	\$0.22	\$0.235(Summer) \$0.25 (Winter)
Wallis Lubricants	(Jasper) \$0.1831 (Coffeeville) \$0.2057	\$0.2283 \$0.2509

Motion was made by Councilman Workman and seconded by Councilman Hart to award the bid to MFA Oil.

Roll call vote:

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

Motion carried.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

**Bill No. 2011-465...To amend the 2010-2011 budget for FEMA reimbursement revenue received for the 2011 blizzard in the amount of \$15,137.96 and establish expenditure appropriations for related costs in a FEMA Grant Fund in the amount of \$20,769.08...1<sup>st</sup> Reading.**

Bill No. 2011-465 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-465 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-466...To amend the 2010-2011 budget for \$99,700 in Community Development Block Grant funds to provide financial assistance to Crowder College...1<sup>st</sup> Reading.**

Bill No. 2011-466 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Ruth to pass Bill No. 2011-466 on first reading.

Roll call vote:

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

Motion carried.

**Resolution Bill No. 2011-24...Authorizing the filing of an application with the Missouri Department of Natural Resources, State Revolving Fund Program for Loans under the Missouri Safe Drinking Water Law (Section 640, RSMo).**

Resolution Bill No. 2011-24 for Resolution 120-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to adopt Resolution Bill No. 2011-24.

Roll call vote:

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

Motion carried.

**Consider request to make application for LLEBG-JAG Local Block Grant.**

Police Chief McCracken stated this was a good program that the Police Department applies for annually that provides safety equipment with a 10% match.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to recommend the Police Department to apply for the grant.

Roll call vote:

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

Motion carried.

**Consider approval of agreement for assistance with Grant writing and administration of grants.**

Fire Chief Eads stated this was a request for services to help with writing grants. He further stated Hudson Consulting also assisted in obtaining the Safer Grant. He further stated if the grant is awarded Hudson Consulting will be compensated through the grant and covers administration fees. Mr. Eads stated he would like to see the grant go towards a pumper truck and if the grant is obtained, the city would be responsible for a 5% match.

Motion was made by Councilman Workman and seconded by Councilman Hart to use Hudson Consulting Services and authorize Mayor to execute agreement.

Roll call vote:

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

Motion carried.

**Consider approval of Change Order #1 with Larry Snyder & Company for the hangar construction contract.**

Craig Jones, Development Services Director stated the change order made to the electrical service and connection specifications were necessary to comply with FAA regulations for above ground obstacles. He further stated this change order will increase the contract price by \$15,070 and extend the time of performance by 14 days but will still come in approximately \$44,000 under budget.

Discussion followed.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve Change Order No. 1 with Larry Snyder & Company and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of Change Order #2 with Branco Enterprises, Inc. for the peak flow equalization basin and pump station.**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve Change Order No. 2 with Branco Enterprises and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider recommendation from Airport Industrial Development Board for professional engineering and consulting services vendor.**

Craig Jones, stated although code does not require a recommendation from the board, it was his hope was to have one from the Airport Board for the professional engineer and consulting services vendor. He further stated due to a lack of quorum at the meeting, staff recommends council to select Lochner-BWR Division for airport consulting services.

Mr. Jones entered a copy of the Memorandum to the Airport Industrial Development Board Memo dated September 1, 2011, as follows:

**MEMORANDUM**

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**To:** Airport Industrial Development Board  
**From:** Craig Jones, Director, Development Services  
**Date:** 9/1/2011  
**Re:** Consultant Selection

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Staff issued a Request for Qualifications directly to 11 consulting firms.

Four firms submitted Statements of Qualification:  
Burns & McDonnell, Kansas City MO  
Lochner – BWR Division, Kansas City MO  
Airport Development Group, Lawrence KS  
Garver, Fayetteville AR

After reviewing the statements, and considering discussions with representatives of each firm, it is apparent that all four firms are highly qualified to perform the services desired.

Two firms stand out as being especially suited to serve the City; Garver, and Lochner-BWR Division.

The most prominent consideration is then the experience of the firm, especially with respect to the experience and familiarity with the City of Neosho's airport. It is staff's opinion that the years of service by the Lochner staff (formerly BWR) providing consulting services for planning and infrastructure projects at Neosho's airport makes the firm the most qualified firm.

It is staff's recommendation to the Board to select Lochner-BWR Division for airport consulting services.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve Lochner-BWR Division for airport consulting services.

Roll call vote:

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

Motion carried.

**Consider approval of outdoor advertising agreement with Missouri Neon.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agreement with Missouri Neon and authorize Mayor to execute.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval to purchase golf cart fleet.**

Mayor Davidson announced this item will be deleted from the agenda.

**Consideration of changing the structure of the Economic Development Sales Tax Committee.**

Mayor Richard Davidson stated he was the council representative on the Economic Development Sales Tax Committee and Councilman Hart represents the retail business for Neosho. Mayor Davidson further stated there are no statutory requirements for the City to have this committee.

Councilman Ruth stated the committee is too restricted and is an advisory board to the council. He further stated the committee needed to be open to citizen input.

Mayor Davidson read the composition of the committee and stated the assembly needs to be more diverse and more representative of Neosho.

Councilman Hart stated he has been a business retailer in Neosho his whole life and stated the committee needs to be reorganized.

Mayor Davidson suggested reorganizing the committee under RSMo 67.1305 and including school and county members to the committee.

Discussion followed.

Motion was made by Councilman Hart and seconded by Councilman Workman to adopt by ordinance the restructure of the Economic Development Sales Tax Committee under RSMo 67.1305 and direct City Attorney Hays to have said ordinance at the next regular scheduled council meeting.

Roll call vote:

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

Motion carried.

**Consider amending Electric Service Agreement with Empire District.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the amendment to the Electric Service Agreement with Empire District Electric for the installation of streetlights.

Discussion followed.

Roll call vote:

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

Motion carried.

**Discussion of youth summer programs as it relates to the FY2011-2012 budget.**

Mayor Davidson stated as it pertains to the FY2011-2012 budget, there needs to be discussion regarding the youth program and consideration to allow the YMCA to exercise the third year of their agreement.

Tom Sutton, Volunteer for the YMCA stated in 2010 the YMCA was approached to take over the youth program and accepted the challenge. He further stated that although the loss was over \$9,000 in the first year they continued to work hard with the help of volunteers, to make the program a success in youth development.

Councilman Collinsworth stated he has coached for several years and appreciates the YMCA meeting the challenge they were asked by the City to take. He further stated he would like to see more traveling teams in Neosho. Mr. Collinsworth stated that if the YMCA keeps this program another year he would like to see them consider the fee structure and encourage kids to stay in Neosho to play.

Councilman Ruth stated appreciation for the YMCA stepping up during a critical time for the City. He further stated if the YMCA keeps the program they need to all work together to keep costs down and bring kids back to Neosho to play. He further stated concerns regarding the scholarship process the YMCA offered and expressed the importance of reaching every child that wants to play.

Councilman Hart stated he has coached and been a part of youth sports in Neosho for over 40 years and has seen good and bad in every program regardless of who runs it. Mr. Hart stated the need for the City to have sports complex to enhance the program. He further stated that non members of the YMCA should not have to pay more to play ball. Councilman Hart stated he would be willing and knows of several other citizens in Neosho that would give sponsorship to children who do not have the money to play. He also stated the City should be in the kid business and would like to see every child play without embarrassment if they want to.

Councilman Workman stated the YMCA should be commended for their efforts. He further stated he has been involved all his life in sports programs as a parent, volunteer and city employee. Councilman Workman agreed the YMCA should charge the same fee for all children and expressed the importance of all children having the opportunity to play.

Mayor Davidson stated he appreciated the YMCA meeting the challenges but had concerns regarding the fee structure of the YMCA and stated that although member and non-member should pay the same to play ball. He further stated that all children need to play if they have the desire too and should not be embarrassed by lack of funds due to the scholarships provided.

Jenny Holweiger, YMCA stated the membership fees pay for the infrastructure of the YMCA which is why the non-member fees are higher.

Councilman Hart stated that taxpayer money provides lights and fields so there needs to be more of a cooperative agreement between the parties to make this successful for the kids.

Mayor Davidson stated when the non-members pay for a higher fee they aren't allowed access to any of the YMCA facilities or programs offered and that the fee structure needs to be changed. He further stated they are all trying to reach the same goal to give all the children the opportunity to play.

It was the consensus of the council to direct City Manager Moore to proceed with the budget as presented.

## **REPORT OF CITY OFFICERS**

### **Mike Hightower, Public Works Director – Water Rate Survey**

Mr. Hightower presented a computerized Leak Detection Survey and Cost Analysis to the Council for review and stated this depicts 7% of our water loss. He further stated these surveys are conducted once a year due to budget constraints.

Mayor Davidson stated he would like to see these conducted every Spring and Fall if not quarterly.

### **Harlan Moore, City Manager – Sports Complex**

Mr. Moore stated there were 16 companies that provided specifications for a possible sports complex and requested direction.

It was the consensus of the council and staff to have Councilman Hart, City Manager Moore, Craig Jones, Development Services Director and Todd Banes, Parks Director to review the packets.

## **APPOINTMENTS & VACANCIES**

### **Airport Industrial Development Board:**

Mayor Davidson announced two vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 2014, due to the expiring terms of Mr. Kyle Franklin and Mr. Kelly Anderson.

### **Board of Appeals:**

Mayor Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Economic Development Sales Tax Committee:**

Mayor Davidson announced three vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 30, 2014, due to the expiring terms of Mayor Richard Davidson, Mr. Larry Neff and Mr. Rick Butler. PLEASE NOTE: Mayor Davidson is a council appointed member. Mr. Neff is still Chairman of the Economic Development Committee of the Neosho Area Chamber of Commerce. One letter of interest has been received by Larry Neff.

It was the consensus of the council to table appointments based on discussion regarding the re-organization of this committee.

### **Enhanced Enterprise Zone Board:**

Mayor Davidson announced two vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 30, 2014 due to the expiring terms of Mr. Gib Garrow and Mr. Larry Neff. Two letters of interest have been received. One by Gib Garrow and one by Larry Neff.

It was the consensus of the council to table appointments based on discussion regarding the re-organization of the Economic Development Sales Tax Committee.

### **Ethics Board:**

Mayor Davidson announced one vacancy currently exists for a term of two years beginning September 1, 2011 and expiring August 31, 2013.

### **Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced three vacancies currently exist. Two for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

Mayor Davidson stated one letter of interest has been received by Mr. Bryan Williams.

Motion was made by Councilman Workman and seconded by Councilman Hart to appoint Mr. Bryan Williams to the Park and Recreation Board for a term of three years beginning May 1, 2010.

Roll call vote:

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

Motion carried.

**Planning & Zoning Commission:**

Mayor Davidson announced three vacancies currently exist for a three-year term. One beginning April 1, 2009, due to the resignation of Jay Holweger. Two beginning September 1, 2011 due to the expiring terms of Ms. Julie Kruse and Mr. Cary Norman.

Mayor Davidson stated one letter of interest has been received by Ms. Julie Kruse.

Motion was made by Councilman Workman and seconded by Councilman Hart to appoint Ms. Julie Kruse to the Planning & Zoning Commission for a term of three years beginning September 1, 2011.

Roll call vote:

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

Motion carried.

**CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Hart 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.

Roll call vote:

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

Motion carried.

Mayor Davidson closed the meeting at 9:18 p.m.

The meeting reconvened in open session at 10:18 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

**ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the September 6, 2011 Regular Session City Council meeting.

It was the consensus of the council to adjourn the September 6, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 10:20 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**

  
**City Clerk**

**DRAFT MINUTES  
NEOSHO CITY COUNCIL  
September 8, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**Neosho Transportation Development District Presentation**

Mayor Davidson announced the Neosho Transportation Development District (TDD) members were present to share with Council their plans.

Mr. Gene Schwartz, TDD Chairman addressed council and presented the conceptual plan for the TDD.

Mr. Ray Stipp handed the council a document explaining the history of how the TDD was formed and the intent to address traffic problems around the middle school in conjunction with enhancing economic development. Mr. Stipp further stated the TDD members present at the meeting were: Gene Schwartz, Chairman, Jeff Maxwell, Frank Adams and Jim Cummins. He further stated also present were Darrell Gross with Gross and Associates and Gib Garrow with the Chamber of Commerce.

Discussion followed.

City Attorney Hays stated there will need to be two agreements in place before construction. He explained one would be between the TDD and MoDOT and one between the TDD and City of Neosho.

Mayor Davidson stated concerns regarding the City's expenses in maintaining the roads.

City Attorney Hays stated there would need to be a cooperative agreement in place between TDD, MoDOT and the City of Neosho to address those issues.

Discussion followed.

City Attorney Hays presented a revised plan and stated it had been emailed to Mr. Gib Garrow and Gene Schwartz earlier in the day for the Committee's review. Mr. Hays further explained the minor changes including the jog in the road on Hale McGinty increasing the safety for Middle School traffic.

Mr. Gene Schwartz stated the Committee had not had a chance to review the changes but they made sense.

Mayor Davidson stated he would like to stay as close to the original 2007 plan as possible.

Councilman Ruth stated concerns regarding the outer road being behind potential business and suggested making sure the potential retailers were aware of the layout. He further stated concerns because he was involved when Mr. Gross presented plans for retail development around the movie theatre and the movie theatre still sits by itself with no economic growth.

Councilman Collinworth stated the citizens deserve to have the most bang for their buck in the first Phase of this plan and for it to be completed as approved in its entirety.

Councilman Hart stated concerns regarding maintenance of the roads and the remaining money in escrow once the project is completed. He further stated he would like for all parties involved to listen to one another and do what is best for the City including the option to build a sports complex which a lot of TDDs are in support of.

Mayor Davidson stated he would like for everyone to get along and do what is best for the City. He further stated the council is getting ready to go into a closed session to decide whether to vote for a plan that is not finalized without figures and all he asks is that the other side considers the possibility of a sports complex once figures have been presented to them.

### **CLOSED MEETING**

Motion was made by Councilman Workman and seconded by Councilman Hart 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.

Roll call vote:

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

Motion carried.

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

The meeting reconvened in open session at 8:55 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

### **ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Mayor Davidson to adjourn the September 8, 2011 Special Session City Council meeting.

It was the consensus of the council to adjourn the September 8, 2011 Special Session City Council meeting.

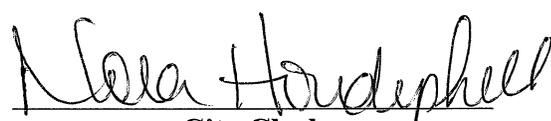
There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:55 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
September 16, 2011 – 3:30 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 3:35 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**Neosho Transportation Development District (TDD) Discussion**

Mayor Davidson stated at the conclusion of the last meeting the Council still had questions and turned the floor over to City Attorney Hays for clarification.

City Attorney Hays stated one question had been if the council was legally authorized to vote in closed session under Missouri Sunshine Law. Mr. Hays stated the TDD ballots are sealed by court order. City Attorney Hays recommended the Council vote on the matter in closed session and announce the results in open session.

Discussion was engaged by all members as to their concerns regarding the road plans, safety issues, oversight of the project and clarification regarding potential economic impact of the TDD road improvements. They further stated concerns regarding the TDD properties not currently in the city limits, and how that would affect city code enforcement should they try to annex in at a later date or the possibility of them not annexing and deprive the city of sales tax revenue.

City Attorney Hays explained the City is the only entity within the TDD with authority pertaining to zoning, building code, public safety and responsibility to make sure the roads are built the way the City wants them to be built. He further stated before the TDD could begin construction the City Council would need to approve the final plan in a cooperative agreement. Mr. Hays also stated once the cooperative agreement is signed the plans could not be modified.

City Attorney Hays stated that when the TDD sales tax sunsets in 20 years, the City would receive those tax funds set aside in an escrow account and can be used to improve roads within the TDD.

Motion was made by Mayor Davidson and seconded by Councilman Workman to postpone the vote until the following Tuesday.

Roll call vote:

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

Motion carried.

**CLOSED MEETING**

Mayor Davidson announced there was no reason to go into closed.

**ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Mayor Davidson and seconded by Councilman Workman to adjourn the September 16, 2011 Special Session City Council meeting.

It was the consensus of the council to adjourn the September 16, 2011 Special Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 4:15 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
September 20, 2011 - 2:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 2:00 p.m.

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman (Arrived at 2:15 p.m.).

CITY OFFICERS PRESENT: Harlan Moore, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

**Neosho Transportation Development District Presentation**

Mayor Davidson announced Councilman Tom Workman will be delayed as he is attending a funeral.

Mayor Davidson gave an overview of discussions at the last meeting pertaining to the TDD plans.

City Attorney Hays stated he spoke with the TDD Attorney and confirmed if the tax passes the properties will be annexed into the city. He further stated the board is aware that they cannot begin construction until the city accepts the plan.

Mayor Davidson stated the board will have a city representative to ensure the TDD operates correctly.

Councilman Ruth stated he doesn't support the TDD as it stands. He further stated safety concerns that are not addressed in the proposed plan and the potential problems for the city to inherit their ideas.

Mayor Davidson stated he is uncertain as to why the City's Golf Course is included in the TDD as it is no benefit to the Golf Course.

Councilman Hart stated this council has been put in the middle of something that they have nothing to do with.

Councilman Collinsworth and Councilman Workman confirmed with City Attorney Hays that the TDD cannot do anything until the City agrees to it and that there is still room for negotiations.

**CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Workman 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(14) RSMo...Records which are protected from disclosure by law.

Roll call vote:

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

Motion carried.

Mayor Davidson closed the meeting at 2:25 p.m.

The meeting reconvened in open session at 3:03 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

**ADJOURN**

Mayor Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

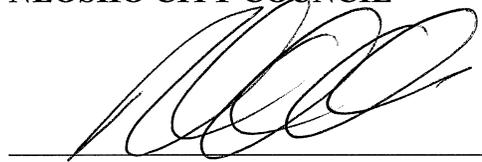
Motion was made by Councilman Workman and seconded by Councilman Collinsworth to adjourn the September 20, 2011 Special Session City Council meeting.

It was the consensus of the council to adjourn the September 20, 2011 Special Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 3:03 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**

  
**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**September 20, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Charles Collinsworth gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Martha Mundt, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Mike Hightower, Public Works and Carol Peterson, Human Resources Manager.

**AMEND AGENDA**

Mayor Davidson stated the agenda needs to be amended by removing E and F from Approval of Minutes and change Number One (1) under New Business to Fiscal Year 2009-2010.

**APPROVAL OF AGENDA**

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Ruth and seconded by Councilman Workman to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of September 6, 2011 regular and closed session and September 8, 2011 special open and closed session were approved as presented.

**VISITORS BUSINESS**

**Peggy Farmer – Landis Road**

Ms. Farmer stated that she appreciated the City's efforts to fix three of the pot holes but there were 39 more and she will continue to come to council meetings until they are all fixed.

**LeeAnn Williams – Faithful Friends**

Ms. Williams stated she was the President of Faithful Friends which was created in 2008. She informed council she would like to work with the City to address the animal control problem. Ms. Williams informed council there have been 3.38 acres donated to the organization and they hope to raise enough money to build a facility to provide complete vet care and foster care to animals in need.

**UNFINISHED BUSINESS**

**Bill No. 2011-465...To amend the 2010-2011 budget for FEMA reimbursement revenue received for the 2011 blizzard in the amount of \$15,137.96 and establish expenditure appropriations for related costs in a FEMA Grant Fund in the amount of \$20,769.08...2<sup>nd</sup> and 3<sup>rd</sup> Readings.**

Bill No. 2011-465 for Ordinance No. 488-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-465 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-466...To amend the 2010-2011 budget for \$99,700 in Community Development Block Grant funds to provide financial assistance to Crowder College...2<sup>nd</sup> and 3<sup>rd</sup> Readings.**

Bill No. 2011-466 for Ordinance No. 489-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to pass Bill No. 2011-466 on second and third readings.

Roll call vote:

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

Motion carried.

**BID**

There were none.

**CORRESPONDENCE**

**Fire Chief Eads – AFG Grants**

Chief Eads stated the Memorandum dated September 16, 2011 is provided to Council for informational purposes as the ATF Grant is due Friday, September 23<sup>rd</sup>. Chief Eads also stated, if awarded, the grant is worth approximately \$400,000, 5% of which is the City's responsibility.

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**MEMORANDUM**

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**To:** Harlan Moore, City Manager                      City Council  
**From:** Chief Mike Eads  
**Date:** September 16, 2011  
**Re:** AFG grants

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**REPORT OF CITY OFFICERS**

The Neosho Fire Department working with Hudson Consulting Services would like to apply for a Assistance to Firefighters Grant. FEMA and the Department of Homeland Defense has opened the grant window for fire departments across the country to submit their request with a deadline of September 23, 2011.

The grant we are applying for is to fund a new fire truck with all the equipment to meet NFPA standards. The grant would also include safety training, such as driver/operator and defensive driving maneuvers.

We are still in the final stages of writing the grant and do not have a final figure or total, but the grant should be in the \$400,000 range. Of that grant the city would have a 5% match or about \$20,000.

This amount was not figured into our budget due to the time frame of finalizing the budget and we do not know the time frame for awarding the AFG grants. The awarding could be anytime in the calendar year of 2012 which means it could be in next year's fiscal budget or the 2012/2013 budget.

If notified by FEMA that we have been awarded the grant and the City feels that the funds are not available, the City has the right to decline the grant.

I would hope that the City could find the funds if awarded the grant, The need for a new fire truck and equipment along with the training is great right now with our aging fleet that we have. E-7 is a 1987 model, E-9 is a 1979 model and E-8 is a 2000 model. The average life span for front line pumpers is 10 years with the next 5 years being in reserve. Two of our pumpers are front line now, E-7 and E-8. We have worked hard to keep our aging fleet up and running.

**NEW BUSINESS**

**Annual Audit Report for the Fiscal Year 2010-2011.**

Mr. Andrew Marmouget presented the audit report for the fiscal year ending September 30, 2010 and concluded with recognizing the major improvement the City has made from the prior year and commented on how helpful the staff was during their audit field work. Discussion followed concerning the auditor's comments and suggestions.

Mayor Davidson thanked Mr. Marmouget for the presentation of the audit and for recognizing the City's efforts towards improving policies and procedures.

**Public Hearing regarding adoption of the 2011-2012 Fiscal Year Budget.**

Mayor Davidson opened the floor for public comment.

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

**Bill No. 2011-467...Adopting the 2011-2012 Fiscal Year Budget...1<sup>st</sup> Reading.**

Bill No. 2011-467 was read by title only by Mr. Hays.

City Manager Royer stated the only change in the budget presented to council versus the proposed budget during the work sessions is the golf course budget.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-467 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-467...Adoption the 2011-2012 Fiscal Year Budget...2<sup>nd</sup> and 3<sup>rd</sup> Readings...under emergency measure.**

Bill No. 2011-467 for Ordinance No. 489-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-467 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-468...Providing that Chapter 140 of the code of ordinances, City of Neosho, Missouri, be amended by revising Section 140.090; 140.110; 140.120 and 140.140 of said code, and setting an effective date thereof...1<sup>st</sup> Reading.**

Bill No. 2011-468 was read by title only by Mr. Hays.

Mayor Davidson stated the Council had directed the City Attorney to provide an ordinance restructuring the Economic Development Sales Tax Committee at a prior meeting.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-468 on first reading.

Councilman Collinsworth stated he is for the revision to ensure equality and division of power for the advisory board. He further challenged citizens to step up and consider submitting a letter of interest for this board.

Councilman Hart stated concerns regarding the selection process of the appointed members from the School Board and County Commission.

Councilman Workman stated he would like the wording changed in paragraph A(c) from “Neosho City Council and which may include” to “Neosho City Council and shall include”.

Councilman Ruth stated the members of the board should be citizens of Neosho and would like to see the four year term changed to three year terms. He further suggested specifying the voting capacity for the ex-officio.

Mayor Davidson stated there needed to be trust in the School Board and County Commissioner’s Office to appoint who they deem qualified as they are also elected by the citizens. He further stated concerns regarding making all appointees to be Neosho citizens when there were members of the School Board and Commissioner’s Office that live outside the city limits.

Discussion followed.

Motion was made by Mayor Davidson and seconded by Councilman Workman to amend Bill No. 2011-468 on first reading ascertaining revisions made by the City Attorney.

Roll call vote:

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

Motion carried.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-468 on first reading as amended.

Roll call vote:

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

Motion carried.

**Resolution Bill No. 2011-23...Designating new signatories on City of Neosho checking accounts held at Great Southern Bank.**

Resolution Bill No. 2011-23 for Resolution 119-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Ruth to adopt Resolution Bill No. 2011-23.

Roll call vote:

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

Motion carried.

**Consider approval of Change Order No. 2 with Insituform for Sanitary Sewer Improvements, Sewer Main Rehab (Lining).**

Mike Hightower, Public Works Director stated this change order is a deduction of \$57,330 and should be completed next month. After further discussion, Mr. Hightower agreed with Mayor Davidson's correction in the amount to be deducted of \$26,850.25.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to approve Change Order No. 2 and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of Change Order No. 5 (Final) with Rosetta Construction for Sanitary Sewer Improvements, North and East Interceptor.**

Mr. Mike Hightower stated this project is completed and that this is the final change order. He further stated this change order reflects a deduction of \$22,500 due to the fact that there was no rock encountered in the excavation at Crowder as anticipated.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve Change Order No. 5 and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of agreement with Newton County under Section 67.100 RSMo. 1978.**

Mayor Davidson stated this agreement is a standard agreement provided by the Newton County Clerk for the collection of property taxes on behalf of the City.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agreement with Newton County and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of amended agreement with Mr. Justin Beck.**

City Manager Royer stated the revisions included reducing Mr. Beck's contract amount from \$211,000 to \$201,000 and reducing the 12% of golf cart rentals to \$10%.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the amended agreement with Mr. Justin Beck for management services.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

**City Manager Troy Royer – Sales Tax Report**

Mr. Royer reviewed the sales tax report and turned the floor over to Finance Director, Martha Mundt.

Ms. Mundt stated the collected amount in September is up 6% from last year.

Mayor Davidson cautioned viewing this as a trend considering there have been several people move here due to the tornado in Joplin.

**Mayor Davidson – Board Vacancies**

Mayor Davidson recognized the vacancies on the Economic Development Sales Tax Committee and the Enhanced Enterprise Board and due to the reorganization of the Economic Development Committee suggested postponing appointments.

It was the consensus of the council to postpone appointments to the Economic Development Sales Tax Committee and Enhanced Enterprise Board.

## **APPOINTMENTS & VACANCIES**

### **Airport Industrial Development Board:**

Mayor Davidson announced two vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 2014, due to the expiring terms of Mr. Kyle Franklin and Mr. Kelly Anderson.

### **Board of Appeals:**

Mayor Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

### **Ethics Board:**

Mayor Davidson announced one vacancy currently exists for a term of two years beginning September 1, 2011 and expiring August 31, 2013.

### **Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

### **Park and Recreation Board:**

Mayor Davidson announced two vacancies currently exist for an unexpired three-year term. One began May 1, 2010 and one began May 1, 2009.

### **Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One began April 1, 2009 and one began September 1, 2011.

## **CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Workman 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:23 p.m.

The meeting reconvened in open session at 8:45 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

## **ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

It was the consensus of the council to adjourn the September 20, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:45 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**October 4, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Aaron Decker gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Jane Obert, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director and Mike Hightower, Public.

**APPROVAL OF AGENDA**

Motion was made by Councilman Collinsworth and seconded by Councilman Hart to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of September 16, 2011 special session and September 20, 2011 special open and closed session and September 20, 2011 regular open and closed session were approved as presented.

**VISITORS BUSINESS**

**Peggy Farmer – Landis Road**

Ms. Farmer stated that she appreciated the City's efforts but would like to know the plan to finish the repairs. She further stated she would like to know why she and the neighbor's water bills were high.

Mayor Davidson stated they would address the plan of repairs during Item #5 during new business.

City Manager Royer stated there was a voter approved \$0.50 per 1,000 gallon increase that went into effect. He further stated if they would bring in their water bills, staff would be happy to check them.

**Andy Wood – NABIFI**

Andy Wood, Attorney at Law with Sims, Johnson, Wood & Sims representing NABIFI presented a press release proposing to enter into negotiations to purchase the nine holes closed by the City of Neosho for the sum of One Million Dollars (\$1,000,000.00) or \$17,000 per acre.

LAW OFFICES  
**SIMS, JOHNSON, WOOD & SIMS**  
119 SOUTH WASHINGTON STREET  
P.O. Box 276  
NEOSHO, MISSOURI 64850

**JOHN R. SIMS**  
**W. HENRY JOHNSON**  
**ANDREW P. WOOD**  
**DAVID SIMS\***

**(417) 451-4141**  
**451-4142**

**FAX (417) 451-9581**

**\*ALSO LICENSED IN ARKANSAS**

4 October 2011

**PRESS RELEASE**

The Neosho Area Business and Industrial Foundation, Inc. (NABAFI), a not-for-profit corporation dedicated to community development in the Neosho area, has authorized its attorney, Andrew Wood, an invitation to enter into a proposal to purchase from the City of Neosho that portion of the Neosho Golf Course which was recently closed by the City of Neosho.

NABAFI is proposing to enter into negotiations to purchase the nine holes closed by the City of Neosho for the sum of One Million Dollars (\$1,000,000.00). The nine holes which was closed by the City of Neosho consists of approximately sixty (60) acres. On a per acreage basis, this proposed offer breaks out at nearly Seventeen Thousand Dollars (\$17,000.00) per acre.

NABAFI makes this offer to the citizens of Neosho for reason that NABIFI supports the recently created Transportation Development District (TTD), and the property proposed to be purchased will be an important part of the residential development around the new lifestyle center area that is to be developed over the next twenty (20) years along the United States Highway 60 corridor.

The City of Neosho will continue to accrue maintenance costs for the closed portion of the Neosho Golf Course. This proposal will allow the City to be relieved of future maintenance expenses, and to have funds to apply to payment of the "Lease Purchase Agreement" which encumbers the Neosho Golf Course.

It is the understanding of NABIFI that the golf course is currently encumbered by a Lease Purchase Agreement between the Bank of New York Trust Company, N.A. and the City of Neosho, Missouri, which is dated February 15, 2006. Pursuant to the terms of this Lease Agreement, unless other arrangements can be made with the Bank of New York Trust Company, the closed portion of the golf course cannot be conveyed, free and clear of any liens or encumbrances, until after May 1, 2016. If an agreement can be reached with the City of Neosho for purchase of the property, NABIFI proposes to pay the One Million Dollars (\$1,000,000.00) purchase price into escrow, subject to being paid to the City of Neosho upon the City of Neosho being able to convey an unencumbered interest in the property, free and clear of all liens or leasehold interest. NABIFI would consent to the City of Neosho to be paid the interest on the One Million Dollars (\$1,000,000.00) held in escrow, until such time as the City of Neosho can convey an unencumbered interest in the property.

Not only does NABIFI believe the property to be purchased to be an important part of future residential development, NABIFI also believes the payment of such a significant sum to the City of Neosho and its citizens would benefit the financial health of the City, today and in the future, when the actual purchase takes place.

In regard to working out the details of this proposal, NABIFI wants to make sure that any purchase of the closed portion of the Neosho Golf Course does not, in any way, impair the integrity of the remaining eighteen (18) holes of the Neosho Golf Course. Further, issues in regard to access to water and irrigation will need to be worked out before a final purchase can take place.

Of course, as a municipality, the City of Neosho will have to declare the closed nine holes as surplus before any such sale or purchase can take place.

/s/ Andy Wood

## **UNFINISHED BUSINESS**

**Bill No. 2011-468...Providing that Chapter 140 of the code of ordinances, City of Neosho, Missouri, be amended by revising Section 140.090; 140.110; 140.120 and 140.140 of said code, and setting an effective date thereof...2<sup>nd</sup> and 3<sup>rd</sup> Readings.**

Bill No. 2011-468 for Ordinance No. 490-2011 was read by title only by Mr. Hays.

Mayor Davidson stated the changes to Bill No. 2011-468. City Attorney Hays stated the difference between (a) and (b) was under Section 140.110 paragraph 2(c) including a member of a financial institution.

Discussion followed.

Motion was made by Councilman Workman and seconded by Councilman Hart to amend Bill No. 2011-468 to read as marked “A” for discussion purposes.

Roll call vote:

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

Motion carried.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-468 on second and third readings.

Roll call vote:

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

Motion carried.

## **BID**

There were none.

## **CORRESPONDENCE**

### **Teen Challenge of the Four States – Neosho Area Clergy Coalition**

Mayor Davidson announced a letter was received from the Neosho Area Clergy Coalition to thank the city government for assisting them to find projects for their “Day of Service”.

## **NEW BUSINESS**

**Bill No. 2011-469...Declaring certain personal property as surplus and setting forth the method for disposing of same...1<sup>st</sup> reading.**

Bill No. 2011-469 was read by title only by Mr. Hays.

City Manager Royer stated he is recommending the 2009 Chevrolet Impala to be declared surplus and the proceeds to be used to purchase an additional squad car for the Neosho Police Department.

Councilman Workman stated he liked the fact that Mr. Royer drove his own vehicle and did not require a City vehicle.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-469 on first reading.

Roll call vote:

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

Motion carried.

**Consider approval of the purchase of two Neosho Police Department vehicles.**

Police Chief McCracken stated this is to purchase two patrol units in the amount of \$41,120 with the trade in of the 2009 Impala which is under budget.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the purchase of two Neosho Police Department vehicles in the amount of \$41,120.

Roll call vote:

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

Motion carried.

**Consider approval of the Conflict of Interest Waiver with Gilmore Bell.**

City Attorney Hays stated Gilmore & Bell represents the Neosho Transportation Development District and is bond counsel for the City of Neosho. He further stated due to the TDD and the City of Neosho entering into a cooperative agreement, Gilmore and Bell is requesting a conflict of interest waiver be executed.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to approve the conflict of interest waiver and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consideration of letter of support for Affordable Homes Development, Inc. to build 27 single-family homes in the Prairie View Estates subdivision.**

Mayor Davidson stated he and Mayor Pro Tem met with a developer that requests to build lower income housing and has asked the Mayor to sign a letter of support. He further stated they would provide an opportunity to local contractors for the construction and has expressed a desire to annex into the city limits when the property becomes contiguous.

Councilman Workman stated they would purchase permits and build to City code.

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the letter of support and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of Landis Road resurfacing payment.**

Public Works Director, Mike Hightower stated he looked at Landis Road in March and received two proposals from Swift Construction. He further stated one proposal was to completely resurface the road in the amount of \$120,000 and one was to patch the road with an amount of 100 tons in the amount of \$69,000.00. Mr. Hightower informed council that the Newton County Common Road District agreed to help out by blade patching the roughest areas and furnish the labor and equipment if the City would pay for the asphalt. Mr. Hightower informed Council the City used the County's current bid whereby Swift Asphalt was low bidder at \$47.75 per ton and Blevins Asphalt was second bidder at \$50.00 per ton. Mr. Hightower stated the total cost will be \$10,414.40 which is budgeted from the 2011 Street Maintenance Materials line item in the street budget.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the payment for 210.29 tons of asphalt.

Discussion followed.

Roll call vote:

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

Motion carried.

**Consider approval of MGE contract for gas main extension to new Public Works building.**

Mike Hightower, Public Works Director stated this is to extend the gas main to the new public works building located at 200 Nelson in the amount of \$13,365 which is budgeted from the Street Budget Capital Expenditures.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the contract with MGE and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of Harry S. Truman agreement for administration of Crowder College Community Development Block Grant.**

Development Services Director, Craig Jones stated this is to provide administrative duties as the eligible pass through entity for the CDBG grant to Crowder of accommodating FEMA housing operations. He further stated this grant contains line items for costs incurred by the City to contract for administrative services and audit costs.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agreement with Harry S Truman Coordinating Council and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of the AvFuel Corporation agreement.**

Mayor Davidson confirmed with the City Clerk that the agreement before them included the changes recommended by the City Attorney and confirmed with the City Attorney Hays that he has reviewed and accepted the agreement.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agreement with AvFuel Corporation and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

**City Manager Troy Royer – Crowder College CDBG**

Mr. Royer stated 80% of the project funds will be released and the 20% remaining will be released upon project completion.

**Mayor Richard Davidson – Water Leaks**

Mayor Davidson read an email he received addressing the water leak survey and wanted to know if the leaks identified in the leak survey were fixed.

Public Works Director, Mike Hightower stated all but one leak was fixed that were identified in the first leak survey and eleven are fixed from the current survey. He further stated it is a work in progress.

**APPOINTMENTS & VACANCIES**

**Airport Industrial Development Board:**

Mayor Davidson announced two vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 2014. *One letter of interest has been received by Kyle Franklin.*

Motion was made by Councilman Workman and seconded by Councilman Hart to appoint Kyle Franklin to the Airport Industrial Development Board.

Roll call vote:

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

Motion carried.

**Board of Adjustments (Zoning):**

Mayor Davidson announced one vacancy will exist for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

**Board of Appeals:**

Mayor Davidson announced five vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009 and two beginning November 1, 2010.

**Economic Development Sales Tax Committee:**

Mayor Davidson announced five vacancies currently exist beginning October 4, 2011. Two for two year terms and three for three year terms. One to be appointed by the Neosho R-5 School Board; One to be appointed by the Newton County Commissioner's Office; One will be an active Council member appointed by City Council; Two will be appointed at large by City Council. *One letter of interest has been received by Phillip Slinkard.*

It was the consensus of the council to postpone appointments until further letters of interest have been received.

**Enhanced Enterprise Zone Board:**

Mayor Davidson announced two vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 30, 2014 due to the expiring terms of Mr. Gib Garrow and Mr. Larry Neff. Two letters of interest have been received. One by Gib Garrow and one by Larry Neff.

It was the consensus of the council to postpone appointments to this board until further discussions regarding the board's structure.

Mayor Davidson directed Nora Houdyshell, City Clerk to add this as a discussion item on the following council meeting agenda.

**Ethics Board:**

Mayor Davidson announced one vacancy currently exists for a term of two years beginning September 1, 2011 and expiring August 31, 2013.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced two vacancies currently exist. One for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One beginning April 19, 2011 expiring on August 30, 2012 and one beginning September 1, 2011.

**Senior Citizen Committee:**

Mayor Davidson announced one vacancy will exist for a three year term beginning November 1, 2011 and expiring October 31, 2014 due to the expiring term of Vickie Barnes. (PLEASE NOTE: This position is for a Newton County Resident). *One letter of interest has been received by Vickie Barnes.*

Motion was made by Councilman Workman and seconded by Councilman Hart to appoint Vickie Barnes to the Senior Citizen Committee.

Roll call vote:

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

Motion carried.

**CLOSED MEETING**

Mayor Davidson stated as a result of the offer to purchase real estate under visitor business, the City Attorney has recommended closing under Section 610.021(1) 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) 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.

Motion was made by Councilman Workman and seconded by Councilman Hart 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; 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:10 p.m.

The meeting reconvened in open session at 8:53 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

**ADJOURN**

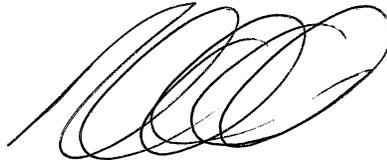
Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

It was the consensus of the council to adjourn the October 4, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:53 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



\_\_\_\_\_  
**Mayor**

**ATTEST:**

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

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**October 18, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Charles Collinsworth gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; Jane Obert, Finance Office; David McCracken, Police Chief; Todd Banes, Parks & Recreation Director; Mike Hightower, Public Works Director and Carol Peterson, Human Resource Manager.

**AMEND AGENDA**

Mayor Davidson stated the agenda will be amended to include a closed session under Section 610.021(1) legal actions.

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the consent agenda items as amended.

Roll call vote:

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

Motion carried.

**MINUTES:**

- \ The minutes of October 4, 2011 regular session and October 4, 2011 regular closed session were approved as presented.

**VISITORS BUSINESS**

**Dan Yokley – Sports Complex**

Mr. Yokley presented a signed petition by property owners around the Neosho Golf Course that stated they are requesting the council to reconsider closing the nine holes known as the “Lakes” and publically denounce the exploration of the possibility of building a sports complex or Water

## **Public Works – HVAC**

Mike Hightower, Public Works Director, informed the council there were two bidders for the HVAC system and recommended the council accept the bid from Lyerla Sheet Metal in the amount of \$23,870.

### **PUBLIC WORKS DEPARTMENT – HVAC SYSTEM BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., October 12, 2011 in the Conference Room at City Hall. Present for the opening were Stacey Barns and Mike Hightower.

The following bids were received by:

Lyerla Sheet Metal	\$23,870.00
Midwest Mechanical Services	\$24,729.47

No Bid received from J.J. & Z Electric and Gunlock Aire Service

Motion was made by Councilman Hart and seconded by Councilman Ruth to award the bid to Lyerla Sheet Metal for the HVAC System in the amount of \$23,870.

Roll call vote:

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

Motion carried.

## **CORRESPONDENCE**

There was none.

## **NEW BUSINESS**

### **Discussion and consideration of the Missouri Little League Association.**

The Mayor turned the floor over to Mr. Mike Greniger, volunteer with the Little League Association. Mr. Greniger provided information to council regarding options for the Neosho sports programs and gave an overview of the history. Mr. Greniger further stated this is a volunteer based program and provides a safe and fair program for all children.

Mr. Greg Garton with the Little League Association outlined rules in which the Association conducts business.

Mr. Greniger stated Joplin charges \$45 to play and \$25 for t-ball.

Further discussion followed.

It was the consensus of the council to engage further discussion regarding what the Little League Association has to offer versus the current agreement with the YMCA at the next regular scheduled council meeting.

### **Bill No. 2011-470...Declaring certain personal property as surplus and setting forth the method for disposing of same...1<sup>st</sup> reading.**

Bill No. 2011-470 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-470 on first reading.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to approve applying for the Region M. District Grant and authorize the Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider amending Electric Service Agreement with Empire District to replace one light at the intersection of E. Garland Douglas Drive and S. Garland Douglas Drive.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the amendment to the Electric Service Agreement with Empire District Electric for the replacement of one streetlight at the intersection of East and South Garland Douglas Drive.

Roll call vote:

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

Motion carried.

**Consideration of changing the structure of the Enhanced Enterprise Zone Board.**

Mayor Davidson summarized the makeup of the Enhanced Enterprise Zone Board and stated based on the change of Economic Development Sales Tax Committee the structure of this board should also be reviewed.

City Attorney Hays stated this board is statutorily required and meets on an as needed basis.

Councilman Hart stated this board is too restrictive and should be opened to the citizens.

Councilman Collinsworth stated the committee needs to be more diverse.

Discussion followed.

It was the consensus of the council to direct City Attorney Hays to draft an ordinance and bring to council for approval at the next regular scheduled council meeting.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

**City Manager Troy Royer – City Staff**

City Manager Royer stated the COLA raises went into effect September 1. He further stated the approved budgeted full time employees have not been filled at this time. Mr. Royer also stated the Police Department hired back two officers that had been laid off making a total of 18 officers.

Roll call vote:

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

Motion carried.

**Enhanced Enterprise Zone Board:**

Mayor Davidson announced two vacancies will exist for terms of three years beginning October 1, 2011 and expiring September 30, 2014 due to the expiring terms of Mr. Gib Garrow and Mr. Larry Neff. Two letters of interest have been received. One by Gib Garrow and one by Larry Neff.

**Ethics Board:**

Mayor Davidson announced one vacancy currently exists for a term of two years beginning September 1, 2011 and expiring August 31, 2013.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced two vacancies currently exist. One for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One beginning April 19, 2011 expiring on August 30, 2012 and one beginning September 1, 2011.

**CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:52 p.m.

The meeting reconvened in open session at 9:38 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

It was the consensus of the council to adjourn the October 18, 2011 Regular Session City Council meeting.

**MINUTES  
NEOSHO CITY COUNCIL  
November 1, 2011 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

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

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director and David McCracken, Police Chief.

**AMEND AGENDA**

Mayor Davidson stated the agenda will be amended to include a closed session under Section 610.021(3) Hiring, firing, disciplining or promoting an employee of a public governmental body.

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to approve the consent agenda items as amended.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of October 18, 2011 regular session and October 18, 2011 regular closed session were approved as presented.

**VISITORS BUSINESS**

**Gary Kenny – Water Easement**

Mr. Gary Kenny stated concerns regarding a 23 year old water easement across his property.

**Peggy Farmer – Road**

Ms. Peggy Farmer stated gratitude towards the City and the Public Works Department for the condition of Landes Road.

**Peggy Farmer – Signs**

She further stated safety concerns regarding intersection of Business 71 and LaQuesta. She further stated Public Works Director Hightower explained she would need to contact MoDOT. Councilman Ruth asked City Manager Moore to contact MoDOT.

**Peggy Farmer – Fish**

Ms. Farmer stated she noticed a low water pond and was concerned about the fish surviving during the winter. Ms. Farmer was informed by council this was not a city-owned pond therefore, the care of the fish would be up to the property owner.

**UNFINISHED BUSINESS**

**Bill No. 2011-470...Declaring certain personal property as surplus and setting forth the method for disposing of same...2<sup>nd</sup> and 3<sup>rd</sup> readings.**

Bill No. 2011-470 for Ordinance No. 483-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-470 on second and third readings.

Roll call vote:

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

Motion carried.

**Bill No. 2011-471...Declaring certain personal property as surplus and setting forth the method for disposing of same...2<sup>nd</sup> and 3<sup>rd</sup> readings.**

Bill No. 2011-471 for Ordinance No. 484-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-471 on second and third readings.

Roll call vote:

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

Motion carried.

**BID**

The following bid recommendations were presented for consideration.

**Public Works Department – Summit Street Repairs**

Troy Royer, City Manager, informed the council there were three bidders for the Summit Street repairs and recommended the council accept the bid from Swift Construction in the amount \$5,250.

**PUBLIC WORKS DEPARTMENT – SUMMIT STREET REPAIRS  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., October 19, 2011 in the Conference Room at City Hall. Present for the opening were Stacey Barns and Mike Hightower.

The following bids were received by:

Swift Construction Co	\$5,250.00
Blevins Asphalt Construction Co.	No Bid
APAC – Missouri, Inc.	\$9,355.50

Motion was made by Councilman Workman and seconded by Councilman Ruth to award the bid to Swift Construction in the amount of \$5,250.

Roll call vote:

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

Motion carried.

**Public Works Department – Bearings for Shoal Creek Wastewater Plant**

Troy Royer, City Manager, informed the council there were four bidders for the bearings to be used for the Shoal Creek Wastewater Plant and recommended the council accept the bid from I.B.T. of Joplin in the amount \$9,506.31.

**PUBLIC WORKS DEPARTMENT – WW BEARINGS  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., October 20, 2011 in the Conference Room at City Hall. Present for the opening were Carol Peterson and Mike Hightower.

The following bids were received by:

	<u>MP-5407-YF</u>	<u>MPS-5315-F</u>	<u>TOTAL</u>
Bearing Headquarters Co.	\$5,667.00	\$4,398.00	\$10,065.00
Applied Industrial Technologies	No Bid	No Bid	No Bid
Motion Industries	\$5,792.25	\$4,203.60	\$9,995.85
IBT	\$5,352.57	\$4,153.74	\$9,506.31

Motion was made by Councilman Workman and seconded by Councilman Hart to award bid to I.B.T. of Joplin in the amount of \$9,506.31.

Roll call vote:

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

Motion carried.

**CORRESPONDENCE**

Mayor Davidson announced the letters received from Gilmore & Bell, Neosho R-5 School District and Neosho Freeman Family YMCA with a brief description.

**NEW BUSINESS**

**Public Hearing regarding proposed rezoning of 4501 Doniphan Drive, Neosho, Newton County, Missouri, from District C-1, Retail Business District, to District C-3, Commercial Business District as petitioned by Pie In The Sky Investments and Craig Cibulka.**

Mayor Davidson opened the floor for public comment.

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

**Bill No. 2011-473...Rezoning the below described property located at 4501 Doniphan Drive, Newton County, Missouri, from District C-1, Retail Business District, to District C-3, Commercial Business District, as petitioned by Pie in the Sky Investments and Craig Cibulka...1<sup>st</sup> Reading.**

Bill No. 2011-473 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-473 on first reading.

Roll call vote:

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

Motion carried.

**Public Hearing regarding proposed rezoning of property located at 224 N. Washington Street, Newton County, Missouri from District M-1, Light Industrial District to District R-3, Apartment House District as petitioned by Shaffer House L.P.**

Mayor Davidson opened the floor for public comment.

Mr. Jay Burchfield, General Partner with Shaffer House, L.P. gave an overview of plans for property located at 224 N. Washington.

Discussion followed.

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

**Bill No. 2011-474...Rezoning the below described property located at 224 North Washington Street, Neosho, Newton County, Missouri, from District M-1, Light Industrial District to District R-3, Apartment House District, as petitioned by Shaffer House L.P....1<sup>st</sup> Reading.**

Bill No. 2011-474 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-474 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-472...Providing that Chapter 125 of the Code of Ordinances, City of Neosho, Missouri, be amended by revising Section 125.210 and 125.220 of said Code, and setting an effective date thereof...1<sup>st</sup> reading.**

Bill No. 2011-472 was read by title only by Mr. Hays.

Councilman Collinsworth stated concerns regarding lack of framework.

Councilman Ruth stated appreciation for the way the revisions were worded and read a portion of the bill verbatim. He further stated he understood Councilman Collinsworth's concerns but did not want to restrict future councils.

Councilman Hart stated he agreed with the changes and applauded the council for doing the right thing.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-472 on first reading.

Roll call vote:

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

Motion carried.

**Bill No. 2011-475...Providing that the Code of Ordinances, City of Neosho, Missouri be amended by revising Section 705.460 and Section 705.470, Chapter 705: Sewers and Sewage Disposal, of said Code; Providing for Surcharge for Certain Waste...1<sup>st</sup> Reading.**

Bill No. 2011-475 was read by title only by Mr. Hays.

City Manager Royer stated the ordinance has a typographical error and needs corrected to reflect the BOD charge of \$0.20 beginning October 2011 as approved by council. He further stated the hauled waste should be \$20.00 per 1,000 gallons.

Motion was made by Councilman Collinsworth and seconded by Councilman Ruth to pass Bill No. 2011-475 on first reading.

Roll call vote:

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

Motion carried.

**Consider approval of the contract with Newton County Central Dispatch Center.**

Police Chief McCracken stated this is an annual agreement with the Newton County Central Dispatch Center. He further stated that although the rate remained the same, due to more usage the contracted service has increased to \$6789.53 per month.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the contract renewal with Newton County Central Dispatch Center in the amount of \$81,474.36 for calendar year 2012.

Roll call vote:

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

Motion carried.

**Consider the recommendation for selection of firm for professional and survey services.**

City Manager Royer stated twenty requests for qualifications were mailed to provide a boundary survey for the City-owned property known as the Betz-Bond tract. He further stated that no local businesses responded so staff is recommending Rose & McCrary due to their prior work completed on this parcel in 1998.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the selection of Rose & McCrary to complete a boundary survey.

Roll call vote:

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

Motion carried.

**Consider approval of the Davis, Lynn & Moots agreement for the year end September 30, 2011 auditing services.**

City Manager Royer stated this is the final year of a three year contract with Davis, Lynn & Moots for auditing services.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the Davis, Lynn & Moots agreement and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Discussion and consideration of the Missouri Little League Association for Neosho ball programs.**

Mayor Davidson stated the YMCA submitted a letter notifying the City they are not renewing their option to run the ball program and opened the floor to discussion regarding the consideration of the Missouri Little League Association program.

Councilman Workman stated concerns regarding parent participation.

Councilman Collinsworth stated since the City does not have the resources to run a ball program and the YMCA backing out, the Council has no choice but to move forward with the Missouri Little League.

Councilman Hart stated even though it may take time to build, he is 100% behind the Little League program.

Discussion followed.

Mayor Davidson stated the Parks and Recreation Board should be contacted to review his option and make a recommendation to the Council.

**REPORT OF CITY OFFICERS**

**Parks and Recreation Department – Fall Festival Report**

Mayor Davidson announced that City Manager Royer has requested the report for the Fall Festival be moved to the following scheduled council meeting

**Councilman David Ruth – Traffic Light**

Councilman Ruth stated he would like the City Manager to check the feasibility of placing a traffic light at the intersection of Kodiak Road and Highway 60.

City Manager Royer stated based on a report he received from Police Chief McCracken and a conversation he had with MoDOT, the traffic light could not be installed without a cost share to the City.

Councilman Hart stated since this is included in the TDD proposal; they should be able to move forward at no cost to the City.

City Attorney Hays stated by law, the TDD cannot act until a cooperative agreement is in place and the City stated they would not enter into a cooperative agreement until the TDD plan has been approved. He further stated we are still waiting on a plan.

Mayor Davidson stated he would like the council to be proactive.

It was the consensus of the council to direct City Attorney Hays to prepare a cooperative agreement to be reviewed at the next regular scheduled council meeting.

**Councilman Steve Hart – Sports Complex**

Councilman Hart stated he would like an economic impact study done by one of the sixteen engineering firms that sent in RFQs for the sports complex project.

Mayor Davidson stated city staff would need to make a staff recommendation.

**Mayor Richard Davidson – Demolition Projects**

Mayor Davidson asked the status of the demolition projects.

Mr. Craig Jones stated once the letter from DNR is received, then the City can start the bid process for demolition of the Spring Street property. He further stated once grade issues are addressed for the property known as the First Baptist Church, then bids can be submitted for the demolition.

**APPOINTMENTS & VACANCIES**

**Airport Industrial Development Board:**

Mayor Davidson announced one vacancy currently exists for a term of three years beginning October 1, 2011 and expiring September 2014.

**Board of Adjustments (Zoning):**

Mayor Davidson announced one vacancy will exist for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

**Board of Appeals:**

Mayor Davidson announced six vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009, two beginning November 1, 2010 and one beginning November 1, 2011 due to the expiring term of Larry Neff.

**Economic Development Sales Tax Committee:**

Mayor Davidson announced three vacancies currently exist beginning October 4, 2011. Two terms for two years and three year terms. One to be appointed by the Neosho R-5 School Board; One to be appointed by the Newton County Commissioner's Office; One will be an Ex-officio non-voting member of a Neosho financial institution.

**Enhanced Enterprise Zone Board:**

Mayor Davidson announced four vacancies will exist for terms of five years beginning October 1, 2011 and expiring September 30, 2016 due to the restructuring of the Board. Two letters of interest have been received. One by Gib Garrow and one by Larry Neff.

**Ethics Board:**

Mayor Davidson announced one vacancy currently exists for a term of two years beginning September 1, 2011 and expiring August 31, 2013 and one letter of interest has been received by Mr. McFadden.

Motion was made by Councilman Workman and seconded by Councilman Hart to appoint Mr. Charles McFadden to the Ethics Board for a term of two years beginning September 1, 2011.

Roll call vote:

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

Motion carried.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced two vacancies currently exist. One for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

**Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One beginning April 19, 2011 expiring on August 30, 2012 and one beginning September 1, 2011.

**CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Workman 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:37 p.m.

The meeting reconvened in open session at 9:13 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

It was the consensus of the council to adjourn the November 1, 2011 Regular Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:13 p.m.

**APPROVED:**

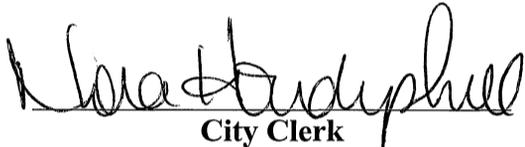
**NEOSHO CITY COUNCIL**



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**Mayor**

**ATTEST:**

**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**December 6, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Charles Collinsworth gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Craig Jones, Development Services Director; David McCracken, Police Chief and Mike Hightower, Public Works Director.

**AMEND AGENDA**

Mayor Davidson stated the agenda will be amended to correct the special session date to November 29<sup>th</sup> and to add the Closed Session Minutes of November 15, 2011.

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agenda as amended.

It was the consensus of the council to approve the agenda as amended.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the consent agenda items as amended.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of November 15, 2011 regular session, November 15, 2011 regular closed session and November 29, 2011 special session were approved as presented.

**VISITORS BUSINESS**

**Andy Wood – NABIFI Real Estate Offer**

Mr. Wood gave a clarification to the real estate offer made by NABIFI for a portion of the golf course including NABIFI acknowledging they could not do anything with the property until 2016. He further stated NABIFI understands that the property would need to have an appraisal done and be subject to the bid process per city code.

Councilman Hart stated the property could be leased to NABIFI.

City Manager Royer stated the property was bound by tax exempt bonds and would be subject to bond council and tax attorneys' approval.

City Attorney Hays stated Gilmore & Bell indicated there would be a \$100,000 fee to contact the bond holders regarding a sale of the property.

**Robert F. Betz – Burr Crossing Land**

Mr. Betz opted to listen to Council's discussions regarding agenda item #1 under new business before giving a statement.

**UNFINISHED BUSINESS**

**Bill No. 2011-476...Authorizing the issuance of not to exceed \$9,425,000 principal amount of Waterworks Refunding and Improvement Revenue Bonds (State of Missouri – Direct Loan Program) Series 2011...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2011-476 for Ordinance No. 489-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-476 on second and third readings.

Roll call vote:

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

Motion carried.

**BID**

**Public Works Department – Analytical Services**

Mike Hightower, Public Works Director, informed the council there were two bidders for the analytical services for the wastewater plants and recommended the council accept the bid from Pace Analytical, with an annual cost in the amount \$32,544.

**PUBLIC WORKS DEPARTMENT – WW ANALYTICAL SERVICES  
BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., November 15, 2011 in the Lobby of City Hall. Present for the opening were Chad Cooper with PDC Laboratories, Stacey Barnes and Amy Moritz.

The following bids were received by:

Pace Analytical	\$32,544
PDC Laboratories	\$33,206

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to award bid to Pace Analytical with an annual cost in the amount of \$32,544.

Roll call vote:

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

Motion carried.

## **Code Enforcement – Pest Control Services**

Troy Royer, City Manager, informed the council there were four bidders for the best control services and recommended the council accept the bid from Advance-Magdaleno, in the amount \$360 per month.

### **CODE ENFORCEMENT – PEST CONTROL SERVICES BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., December 1, 2011 in the Council Chambers. Present for the opening were Marvin Major with Advance-Magdaleno, John Harrington, Code Enforce and Nora Houdyshell, City Clerk.

The following bids were received by:

McVay Affordable Pest Control	\$525/month
Bug-A-Way Termite & Pest Control	\$395/month
Caldwell Pest Management	\$500/month
Advance-Magdaleno	\$360/month

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to award bid to Advance-Magdaleno in the amount of \$360 per month.

Roll call vote:

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

Motion carried.

## **CORRESPONDENCE**

Mayor Davidson announced a thank you letter had been received by Ms. Cheryl Hawkins stating appreciation for the work done on Landis Road.

## **NEW BUSINESS**

### **Bill No. 2011-477...Declaring certain real property as surplus and setting forth the method of disposing of same...1<sup>st</sup> Reading.**

Bill No. 2011-477 was read by title only by Mr. Hays.

Mayor Davidson stated there is no pending sale for the property formerly known as the Betz-Bond property. He further stated this property was used for collateral for COPs and sees no future need the City would have for this property. Mayor Davidson reminded Council in 2013 the safer grant may no longer be available and could possibly use proceeds from the sale of this property at that time to cover a budget shortfall.

Councilman Ruth voiced concerns regarding possible restrictions on property due to the retention ponds and reminded Council this was purchased with FEMA funds.

City Attorney Hays stated this would be investigated before the 2<sup>nd</sup> and 3<sup>rd</sup> readings of this bill.

Mr. Betz approached council and gave an overview of the process in which he purchased and sold the property being discussed. He further stated to be consistent and fair the property should stay zoned industrial.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-477 on first reading.

Roll call vote:

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

Motion carried.

**Consider approval of the Purchase Agreement with Missouri Department of Natural Resources for the Waterworks Refunding and Improvement Revenue Bonds (State of Missouri – Direct Loan Program) Series 2011.**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the Purchase Agreement and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of the Escrow Trust Agreement with UMB Bank, N.A. as paying agent and escrow agent for the Waterworks Refunding and Improvement Revenue Bonds (State of Missouri – Direct Loan Program) Series 2011.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the Escrow Agreement and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of the Transcript of Proceedings Authorizing the Issuance of Waterworks Refunding and Improvement Revenue Bonds (State of Missouri – Direct Loan Program) Series 2011.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the Transcript of Proceedings and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval to apply for the State Interoperability Radio Grant for the Neosho Fire Department.**

Fire Chief Eads stated this is the same grant the Police Department had applied for previously and that the Fire Department could also benefit.

Motion was made by Councilman Hart and seconded by Councilman Workman to approve the application for the State Interoperability Radio Grant and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval to apply for the State Interoperability Radio Grant for the Neosho Public Works Department.**

Motion was made by Councilman Ruth and seconded by Councilman Workman to approve the application for the State Interoperability Radio Grant and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider approval of the Personal Property Loan Agreement with the Bible Holiness Assembly of God.**

City Manager Royer stated per Council's instruction this is an agreement for the Bible Holiness Assembly of God to borrow a City-owned bridge.

Discussion followed.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the agreement with Bible Holiness Assembly of God and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider request to make application for LLEBG-JAG Local Block Grant.**

Police Chief McCracken stated this is a yearly grant that provides safety items and recommends council accept the grant in the amount of \$8994.18 with a City match of \$1,000.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the grant application in the amount of \$8994.18 with a City match of \$1,000 and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**Consider acceptance of donations.**

Mayor Davison stated the donations are funds provided for City staff to have a Christmas Party to show appreciation. He further stated this is not an attempt to buy votes but offer appreciation to the employees that have worked so hard during difficult times.

City Manger Royer stated he approached council members and State Representative Bill Reiboldt asking for donations.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the acceptance of the donations from Richard Davidson in the amount of \$500, Steve Hart in the amount of \$300 and State Representative Bill Reiboldt in the amount of \$500.

Roll call vote:

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

Motion carried.

### **Recommendation from the Economic Development Sales Tax Committee.**

Mayor Davidson gave an overview of the Economic Development Sales Tax Committees desire to promote the City and asked Council to consider expanding the duties of the Committee to include more day-to-day involvement of economic development and promotion of the City. He further stated Chairman Puckett is going to reach out to the Chamber of Commerce, School Board and Crowder College.

It was the consensus of the council to direct City Attorney Hays to draft an ordinance to expand the Economic Development Sales Tax Committee's oversight regarding more involvement and promoting the City.

### **REPORT OF CITY OFFICERS**

#### **Councilman Charles Collinsworth – Golf Course Land**

Councilman Collinsworth stated he would like the study being conducted on the golf course property include a wider approach than just ball fields.

Mayor Davidson stated the council has not yet defined the scope of the study.

#### **Mayor Richard Davidson – TDD**

Mayor Davidson inquired as to an update from the City Attorney regarding the TDD.

City Attorney Hays stated there has been no correspondence from the TDD Board. He further stated he has spoken with the TDD Board's new attorney and provided the draft Cooperative Agreement to him for review. Mr. Hays stated there will need to be a plan approved before they can proceed any further.

Councilman Tom Workman asked if they could start on the light at Kodiak and 60 Highway.

Mr. Hays responded not until the cooperative agreement is entered into.

### **APPOINTMENTS & VACANCIES**

#### **Airport Industrial Development Board:**

Mayor Davidson announced one vacancy currently exists for a term of three years beginning October 1, 2011 and expiring September 2014.

#### **Board of Adjustments (Zoning):**

Mayor Davidson announced one vacancy will exist for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

**Board of Appeals:**

Mayor Davidson announced six vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009, two beginning November 1, 2010 and one beginning November 1, 2011 due to the expiring term of Larry Neff.

**Economic Development Sales Tax Committee:**

Mayor Davidson announced three vacancies currently exist beginning October 4, 2011. Two terms for two years and three year terms. One to be appointed by the Neosho R-5 School Board; One to be appointed by the Newton County Commissioner's Office; One will be an Ex-officio non-voting member of a Neosho financial institution. Mayor Davidson stated one letter of interest was received by the R-5 School Board.

Motion was made by Councilman Workman and seconded by Councilman Hart to appoint Dr. Richard Page, Superintendent of the R-5 School District to the Economic Development Sales Tax Committee for a term of three years.

Roll Call:

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

Motion carried.

**Enhanced Enterprise Zone Board:**

Mayor Davidson announced four vacancies exist for terms of five years beginning October 1, 2011 and expiring September 30, 2016 due to the restructuring of the Board. Two letters of interest have been received. One by Gib Garrow and one by Larry Neff.

Motion was made by Councilman Workman and seconded by Councilman Ruth to appoint Gib Garrow and Larry Neff to the Enhanced Enterprise Zone Board for a term of five years.

Roll Call:

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

Motion carried.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced two vacancies currently exist. One for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

Mayor Davidson stated there was one letter of interest received by Brian Schmidt but it wasn't clear as to his intent to be on the Parks and Recreation Board or the Little League Board.

Mayor Davidson directed City Clerk to obtain clarification from Mr. Schmidt.

**Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One beginning April 19, 2011 expiring on August 30, 2012 and one beginning September 1, 2011.

**CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Workman 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 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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:21 p.m.

The meeting reconvened in open session at 9:21 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

It was the consensus of the council to adjourn the December 6, 2011 Regular Session City Council meeting.

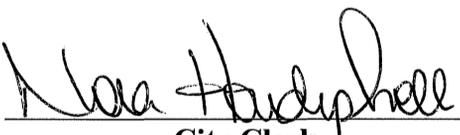
There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:21 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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

**MINUTES – SPECIAL SESSION  
NEOSHO CITY COUNCIL  
December 9, 2011 - 9:00 a.m.  
Council Chambers  
203 East Main, Neosho, MO**

A quorum being present, Mayor Davidson called the meeting to order at 9:00 a.m.

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Steve Hart, David Ruth, Tom Workman (Arrived at 9:08 a.m.).

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney (Arrived at 9:06 a.m.); and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Craig Jones, Development Services Director;

**NEW BUSINESS**

**Consider variance from storm water criteria.**

Mr. Craig Jones stated the need of a storm water detention design variance that provides six (6) inches of freeboard instead of the two feet of freeboard required by Section 430.160(b) of the City Code.

Councilman Ruth stated the code needs to be reviewed to allow City Staff to make these decisions.

Mayor Davidson stated this is not intended to place constraints on business owners.

Discussion followed.

Motion was made by Councilman Ruth and seconded by Councilman Workman to approve the six (6) inches of freeboard for the proposed detention basin as requested by Combs Construction.

Roll call vote:

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

Motion carried.

**ADJOURN**

Motion was made by Councilman Ruth and seconded by Councilman Workman to adjourn the December 9, 2011 Special Session City Council meeting.

It was the consensus of the council to adjourn the December 9, 2011 Special Session City Council meeting.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 9:14 a.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**



**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**December 20, 2011 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Charles Collinsworth gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

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

**ROLL CALL**

COUNCIL PRESENT: Charles Collinsworth, Richard Davidson, Steve Hart, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Tina Haskins, Development Services Director; Jane Obert, Finance Office; David McCracken, Police Chief; Mike Hightower, Public Works.

**APPROVAL OF AGENDA**

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve the agenda as presented.

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of December 6, 2011 Regular Session, December 6, 2011 Closed Session and December 9, 2011 Special Session were approved as presented.

**VISITORS BUSINESS**

**Dr. Robert Betz – Property**

Dr. Betz stated he would like to wait to voice his opinion until he hears what the discussion is under unfinished business Bill No. 2011-477.

**Charles McFadden – Lampo and The Civic Center**

Mr. McFadden opted to wait until presentation from the Parks and Recreation Board to voice his concerns.

**UNFINISHED BUSINESS**

Bill No. 2011-477...Declaring certain real property as surplus and setting forth the method of disposing of same...2<sup>nd</sup> and 3<sup>rd</sup> reading.

Bill No. 2011-477 for Ordinance No. 490-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to pass Bill No. 2011-477 on second and third readings.

Dr. Betz stated the citizens should be told where the additional acreage and money went.

Mayor Davidson read the letter from Dr. Betz and asked the City Manager for an update.

City Manager Royer stated there would be a full report at the next meeting regarding the acreage. He further stated that NCRS confirmed the City needs to retain ownership of the pond and spillway.

City Attorney Hays stated the City cannot surplus property it cannot sale.

Mayor Davidson stated due to the complications discussed he would like to postpone this discussion.

Motion was made by Mayor Davidson and seconded by Councilman Workman to postpone Bill No. 2011-477.

Roll call vote:

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

Motion carried.

## **BID**

The following bid recommendations were presented for consideration.

### **Public Works – Street Sweeper**

Mike Hightower, Public Works Director, stated after consulting with a factory representative, the current street sweeper was not worth fixing. He further informed council there were two bidders for the street sweeper and recommended the council accept the bid from Armor Equipment in the amount \$163,467. He further stated this would be paid with \$75,000 down (that was budgeted) and two annual payments in the amount of \$46,294.12.

#### **PUBLIC WORKS DEPARTMENT – STREET SWEEPER BID OPENING SUMMARY**

The bid opening was held at 10:00 a.m., December 6, 2011 in the Lobby of City Hall. Present for the opening were Kent Fahnholz with Key Equipment, Chris Burnup with Burnup Equipment, Larry Cunningham with Armor Equipment, Mike Hightower and Stacey Barnes.

The following bids were received by:

	<b>USED SWEEPER</b>	<b>NEW SWEEPER</b>
Burnup Equipment	NO BID	NO BID
Key Equipment Company	\$141,000 (less \$10,000 trade in)	NO BID
Armor Equipment	\$40,100	\$163,467 (New) \$171,815 (Demo)

Discussion followed.

Motion was made by Councilman Hart and seconded by Councilman Collinsworth to award bid to Armor Equipment for the purchase of the Tymco 600BAH in the amount of \$163,467 with City Attorney approval of agreement.

Roll call vote:

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

Motion carried.

**Fire Department – Thermal Imaging Camera**

Mike Eads, Fire Chief, informed the council there was one bidder for the thermal camera and recommended the council accept the bid from NAFECO in the amount \$7,900 which includes a camera, two batteries, one truck charger unit, lanyard and a one year warranty. He further stated he is requesting to include an extra lanyard in the amount of \$42.50 and two shoulder straps in the amount of \$46 each for a total for \$8,034.50.

Motion was made by Councilman Workman and seconded by Councilman Hart to award bid to NAFECO and purchase additional items in the amount of \$8,034.50.

Roll call vote:

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

Motion carried.

**Code Enforcement – Plumbing Services**

CODE ENFORCEMENT – PLUMBING SERVICES FOR CITY OWNED BUILDINGS  
BID OPENING SUMMARY

The bid opening was held at 10:00 a.m., December 9, 2011 in the Council Chambers. Present for the opening were Mark Rubottom with Rubottom Plumbing, Paul Hofheins with Hofheins Plumbing, John Harrington and Nora Houdyshell.

The following bids were received by:

Rubottom Plumbing	(1)	\$50/per hour	<i>Labor for Repairs</i>
	(2)	\$50/per hour	<i>Regular Business Hours &amp; Response Time – 2</i>
Hrs	(3)	\$50/per hour	<i>After Hours &amp; Response Time – 4 Hours</i>
	(4)	\$75/per hour	<i>Holiday Hours &amp; Response Time – 4 Hours</i>
G-3 Plumbing	(1)	\$40/per hour – 2 <sup>nd</sup> Person \$15/per hr	
	(2)	\$40/per hour – 2 <sup>nd</sup> Person \$15/per hr 2 Hrs Response Time	
	(3)	\$45/per hour – 2 <sup>nd</sup> Person \$20/per hr - 2 Hrs Response Time	
	(4)	\$50/per hour – 2 <sup>nd</sup> Person \$20/per hr - 3 Hrs Response Time	
Hofheins Plumbing	(1)	\$35/per hour (1 Hour minimum)	
	(2)	\$35/per hour (1 Hour minimum)	
	(3)	\$45/per hour (1 Hour minimum)	
	(4)	\$45/per hour (1 Hour minimum)	

- \*3 Hour response time (Approximate)
- \*Additional person \$10/per hour if needed

Motion was made by Mayor Davidson and seconded by Councilman Collinsworth to award bid to G-3 Plumbing and authorize Mayor to execute agreement.

Roll call vote:

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

Motion carried.

## Code Enforcement – Handyman Services

### CODE ENFORCEMENT – HANDYMAN SERVICES FOR CITY OWNED BUILDINGS BID OPENING SUMMARY

The bid opening was held at 11:30 a.m., December 9, 2011 in the Council Chambers. Present for the opening were John Harrington and Nora Houdyshell.

The following bids were received by:

Nelson Construction	(1)	\$30/per hour	<i>Labor for Repairs</i>
	(2)	\$30/per hour	<i>Regular Business Hours &amp; Response Time – 2 Hrs</i>
	(3)	\$45/per hour	<i>After Hours &amp; Response Time – 2 Hours</i>
	(4)	\$45/per hour	<i>Holiday Hours &amp; Response Time – 2 Hours</i>
Vic Johnson	(1)	\$22/per hour	
	(2)	\$22/per hour	30 Minutes Response Time
	(3)	\$33/per hour	30 Minutes Response Time
	(4)	\$44/per hour	30 Minutes Response Time
G-3 Unlimited	(1)	\$22/per hour	
	(2)	\$22/per hour – 2 <sup>nd</sup> Person \$14/per hr – 3 Hour Response Time	
	(3)	\$25/per hour – 2 <sup>nd</sup> Person \$17/per hr – 3 Hour Response Time	
	(4)	\$35/per hour – 2 <sup>nd</sup> Person \$25/per hr – 4 Hour Response Time	

Motion was made by Mayor Davidson and seconded by Councilman Hart to award bid to Vic Johnson and authorize Mayor to execute agreement.

Roll call vote:

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

Motion carried.

## Code Enforcement – Electrical Services

### CODE ENFORCEMENT – ELECTRICAL SERVICES FOR CITY OWNED BUILDINGS BID OPENING SUMMARY

The bid opening was held at 11:00 a.m., December 9, 2011 in the Council Chambers. Present for the opening were John Harrington and Nora Houdyshell.

The following bids were received by:

EMC - Tom Saffell	(1)	\$40/per hour	<i>Labor for Repairs</i>
	(2)	\$40/per hour	<i>Regular Business Hours &amp; Response Time</i>
	(3)	\$60/per hour	<i>After Hours &amp; Response Time</i>
	(4)	\$60/per hour	<i>Holiday Hours &amp; Response Time</i>

*\*No response times listed*

*\*In addition for a second person to help there is an additional \$25/per hour charge for Laborer and \$35/per hour for Journeyman.*

*\* Material cost must be upfront.*

*\* Authorization to charge on City accounts for materials.*

*\* If purchases materials instead of charge to City there will be an additional 30% markup for material.*

*\* Travel expense charges of \$5 for local material pickup or \$45 charge for Joplin pickup.*

*\* Unless other standards are made known, he charges a flat rate so if it takes more time than expected and he hires help he charges an additional \$30 per hour for laborer and \$38 per hour for journeyman.*

Gilliam Electric, Inc.	(1)	\$50/per hour	<i>on service work.</i>
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*\*No response times listed*

Long Electrical	(1)	\$44.50/per hour	
	(2)	\$44.50/per hour	½ to 1 hour response time
	(3)	\$66.75/per hour	1 to 2 hour response time
	(4)	\$66.75/per hour	2 to 4 hour response time

S&S Maintenance	(1)	\$50/per hour	
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	(2)	\$50/per hour	45 Min to 1 hour response time
	(3)	\$75/per hour	45 Min to 1 hour response time
	(4)	\$75/per hour	45 Min to 1 hour response time
G-3 Electric	(1)	\$44/per hour	2 <sup>nd</sup> person \$15
	(2)	\$45/per hour	2 <sup>nd</sup> person \$15 – 3 hr response time
	(3)	\$60/per hour	2 <sup>nd</sup> person \$20 - 3 hour response time
	(4)	\$60/per hour	2 <sup>nd</sup> person \$20 - 4 hour response time
Bill's Electric Inc.	(1)	\$45/per hour	
	(2)	\$45/per hour	2 hour response time
	(3)	\$67.50/per hour	2 hour response time
	(4)	\$90/per hour	2 hour response time

Motion was made by Mayor Davidson and seconded by Councilman Workman to award bid to Long Electrical and authorize Mayor to execute agreement.

Roll call vote:

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

Motion carried.

### Code Enforcement – HVAC Services

#### CODE ENFORCEMENT – HVAC SERVICES FOR CITY OWNED BUILDINGS BID OPENING SUMMARY

The bid opening was held at 10:30 a.m., December 9, 2011 in the Council Chambers. Present for the opening were Mike Rhodes with Mike's Heating and Air, John Harrington and Nora Houdyshell.

The following bids were received by:

Rowse Sheetmetal	(1)	\$76/per hour	<i>Labor for Repairs</i>
	(2)	\$76/per hour	<i>Regular Business Hours &amp; Response Time – Same Day</i>
	(3)	\$98/per hour	<i>After Hours &amp; Response Time – 48 Hours</i>
	(4)	\$98/per hour	<i>Holiday Hours &amp; Response Time – 48 Hours</i>
Joplin HVAC	(1)	\$60/per hour	
	(2)	\$60/per hour	4 – 6 Hours Response Time
	(3)	\$100/per hour	4 – 6 Hours Response Time
	(4)	\$100/per hour	4 – 6 Hours Response Time
S&S Maintenance	(1)	\$50/per hour	
	(2)	\$50/per hour	45 Min – 1 Hour Response Time
	(3)	\$75/per hour	45 Min – 1 Hour Response Time
	(4)	\$75/per hour	45 Min – 1 Hour Response Time
Midwest Mechanical	(1)	\$55/per hour	
	(2)	\$55/per hour	Same Day
	(3)	\$90/per hour	Same Day
	(4)	\$90/per hour	Same Day
Persinger Refrigeration	(1)	\$65/per hour	
	(2)	\$65/per hour	Same Day
	(3)	\$97.50/per hour	Same Day
	(4)	\$130/per hour	Same Day
Mike's Heating & Air Conditioning	(1)	\$60/per hour	
	(2)	\$60/per hour	2 – 3 Hours Response Time
	(3)	\$90/per hour	4 Hour Response Time
	(4)	\$90/per hour	4 Hours Response Time

Motion was made by Mayor Davidson and seconded by Councilman Collinsworth to award bid to S&S Maintenance and authorize Mayor to execute agreement.

Roll call vote:

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

Motion carried.

## **CORRESPONDENCE**

Mayor Davidson announced one letter has been received from Robert F. Betz, M.D.

## **NEW BUSINESS**

### **Presentation from the Parks and Recreation Board regarding the Lampo Building and The Civic Center.**

Mr. Bill Slade representing the Parks and Recreation Board informed Council of ideas being discussed for the Lampo Building and The Civic Center. He further stated the Board would be interested in promoting the facilities for more community involvement and generate revenue by opening the Lampo Building as a temporary recreation center.

City Manager Royer stated the Lampo Building and The Civic Center were booked and voiced concerns regarding scheduling conflicts and budget restraints for additional personnel to run the suggested recreation center.

Mr. Charles McFadden, Visitor and member of the Ethics Board requested information regarding the swimming pool house renovation bids.

Mayor Davidson explained it is prudent for the City to maximize the insurance funds received which was under the bids received.

### **Bill No. 2011-478...Amending the City of Neosho Personnel Policy Handbook for Employees...1<sup>st</sup> Reading.**

Bill No. 2011-478 was read by title only by Mr. Hays.

Finance Director Jane Obert stated this was to add one week vacation time for the exempt employees in lieu of the comp time they no longer receive.

Mayor Davidson reminded Council certain employees were made exempt due to abuse of comp time by prior administration and the additional liability that causes to the City.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to pass Bill No. 2011-478 on first reading.

Roll call vote:

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

Motion carried.

### **Resolution Bill No. 2011-25...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 amended and the Missouri Department of Natural Resources, State Revolving fund Program for loans under the Missouri Clean Water Law.**

Resolution Bill No. 2011-25 for Resolution 121-2011 was read by title only by Mr. Hays.

Motion was made by Councilman Workman and seconded by Councilman Hart to adopt Resolution Bill No. 2011-25.

Roll call vote:

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

Motion carried.

**Consider approval of agreement with Blue Valley Public Safety Inc. for maintenance of the outdoor warning sirens.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve agreement with Blue Valley Public Safety Inc for the outdoor warning sirens maintenance and authorize Mayor to execute.

Councilman Collinsworth asked if this had been bid.

Fire Chief Eads stated this warranty agreement had expired in November so time was of the essence and would look to bid next year for these services.

Roll call vote:

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

Motion carried.

**Consider approval of Authorization No. 17 with HDR Archer.**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve Authorization No. 17 with HDR Archer and authorize Mayor to execute.

Roll call vote:

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

Motion carried.

**REPORT OF CITY OFFICERS**

**City Manager Troy Royer – Missouri Sugar Property**

Mr. Royer stated the sale proceeds from the Missouri Sugar property transaction were deposited into the Airport fund in the amounts of \$6,300 in December 2010 and \$56,450 in January 2011.

**Finance Director Jane Obert – Financial Reports**

Mrs. Obert gave an overview of the monthly financial reports. She stated the water revenue bond refinance is completed with an interest rate of 1.51% and payments of \$200,000 per year beginning January 2014. Mrs. Obert also notified council the demonstrations for the financial software have been completed.

**Mayor Richard Davidson – State Audit Follow up**

Mayor Davidson announced he took part in a meeting regarding the State Audit follow up and although he could not divulge the specifics of the meeting he did want to mention that it looked favorable.

**Councilman Steve Hart – Crosswalk on the Boulevard**

Councilman Hart stated he would request a better system in lieu of the yellow flashing lights for the student crosswalk in front of the High School on the Boulevard as it is very dangerous.

## Mayor Richard Davidson – School Board Meeting

Mayor Davidson stated he attended the last School Board meeting to discuss safety concerns on Hale McGinty. He further stated the School Board presented a revised TDD plan map that had not been seen by Council. Mayor Davidson then read a letter on the History of the TDD that was handed out by the City Clerk via Councilman Ruth's instruction.

### History of TDD

The history of the TDD began eighteen years ago as a traffic problem after the Middle School was built on Kodiak Drive with inadequate availability for parents to drop their children off and buses to come and go from the school. Over the next few years, Economic Development and the Chamber were approached by school board members and different parents to see if there wasn't something that could be done to help cure the traffic problem. The County and the City were approached by the school; neither the City nor the County had the revenue to correct the problem.

In attending some association meetings of the Missouri Development Finance Association, a professional group that deals with Transportation Development Districts (TDD), Tax Increment Financing Districts (TIF), Community Improvement Districts (CID), and other forms of special funding; we learned about the TDD and took the next couple of years to study it. It was after the addition of several retailers in the Highway 59 and 60 area that the idea and concept was first brought up at an Economic Development Committee meeting and at a Tax Advisory meeting. What would be the potential?

At that time the management at Wal-Mart was not interested in the TDD. Not until recent years, when Mr. Chuck Cornelison became manager of the Neosho Wal-Mart SuperCenter was it of any interest. Mr. Cornelison's wife brought the problem to his attention as she was an employee of the R-5 School District and was at Carver School several days a week. Mr. Cornelison and members of Economic Development inspected the roads in the area and the possibility of a TDD was discussed. Mr. Cornelison arranged for Economic Development and others to visit Wal-Mart in Bentonville to see if they would agree that a TDD was needed not only for school safety but for better access to all the retail area, (i.e., Highway 60 became very congested after the addition of Lowe's).

With the agreement of Wal-Mart that they would support a TDD, if the city chose to do that, we pursued the City's approval. From approximately 2005 through today, Economic Development and the Chamber have worked with the City and land owners in the area to get to where we are today pending final approval of the levy assessment that shall be collected to construct the streets in the TDD. The number one priority of the TDD was to cure a very dangerous situation for our children. Since Middle School (900 students) was built, the R-5 School District

has added Carver School and the bus barns (56 buses), this resulted in 44 buses transporting students twice a day. There were no improvements to any of the streets other than a three-way stop that was installed at the intersection of Waldo Hatler Drive and Hale McGinty Drive after citizens petitioned the school and the city to install them. Those stop signs are by no means a cure for the problem at our schools on Waldo Hatler and Kodiak. The only way to cure those problems is to improve the traffic flow around Middle School. The TDD formation was guided by Mr. Steve Hays, City Attorney, Mr. Darrell Gross, (a Springfield consultant who has done several TDD's, CID's and TIFF's), and Ms. Busheyhead, the attorney for Wal-Mart. More recently in the last seven months, we have also been assisted by a leading law firm, Gilmore and Bell out of St. Louis.

Two concerns got us to where we are today:

1. Safety of our school children.
2. Open up more area so that traffic flows around the current retailers. Intersections and signals will attract more retail shopping opportunities for the citizens of Neosho.

As you can tell, once Clemons Drive and 59 Highway intersection were added to the Wal-Mart area, you saw banks, food establishments, shopping strips and Lowe's all locate on what is known as Clemons Drive, due to the fact that Highway 59 has a signal and intersection at Clemons Drive. These same types of retail developments can happen at the new intersections. The first light to be installed will be at Kodiak and Highway 60 which will result in a much safer access for our school children and Neosho citizens. The addition of traffic intersections to Highway 60, at Adams Dr. and 60 Highway, west of Wal-Mart and Laramie Lane & 60 east of Lowe's connecting Neosho off of Rocketdyne Rd. to Clemons Drive will also greatly enhance the accessibility of the shopping area south of town.

Once again the two goals of the TDD are one; the safety of the children of the R-5 School District and two; to further the development of the retail base which will create more sales tax for the City of Neosho which will enable citizens to have better services as most of the income generated for the city of Neosho comes from sales tax.

### **Councilman Steve Hart – Boy Scout**

Councilman Hart recognized and greeted the Boy Scout Troop that attended the council meeting to earn a badge.

### **APPOINTMENTS & VACANCIES**

#### **Airport Industrial Development Board:**

Mayor Davidson announced one vacancy currently exists for a term of three years beginning October 1, 2011 and expiring September 2014.

#### **Board of Adjustments (Zoning):**

Mayor Davidson announced one vacancy will exist for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

#### **Board of Appeals:**

Mayor Davidson announced six vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009, two beginning November 1, 2010 and one beginning November 1, 2011 due to the expiring term of Larry Neff.

**Economic Development Sales Tax Committee:**

Mayor Davidson announced one vacancy beginning October 4, 2011 for an Ex-officio non-voting member of a Neosho financial institution.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced two vacancies currently exist. One for an unexpired three-year term that began May 1, 2010 and one for an unexpired three-year term that began May 1, 2009.

Mayor Davidson stated there was one letter of interest received by Brian Schmidt.

Motion was made by Mayor Davidson and seconded by Councilman Collinsworth to appoint Brian Schmidt to the Park and Recreation Board for the three-year term beginning May 1, 2009.

Roll call vote:

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

Motion carried.

**Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One beginning April 19, 2011 expiring on August 30, 2012 and one beginning September 1, 2011.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Collinsworth and seconded by Councilman Workman to adjourn the December 20, 2011 Regular Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:16 p.m.

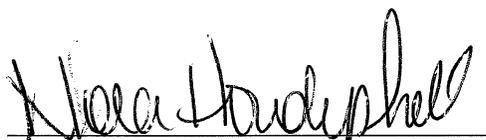
**APPROVED:**

**NEOSHO CITY COUNCIL**



**Mayor**

**ATTEST:**

  
**City Clerk**

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**January 3, 2012 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Danny Boggs gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Mayor Davidson called the meeting to order at 7:03 p.m.

**ROLL CALL**

COUNCIL PRESENT: Richard Davidson, Steve Hart, David Ruth, Tom Workman.

CITY OFFICERS PRESENT: Troy Royer, City Manager; Steven Hays, City Attorney; and Nora Houdyshell, City Clerk.

CITY STAFF PRESENT: Mike Eads, Fire Chief; Tina Haskins, Development Services Director; Jane Obert, Finance Office; David McCracken, Police Chief; Mike Hightower, Public Works.

**EXCUSED ABSENCE:**

Mayor Davidson announced that Councilman Charles Collinsworth made council aware of his absence on December 27<sup>th</sup> and asked to be excused.

Motion was made by Councilman Ruth and seconded by Councilman Hart to excuse the absence of Councilman Collinsworth from the January 3, 2012 council meeting.

It was the consensus of the council to excuse Councilman Collinsworth.

**APPROVAL OF AGENDA**

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

It was the consensus of the council to approve the agenda as presented.

**CONSENT AGENDA:**

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of December 20, 2011 Regular Session were approved as presented.

**PROCLAMATION**

Mayor Davidson stated the following proclamation will be issued on January 5, 2012.

January Employer of the Month – Service 1 Federal Credit Union

**WHEREAS**, the Neosho City Council wishes to recognize the Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to our local Economy; and

**WHEREAS**, Continental Muskegon Employees Federal Credit Union was founded by a group of employees at Continental Motors in Muskegon, Michigan on August 7, 1940, and originally operated out of a basement office at Continental Motors in Muskegon, Michigan ; and

**WHEREAS**, in the year of 1982, Neosho, Missouri was selected for the location of their second Employee Federal Credit Union Branch, which expanded the field of membership to include employees of Teledyne Continental Motors in Neosho, Missouri; and

**WHEREAS**, the Chartered Group adopted the new name of **Service 1 Federal Credit Union** on July 23<sup>rd</sup>, 1996, and this brought on many new financial service options for their Members, which included implemented Money Management Account Protection. On August 7<sup>th</sup>, 2010, **Service 1 Federal Credit Union** celebrated their 70<sup>th</sup> Anniversary and growth of the organization; and

**WHEREAS**, **Service 1 Federal Credit Union of Neosho, Missouri** is staffed by three dedicated Staff Members with a diversity of goals that guides them toward the achievement of their Mission Statement "**Partners in Success, #1 in Service**"; and

**NOW THEREFORE** I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim **Service 1 Federal Credit Union** to be Neosho's Employer of the Month for January, 2012. We extend our congratulations to their Staff Members for the continuous dedication to excellence in delivering progressive financial services.

**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 5<sup>th</sup> day of January, 2012.

/s/ Richard Davidson, Mayor

## **VISITORS BUSINESS**

There was none.

## **UNFINISHED BUSINESS**

**Bill No. 2011-478...Amending the City of Neosho Personnel Policy Handbook for Employees... 2<sup>nd</sup> and 3<sup>rd</sup> reading.**

Bill No. 2011-478 for Ordinance No. 491-2012 was read by title only by Mr. Hays.

Motion was made by Councilman Hart and seconded by Councilman Workman to pass Bill No. 2011-478 on second and third readings.

Roll call vote:

Steve Hart – Yes, David Ruth – Yes, Tom Workman – Yes, Richard Davidson – Yes.

Motion carried.

## **BID**

The following bid recommendations were presented for consideration.

### **Development Services – CDBG Spring Street Demolition**

Tina Haskins, Development Services Director, informed the council there were five bidders for the Spring Street demolition project and recommended the council accept the bid from Neal Group Construction, with a base bid amount of \$92,642.43. She further stated she is recommending council accept Alternate #1 to remove the rock building in the amount of \$3,972 and not accept Alternate #2 to restore the lift in the additional amount of \$3,291.

**BID OPENING SUMMARY**

The following bids were received by:

	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>
Neal Group Construction	\$ 92,642.43	\$3,972	\$ 3,291
G & G Dozer	\$ 97,401.91	\$4,536	\$ 5,675
Ellick Garren Excavation	\$119,250.17	\$8,500	\$ 6,000
Branco Enterprises	\$125,134.40	\$7,000	\$ 4,700
Matt Girardier Excavating	\$157,898.11	\$6,000	\$12,000

Mayor Davidson stated concerns regarding the changes.

Mike Atkinson with Allgeier, Martin and Associates approached council and stated a recent development with the CDBG requirements created limitations in the salvage of the building and the lift.

Ms. Haskins stated the time restraints for this project.

Discussion followed.

It was the consensus of the council to postpone the consideration of this bid pending discussions with the Historic Society.

**Development Services – First Baptist Church Demolition**

Tina Haskins, Development Services Director, informed the council there were six bidders for the property known as the First Baptist Church demolition project and recommended the council accept the bid from Jordan Disposal Services, LLC/Gator Industrial, LLC, in the amount \$74,450.

**BID OPENING SUMMARY**

The following bids were received by:

Jordan Disposal services/Gator Industrial	\$ 74,450
G & G Dozer	\$ 93,659
Ark Wrecking Co	\$140,218
Neal Group Construction	\$153,988.32
Matt Girardier Excavating	\$159,499.74
Branco Enterprises	\$247,802

Motion was made by Councilman Hart and seconded by Councilman Ruth to award bid to Jordan Disposal Services, LLC/Gator Industrial, LLC in the amount of \$74,450.

Roll call vote:

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

Motion carried.

**CORRESPONDENCE**

Mayor Davidson announced a letter has been received from Carver Birthplace Association announcing the Annual Carver Commemorative Dinner Invitation

**NEW BUSINESS**

**Consider amending Electric Service Agreement with Empire District to move one light located at 200 Nelson Avenue also known as the Public Works Complex.**

Motion was made by Councilman Ruth and seconded by Councilman Workman to amend the Electric Service Agreement with Empire District Electric to add a street light at 200 Nelson Avenue and authorize the mayor to execute same.

Roll call vote:

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

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Troy Royer, City Manager – Betz Bond Property**

Mr. Troy Royer, City Manager read the following report:

Members of the Neosho City Council:

The City Manager, City Clerk, and Finance Manager have researched to determine all of the transactions and facts surrounding the purchase, sale of 57.34 acres to the Neosho Land Development, and remaining ownership by the city of the property formally known as the Betz/Bond property.

It has been determined that in May 2000 the City purchased approximately 341.42 acres of property from Robert & Diana Betz and Les & Wanda Bond.

On January 10, 2003, the City obtained a survey of 57.34 of the property located south of Burr Crossing Road and East of Doniphan Drive.

On January 7, 2003, the City obtained an appraisal of the 57.34 acres from Price & Associates valuing the property at \$200,000.

On January 21, 2003 the City Council approved Bill No. 2003-85...An Ordinance of the City of Neosho, Missouri, declaring real property owned by the City of Neosho to be surplus property, accepting the sale by sealed bid and authorizing the execution of a general warranty deed for sale of same for the 57.34 acres.

The City put out bid specifications for the 57.34 acres with a minimum bid of \$200,000 in January 2003, which was to be placed in the Neosho Daily News on February 12, February 15, February 22, and March 1, 2003. It was also to be placed in the Joplin Globe on February 15, February 22, and March 1, 2003. Bids were to be received by March 12, 2003.

The only bid received was from Neosho Land Development in the amount of \$200,500 and was accepted by the City Council.

The Closing of the property was performed by Newton County Abstract & Title Co. on August 13, 2003, for a total sales price of \$200,500 less closing cost of \$469 for net proceeds to the City of \$200,031.

The \$200,031 was placed into the City's Economic Development Investment fund on August 14, 2003. A wire transfer was then made on September 5, 2003 in the amount of \$200,500 to UMB-Bank NA Trustees for deposit into the Project Fund (improvement costs) as part of the Series 2003 COPs (Certificates of Participation) refinancing totaling \$1,510,000.

A deed was filed with an incorrect legal description of the property on August 13, 2003 showing all of the 341.42 acres being deeded to the NLD. A corrected deed with the corrected legal description for the 57.34 acres was then filed on September 10, 2003. It appears that the error in the legal description was not fully corrected by the County Assessor's Office and only corrected 98.32 back to the City.

With the assistance of Newton County Abstract, the legal description of the City owned property is being corrected at the County Assessor's Office and the City maps have been corrected to reflect the correct amount of acreage owned by the City which is approximately 284.08 acres.

The City Council and City administration can now proceed with determining the future use and needs of this property.

Sincerely,  
Troy Royer  
Neosho City Manager

Mayor Davidson handed two packages of the above report in its entirety to Dr. Betz. Dr. Betz stated he would keep one and give one to Mr. Bond.

## **Richard Davidson, Mayor – Audit Follow-up Report**

Mayor Davidson read the press release from the State Auditor's office regarding the follow up review of the audit.

"I am pleased to report that the City of Neosho has made significant progress since we issued our July report," **Schweich** said. "All of the changes we suggested to the city have either been implemented or are in the process of being implemented, which shows city leaders are serious about accountability and getting their finances back on the right track."

In February, Auditor Schweich announced the creation of the Auditor's Follow-Up Team to Effect Recommendations (AFTER) to ensure audit recommendations are implemented in a timely manner. The state auditor's office works with audited entities to establish a reasonable timeline for the implementation of audit recommendations, with particular focus on those findings requiring immediate attention. Darrell Moore, the auditor's chief litigation counsel, leads the AFTER effort to ensure that audit recommendations are implemented according to the agreed upon timeline.

The state auditor's office identified several findings requiring immediate management attention in the July 2011 audit report of the City of Neosho. Members of AFTER returned to Neosho and assigned a status for each of the following recommendations:

Financial Condition:	In Progress
Accounting Records:	Implemented
Bank Reconciliations:	Implemented
Budgets:	In Progress
Real Estate Transactions:	In Progress
Bidding:	In Progress
Fuel and Usage Records:	Implemented
Segregation of Duties:	In Progress
Receipting, Posting and Depositing procedures:	Implemented
Subsidization and Utility Rates:	In Progress
Water Usage:	In Progress
Adjustments:	Implemented
Meeting Minutes:	Implemented

Councilman Hart congratulated and stated appreciation to the citizens and city staff for their hard work during the tough budget constraints.

City Manager Royer also stated he was grateful for city staff's hard work.

## **APPOINTMENTS & VACANCIES**

### **Airport Industrial Development Board:**

Mayor Davidson announced one vacancy currently exists for a term of three years beginning October 1, 2011 and expiring September 2014.

### **Board of Adjustments (Zoning):**

Mayor Davidson announced one vacancy will exist for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

### **Board of Appeals:**

Mayor Davidson announced six vacancies currently exist for terms of three years, two beginning November 1, 2008, one beginning November 1, 2009, two beginning November 1, 2010 and one beginning November 1, 2011 due to the expiring term of Larry Neff.

### **Economic Development Sales Tax Committee:**

Mayor Davidson announced one vacancy currently exists beginning October 4, 2011 for an Ex-officio non-voting member of a Neosho financial institution.

**Golf Course Committee:**

Mayor Davidson announced one vacancy currently exists for a three-year term beginning May 1, 2010 and expiring April 30, 2013.

**Park and Recreation Board:**

Mayor Davidson announced one vacancy currently exist for a one for an unexpired three-year term that began May 1, 2010.

**Planning & Zoning Commission:**

Mayor Davidson announced two vacancies currently exist for a three-year term. One beginning April 19, 2011 expiring on August 30, 2012 and one beginning September 1, 2011.

**CLOSED MEETING:**

Motion was made by Councilman Workman and seconded by Councilman Hart 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:

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

Motion carried.

Mayor Davidson closed the meeting at 7:32 p.m.

The meeting reconvened in open session at 8:10 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn.

Motion was made by Councilman Workman and seconded by Councilman Hart to adjourn the January 3, 2012 Regular Session City Council meeting.

Roll call vote:

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

Motion carried.

There being no further business to come before the council, Mayor Davidson adjourned the meeting at 8:14 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

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