

MINUTES
NEOSHO CITY COUNCIL
March 4, 2014 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

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

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

ROLL CALL

COUNCIL PRESENT:

Charles Collinsworth
Steve Hart
Tom Workman

Richard Davidson
David Ruth

CITY OFFICERS PRESENT:

Steven Hays, City Attorney
Troy Royer, City Manager
Nora Houdyshell, City Clerk

Mike Eads, Fire Chief
Daphne Pevahouse, Finance Director
David McCracken, Police Chief
Mike Hightower, Public Works
Pam Baker, Human Resources Director
Dana Daniel, Development Services Director
Amy Moritz, Parks Director

APPROVAL OF AGENDA

Motion was made to approve the agenda as presented by Councilman Workman and seconded by Councilman Collinsworth. The motion passed unanimously.

CONSENT AGENDA:

Motion to approve the consent agenda items as listed by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

MINUTES:

The minutes of February 18, 2014, Regular Session was approved as presented.

VISITORS BUSINESS

There were none.

UNFINISHED BUSINESS

Bill No. 2014-603...Declaring certain personal property as surplus and setting forth the method for disposing of same...2nd and 3rd Reading. (Police Department)

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Bill No. 2014-603 for Ordinance No. 09-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-603 on second and third readings by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Bill No. 2014-604...Providing that the revenues and expenditures budget be amended for the Fiscal year beginning October 1, 2013 and ending September 30, 2014...2nd and 3rd Reading. (Human Resources)

Bill No. 2014-604 for Ordinance No. 10-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-604 on second and third readings by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Bill No. 2014-605...Providing that the revenues and expenditures budget be amended for the Fiscal year beginning October 1, 2012 and ending September 30, 2013...2nd and 3rd Reading.

Bill No. 2014-605 for Ordinance No. 11-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-605 on second and third readings by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Bill No. 2014-606...Declaring certain personal property as surplus and setting forth the method for disposing of same...2nd and 3rd Reading. (Parks Department)

Bill No. 2014-606 for Ordinance No. 12-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-606 on second and third readings by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Bill No. 2014-607...Declaring certain personal property as surplus and setting forth the method for disposing of same...2nd and 3rd Reading. (Fire Department)

Bill No. 2014-607 for Ordinance No. 13-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-607 on second and third readings by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

BID

The following bid recommendations were presented for consideration.

Public Works – Crack Sealing Machine

Mike Hightower, Public Works Director, reviewed the process of the crack sealing machine and recommended the council accept the State bid in the amount \$41,268.86.

Councilman Collinsworth confirmed it was budgeted.

Discussion continued.

Motion to approve bid to MODOT Bid Cooperative Purchasing Agreement to SASCO Pavement Coatings Inc. in the amount of \$41,268.86 by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Public Works – FY2014 UV Bulb Bid

Mike Hightower, Public Works Director, informed the council there was one bid for the UV lights which is \$5.00 more than last year's bid. He further stated this is a high quality bulb and recommended the council accept the bid from Xylem Water Solutions/WEDCO for 60 bulbs and \$135 each.

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Motion to approve bid to Xylem Water Solutions/WEDCO for \$135 each for 60 bulbs in the total amount of \$8,100 by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

CORRESPONDENCE

There was none.

NEW BUSINESS

Resolution Bill No. 2014-01...Establishing certain rental fees for the Neosho Civic Center.

Resolution Bill No. 2014-01 for Resolution 143-2014 was read by title only by Mr. Hays.

Mr. Wes Franklin reviewed the Resolution setting certain fees and reflecting certain changes as discussed with city council at the previous meeting.

Motion to adopt Resolution Bill No. 2014-01 by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Consider approval of the National Museum of the United States Air Force Agreement.

Mr. Dana Daniel stated this agreement is up for renewal and pointed out the progress that had been made since last year's renewal.

Motion to approve contract with National Air Force Museum and authorize Mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Consider approval of CDBG payment.

Mr. Daniel stated this is to approve the payment to CDBG in the amount of \$6,845.12 to settle the overpayment on the property acquisition to work towards closing out this grant.

Motion to approve payment to CDBG in the amount of 6,845.12 by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consider approval of the Butterfield Fire Protection District Grant Agreement.

Fire Chief Eads stated this is the five year agreement for maintenance and operation with Butterfield Fire Projection District.

Motion to approve agreement between City of Neosho and Butterfield Fire Protection District and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Review of Composition of officers for the Airport Industrial Development Board.

Mayor Davidson stated when Mr. Garrow passed away it left an opening on the Airport Board. He further stated the position to be filled is for the Economic Development Director for the City of Neosho.

City Manager Royer stated that the Development Services position previously was titled Economic Development Director which has the same job description that Mr. Daniel currently holds. Mr. Royer further stated that he has made the change to reflect Mr. Daniel's title to be Director of Economic Development.

Discussion followed.

By consensus and without objection from the Council, the Airport Industrial Development Board ordinance will remain unchanged.

Discussion pertaining to opening closed meeting minutes.

Mayor Davidson stated that once an issue is resolved per Sunshine Law it shall be made public and the City Clerk is asking for direction on formalizing the process.

Councilman Ruth and City Attorney Hays discussed if this would conflict with the current ethics ordinance.

Discussion followed, including but not limited to, if resolved issues should be brought individually or blanketed to the city council for approval.

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Motion was made to open closed session minutes, records and votes for the Transportation Development District and the land transaction between the City of Neosho and NABIFI to be entered into open records by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Mayor Davidson directed City Clerk Houdyshell and City Attorney Hays to work together to formalize a policy.

REPORT OF CITY OFFICERS

City Manager Royer – TDD Legal Fees

Mr. Royer stated that at the last council meeting he was directed to provide a report of TDD legal fees which has been presented. He further clarified this included the discussions with MODOT, CID research and the TDD appeal.

Councilman Hart stated the \$170,000 of taxpayer money was wasted and could have been used to fix roads. He further stated the \$300,000 to \$400,000 taxpayer money that the TDD had to use is that much less money they have to build roads in Neosho. Councilman Hart further stated that there are TDD's all over the states and there has never been a successful challenge, so once Judge Selby made his decision it should have been done. Councilman Hart declared that if the City had not appealed the light at Kodiak would have been completed two years ago. He further challenged that it is easy to spend \$174,000 when it is not your own.

Mayor Davidson stated that the City is better off for seeking the answer for the taxpayer to make sure it was done right. He further reminded council that Mr. Stipp stated, "It may not have been formed properly but it's too late to fix now". Mayor Davidson stated that is never too late to do something right and the dollars had to be spent to protect the taxpayer. He reminded the council that in April of last year it was the consensus of this council to press forward with the appeal. He further reminded council that the vote to increase the budget to cover the professional services line item was 5-0 for the 1st reading and 4-1 for the 2nd and 3rd reading.

Councilman Ruth stated the budget amendment was to approve money already spent.

Councilman Collinsworth stated he had no regrets with the appeal process as he did not want to rubber stamp items brought before him and did not consider this a waste of taxpayer money. He further stated oppositions during this process.

City Attorney Hays – Pools Prairie Project

Mr. Hays stated he has had discussions regarding 12 additional homes that would need to be connected to city water that are in the Pools Prairie Superfund Site at no cost to the City. He further stated that it was requested the City follow the original agreement and not require these properties to annex into City limits.

It was the consensus of the council and without objection that the City provides water to the twelve residents referred to by City Attorney Hays.

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To perfect the minutes, the addresses for the twelve properties were forwarded to City Clerk Houdyshell to include and be a part of the March 4, 2014 city council minutes.

Pierce Lane

13509 Pierce Lane
13546 Pierce Lane
13547 Pierce Lane
13587 Pierce Lane
13618 Pierce Lane
13619 Pierce Lane
13660 Pierce Lane
13661 Pierce Lane
13830 Pierce Lane
13874 Pierce Lane

Quince Road

13758 Quince Road

Pennell Lane

13991 Pennell Lane

ADJOURN

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the March 4, 2014, Regular Session City Council meeting.

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

Mayor Davidson adjourned the closed meeting at 8:06 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk