

MINUTES
NEOSHO CITY COUNCIL
April 1, 2014 - 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
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
Pam Baker, Human Resources Director
Dana Daniel, Director of Economic Development
Amy Moritz, Parks Director
Maron Towse, Golf Course Manager

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 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.

MINUTES:

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

PROCLAMATION:

Mayor Davidson stated that the following proclamation will be issued.

Quality Petroleum, Inc. – Employer of the Quarter

WHEREAS, the Neosho City Council recognizes selected Employers of our Community for their contribution to the Growth of our Economic Development Base and overall support to the Neosho local Economy; and the selected organization for the month of April, 2014 is the *Quality Petroleum Products, Inc.* and

Council Minutes – April 1, 2014

WHEREAS, *Quality Petroleum, Inc.* began its long term venture in petroleum products in the 1960's as Hiner Oils in Central and Western Arkansas. Their operations began in Neosho, MO in 2013; and

WHEREAS, 1994 brought about a change in the company ownership and the name became *Quality Petroleum, Inc.*, a Shell Alliance Distributor. Their Corporate Office is located in Little Rock Arkansas and their petroleum product services extend into the states of, Arkansas, Southeast Kansas, Southern Missouri, Oklahoma, and North Texas, through Distribution Centers in North Little Rock, Hot Springs, Jonesboro, Texarkana, Van Buren, Oklahoma City, Tulsa, Oklahoma and Neosho, Missouri; and

WHEREAS, *Quality Petroleum, Inc.* specializes in providing the highest quality products and services at affordable pricing in today's highly competitive market. *Quality Petroleum, Inc.* has eight locations throughout their service area offering an extensive line of products including a full line of consumer, transport and industrial lubricants; and

WHEREAS, *Quality Petroleum, Inc.* serves the Neosho Area with six highly trained employees each striving to provide courteous, professional and prompt service while operating out of a 21,500 square foot commercial building; and

NOW THEREFORE, I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim *Quality Petroleum, Inc.* to be Neosho's April, 2014 Employer of the Month. We extend our Congratulations to their Knowledgeable and Professional Staff Members for their strong commitment to provide comprehensive and technical information and services to meet their client's specific needs.

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 8th day of April, 2014.

/s/ Richard Davidson, Mayor

VISITORS BUSINESS

There were none.

UNFINISHED BUSINESS

Bill No. 2014-610...Declaring certain personal property as surplus and setting forth the method for disposing of same. (Public Works)...2nd and 3rd Reading.

Bill No. 2014-610 for Ordinance No. 14-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-610 on second and third readings 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.

Bill No. 2014-611...Providing that Chapter 405 of the Code of Ordinances, City of Neosho, Missouri be amended by revising Section 405.130(B)(1) of said code, providing for height regulations for buildings, structures and stand-alone signage and setting an effective date thereof...2nd and 3rd Reading.

Bill No. 2014-611 for Ordinance No. 15-2014 was read by title only by Mr. Hays.

After inquiry by Councilman Ruth, City Attorney Hays stated that Love's asked for additional height for their sign.

Council Minutes – April 1, 2014

Councilman Ruth stated he could foresee this ordinance coming back to council for more revisions due to the restriction for the sign to be placed 150' from the road. Mr. Ruth noted that there are 55' high signs that are close to the road and do not see any dangerous situations.

City Attorney Hays stated his opinion is the taller the sign the more possibility of failure in wind storms but that the council could amend if they see fit.

Motion to pass Bill No. 2014-611 on second and third readings by Councilman Workman and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

BID

The following bid recommendations were presented for consideration.

Parks Department – Two (2) Mowers

Amy Moritz, Parks Director, informed the council there were eight bids solicited but three bidders for the mowers and recommended the council accept the bid from Tatum Motor Company (Bush Hogs) in the amount \$8,500 per unit. Mrs. Moritz stated staff recommends purchasing two mowers.

The bid opening was held at 10:30 a.m., March 6, 2014 at City Hall. Present for the opening were Amy Moritz, Jimmy Smith and Rick Day.

The following bids were received by:

Legacy Farm & Lawn	\$ 9,980 per unit
Swartz Tractor Sales	\$10,959 per unit
Tatum Motor Co	\$17,000 for both (\$8,500 per unit)

Motion to approve bid as staff recommended from Tatum Motor Company in the amount of \$17,000 for two mowers 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.

Parks Department – Trailer

Amy Moritz, Parks Director, informed the council there were five bids solicited but two bidders for the trailer. She further explained that the bid from Marion Trailer Sales did not meet the bid specs and recommended the council accept the bid from Frye Farms in the amount \$3,450. Mrs. Moritz stated this trailer would haul all three mowers or the bob cat.

The bid opening was held at 10:00 a.m., February 21, 2014 at City Hall. Present for the opening were Amy Moritz and Jimmy Smith.

Council Minutes – April 1, 2014

The following bids were received by:

Marion Trailer Sales	\$3,075
Frye Farms	\$3,450

Motion to approve bid from Frye Farms in the amount of \$3,450 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.

Public Works – Tractor

Duane Linch, Waste Water Department, informed the council there were six bidders for the Waste Water Tractor and recommended the council accept the bid from Murphy Farm and Lawn, Inc. in the amount \$18,995. Councilman Hart confirmed with Mr. Linch the tractor is a John Deere.

The following bids were received by:

S&H Farm Supply	\$23,045	Tractor, Loader, Mower
Legacy Farm & Lawn	\$22,580	Tractor, Loader, Mower
Swartz Tractor	\$23,332	Tractor, Loader, Mower
	\$20,795	Tractor, Loader, Mower
Anderson Car & Tractor	\$21,615	Tractor, Loader, Mower
Fritz Implement	\$21,750	Tractor, Loader, Mower
Murphy Farm & Law	\$18,995	Tractor, Loader, Mower

Motion to approve bid with Murphy Farms and Lawn, Inc. in the amount of \$18,995 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.

Public Works - Aerator

Duane Linch, Waste Water Department, informed the council there were four bidders for the aerators and recommended the council accept the bid from Aerator Solutions in the amount \$8,266 each for a total of \$16,532. Mr. Linch further explained these aerators are used in the final sludge treatment at the Shoal Creek Plant. He stated that both units were originally purchased in 1989.

The following bids were received by:

JCI	\$9,996	Stainless 15HP
	\$8,996	Fiberglass 15 HP
Enviroline	\$13,260	Fiberglass 15 HP
	\$21,200	Fiberglass 25 HP

Council Minutes – April 1, 2014

Aerator Solutions	\$8,266	Stainless Steel Cone, Stainless Float
	\$7,475	Stainless Steel Cone, Fiberglass Float
	\$7,774	Steel Cone, Stainless Steel Float
	\$6,998	Steel Cone, Fiberglass Float
USA BlueBook	\$8,902	

Motion to approve bid from Aerator Solutions in the total amount of \$16,532.00 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.

CORRESPONDENCE

There was none.

NEW BUSINESS

Bill No. 2014-612...Providing that the Revenues and Expenditures budget be amended for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014...1st Reading. (Code Enforcement)

Bill No. 2014-612 was read by title only by Mr. Hays.

Dana Daniel, Director of Economic Development reviewed pictures of currently condemned buildings and informed council that Public Works Department will handle the demolition.

Motion to pass Bill No. 2014-612 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Consider approval to submit close out documents for the 2007-PF-24 CDBG Grant.

Dana Daniel, Director of Economic Development stated he is seeking approval to submit close out grant documents for the blighted property on East Spring Street.

Motion to approve documents as presented and authorize Mayor to execute 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 Harry S. Truman Coordinating Council agreement.

Dana Daniel, Director of Economic Development stated the council approved a one page contract in July 2013 but it did not satisfy Harry S. Truman Coordinating Council's requirements.

Motion to approve agreement between City of Neosho and Harry S. Truman Coordinating council and authorize mayor to execute 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.

Consider approval of the resolution method for opening closed records.

Nora Houdyshell, City Clerk reviewed the resolution presented for formalizing the authorization of opening closed meeting minutes.

Discussion followed included, but not limited, to the importance of transparency.

It was the consensus of the Council to approve the presented resolution format for approval of opening closed records that are resolved.

Consider approval for the Global Software annual maintenance.

Lieutenant David Kennedy stated this was the standard agreement for renewal.

Motion to approve as presented and allow expenditure between Global Software and the City of Neosho 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.

Consider approval of Hotel/Motel expenditure for 2nd Annual Roughrider Scholarship Rodeo.

Wes Franklin, Public Relations/Events Coordinator requested \$2,000 expenditure for the 2nd Annual Roughrider Scholarship Rodeo scheduled for August 15 and 16, 2014. He further informed council that they are adding a bull riding event scheduled for May 31st.

Mayor Davidson stated this was a success last year.

Motion to approve staff recommendation and approve the \$2,000 expenditure for the 2nd Annual Roughrider Scholarship Rodeo 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.

REPORT OF CITY OFFICERS

Troy Royer, City Manager – Teen Challenge

Mr. Royer informed council he was in receipt of a letter from NABIFI wherein Teen Challenge of the Four States will again weed, plant and maintain seven city-owned parking lots from May 1, 2014 to October 31, 2014.

Wes Franklin, Events Coordinator – Medal Detecting

Mr. Franklin stated he has been approached regarding medal detecting in Big Spring Park and is looking for guidance. He further stated that this person has agreed to turn over any historical valued property retrieved as well as fill in divots.

Councilman Workman stated if there is medal detecting at Big Spring Park they should go through Wes.

It was the consensus of the Council to direct Mr. Franklin to proceed and approve medal detecting at Big Spring Park until otherwise directed.

Mayor Richard Davidson – Easement

Mayor Davidson stated he was notified by Mr. Steve Roark that MoDOT was requesting a road be vacated on the North side of Highway 71 in the TDD area and turned the floor over to City Manager Royer.

Mr. Royer stated that he contacted Mr. Dan Salisbury with MoDOT who stated he did not have concerns regarding the easement.

Mayor Richard Davidson – TDD Liaison Committee Meeting

Mayor Davidson stated that he, Troy Royer and Councilman Hart attended a TDD meeting wherein they presented a new map that does not include Waldo Hatler and Hale McGinty intersection improvements. Mayor Davidson stated concerns regarding comments made by Mr. Roark regarding zero growth and term of loan.

Mayor Richard Davidson – Water Leaks

Mayor Davidson stated citizens have been asking about water leaks and two councilmen have mentioned lowering water rates.

Councilman Ruth stated his stance regarding the lowering water rates and property tax has not changed. He further stated he would like to see written explanation for the required 110% as a reserve for the SRF loan.

Mr. Royer stated that in that current 2009 and 2011 loan requires a reserve of \$1.8 million for needed improvements.

Discussion followed.

Councilman Ruth stated citizens on fixed incomes bring him questions regarding water rates so he questions staff but he never stated he would go against DNR requirements.

Council Minutes – April 1, 2014

Mayor Davidson stated he read a letter wherein two councilmen stated they would lower water rates and property taxes.

Councilman Hart required confirmation from Mr. Royer that in the foreseeable future water rates could be adjusted. Mr. Hart further stated the city should be breaking even not making money in the water fund.

Mayor Davidson stated that right now the city does not have the money to make repairs or do maintenance projects without borrowing more money.

Mayor Richard Davidson – American Legion Agreement

Mayor Davidson confirmed with City Attorney Hays that the city has honored its commitments with the American Legion.

Motion to open records related to the American Legion lawsuit by Councilman Workman and seconded by Mayor Davison.

Roll call vote:

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

Motion carried.

Councilman Hart stated it is terrible that the City has had 10 years to settle this dispute and now at election time settlement is being discussed.

Mayor Davidson reviewed the history since his presence on the council beginning in 2009 and included that in August 2011 it was the consensus of this current council to reject the terms of the agreement presented by legal counsel. He further pointed out that in January 2014 discussion was again held by council explaining the building would be transferred when all police functions ceased. Mayor Davidson stated that Councilman Hart during those discussions stated that they should just take a bulldozer through the building.

Councilman Hart and Councilman Ruth accused Mayor Davidson of taking that statement out of context.

Mr. Hays reviewed the importance of the evidence being kept in the building collected from all types of crimes.

Discussion followed.

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 April 1, 2014, Regular Session City Council meeting.

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

Council Minutes – April 1, 2014

Mayor Davidson adjourned the closed meeting at 8:01 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk