

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**February 5, 2013 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Sean Pratt 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 Collinworth, Richard Davidson, Steve Hart, David Ruth, Tom Workman.

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

CITY STAFF PRESENT: Mike Eads, Fire Chief; Pete Ramsour, Finance Director; David McCracken, Police Chief; Mike Hightower, Public Works; Pam Baker, Human Resources Director; Dana Daniel, Development Services Director.

**AMENDED AGENDA**

Mayor Davidson announced the agenda would be amended to include a closed session under Section 610.021(1) RSMo...Legal.

**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 Collinworth to approve the consent agenda items as listed.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of January 22, 2013 Regular Session was approved as presented.

**PROCLAMATION**

Mayor Davidson stated the following proclamation is to be issued on February 7, 2013.

Employer of the Quarter – Missouri Department of Conservation

**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 February, 2013 is the *Missouri Department of Conservation, Neosho*; and

## Council Minutes – February 5, 2013

**Whereas**, the *Missouri Department of Conservation* established a District Office in Neosho in 1951. The Neosho Forestry Personnel Staff includes a Forestry District Supervisor, a Fisheries Management Biologist from the Fisheries Division, and an Education Consultant for the Outreach and Education Division; and

**Whereas**, the *Missouri Department of Conservation, Neosho Staff* manages 6,210 acres of public land in the Southwest Region, but mainly in Newton and McDonald Counties. These sites include the Fort Crowder Conservation Area, Bicentennial Conservation Area, Cherry Corner Access, Allen Bridge Access, Lime Kiln Access and Tipton Ford Access, Walter Woods Conservation Area, Huckleberry Ridge Conservation Area, Cherry Corner Access, Stone's Corner Access, Carl Junction Access and the LaRussell Access. The Conservation Department also provides further assistance throughout the Southwest Region; and

**Whereas**, the *Missouri Department of Conservation, Neosho* assists greatly in the Fire Fighter Excess Property Program. The Forestry Staff provides management of public forest land, open ground and fisheries resources, forest and stream health, wildlife habitat on public areas, as well as assisting private landowners with recommendation on managing their land. The education staff routinely works to train teachers and home school parents about conservation principles and conservation activities; and

**Now Therefore**, I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim *Missouri Department of Conservation, Neosho* to be Neosho's Employer of the Month for February, 2013. We extend our Congratulations to the nine highly trained Forestry Personnel for their bravery and continuous dedication in providing excellence in Forest Fire Prevention and the Conservation areas for wildlife habitat.

**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 7<sup>th</sup> day of February, 2013.

/s/ Richard Davidson, Mayor

### **VISITORS BUSINESS**

#### **JC Herrell – City Signs**

Mr. Herrell stated the city limit signs need to be corrected to reflect the correct population. Mayor Davidson stated when he questioned city staff regarding this he was told it was the State Department's responsibility.

#### **JC Herrell – Animal Tags**

Mr. Herrell stated he received a letter from the City regarding the renewal of his pet tags. He further stated when bringing one of his pet's lifetime tags to city hall a staff member told him to also provide his paperwork. Mr. Herrell further produced tag number 00049 for proof to the council. He also stated there is no need for an animal control officer and fees should not be increased.

#### **JC Herrell – Recreation Center**

Mr. Herrell stated the council should be considering building a recreation center since the City's financial status has improved.

Councilman Collinsworth stated to Mr. Herrell that he would respond to his concerns during report of city officers.

#### **Lavern Beaver – One Way Alley on Wood Street**

Mr. Beaver opted to speak during agenda item number two under new business.

**Council Minutes – February 5, 2013**

**James Walker – Tree Bid**

Mr. Walker opted to speak during the discussion for the tree removal bids.

**UNFINISHED BUSINESS**

**BID**

The following bid recommendations were presented for consideration.

**Parks Department – Big Spring Park Tree Removal**

Dana Daniel, Development Services Director, informed the council there were eight bidders for the tree removal at Big Spring Park and recommended the council accept the bid from Neosho Tree Services for no charge to the City. He further stated it is speculation whether or not the walnut tree is solid or hollow.

The following bids were received by:

Neosho Tree Service	No Charge (Logs would be sold by Neosho Tree for payment)
Neosho Tree Service	\$2,000 (Sale of logs would be split 50/50 with City)
Land Tree Service	\$2,750 (Sale of logs would not be shared with City)
Bussey's Tree Service	\$6,600 (Sale of logs would be at discretion of City)
Jordon's Tree Service	\$1,300 (Sale of logs would be a discretion of City; Indicates log would sell for \$850)
4 State Tree Service	\$3,900 (No indication on whether sale of logs would be shared with City)
4 State Tree Service	\$4,700 (This price includes removal of fire wood. No indication on whether sale of logs would be shared with City)
Johnson Stump Removal	\$1,550 (Sale of logs would be split 50/50 with City)

Mr. Walker with 4-State Tree Service stated his company would move all unsalable debris. He further stated concerns regarding risks of a company removing the trees for keeping logs for their profit.

Motion was made by Councilman Collinsworth and seconded by Councilman Ruth to award bid to Neosho Tree Service for no charge to the City and shall keep the trees to sale for payment.

Further discussion was held but not limited to the requirement of all contractors being bonded and licensed with the City and the unknown of what logs would bring.

Roll call vote:

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

Motion carried.

**Parks Department – Light Pole/Light at Swimming Pool**

Dana Daniel, Development Services Director, informed the council there were three bidders for replacing a light pole and fixture at the swimming pool and recommended the council accept the bid from Long Electric in the amount of \$3,382. He further stated there were remaining funds in the amount of \$39,721.25 from the insurance company that was paid after the fire of the pool house.

The following bids were received by:

Long Electric	\$3,382.00
Bill's Electric	\$4,125.00
US Alarm & Electrical	\$5,502.67

**Council Minutes – February 5, 2013**

Motion was made by Councilman Workman and seconded by Councilman Hart to award bid to Long Electric in the amount of \$3,382.

Roll call vote:

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

Motion carried.

**Parks Department – Swimming Pool Filtering System Repairs**

Dana Daniel, Development Services Director, informed the council there were eight bidders solicited to replace the filters at the swimming pool but received only one from Blue Water Construction in the amount of \$22,800 which is believed to be a fair market value. He further stated the lack of response is attributed to larger companies determining the job to be too small and smaller companies not wanting to front the expense of buying the necessary parts and filters.

Motion was made by Councilman Workman and seconded by Councilman Collinworth to award bid to blue Water Construction in the amount of \$22,800.

Roll call vote:

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

Motion carried.

**CORRESPONDENCE**

There was none.

**NEW BUSINESS**

**Resolution Bill No. 2013-01...Setting forth certain fees for the necessary enforcement of animal compliance within the City of Neosho.**

Resolution Bill No. 2013-01 for Resolution 134-2013 was read by title only by Mr. Hays.

John Harrington, Code Enforcement Officer stated the city was conducting a pet clinic in March which has proven to be successful in the past. He further stated during the preparation for this he reviewed current charges adopted by council in 2009 and is recommending an increase to help cover the expenses of animal control as follows:

License Type	Current Fee	New Proposed fee
None-Neutered 1 yr	\$25.00	\$30.00
Neutered - 1 yr	\$5.00	\$15.00
Lifetime-Non Neutered	\$100.00	\$100.00
Lifetime-Neutered	\$10.00	\$25.00
Replacement Tag	\$3.00	\$10.00
Vol. Pickup	\$37.00	\$60.00

Mayor Davidson verified that once Springbrook is in place city staff should be able to track licensing more efficiently and have better controls.

Discussion followed.

Councilman Ruth stated we should review the ordinance as it pertains to requirements for pet licensing. He further stated the rates are too high.

## Council Minutes – February 5, 2013

Motion was made by Councilman Ruth to kill the Resolution as presented.

There being no second – motion died.

Councilman Hart stated there should be investigation made of neighboring city's fees and should not be a burden to the citizens.

Discussion followed.

Councilman Collinworth stated it is not the Government's job to make money but should not be a charity. He further stated he is glad we have animal control back and should have a fair fee to break even.

Motion was made by Councilman Collinworth to table the issue until more information is provided.

There being no second – motion died.

Mr. Harrington stated the city is charged \$37.00 to drop a pet off at the Humane Society.

Mayor Davidson stated city staff needs to look at other town's fees.

Councilman Collinworth stated if a citizen provides a lifetime tag; make sure it is entered into the database.

Motion was made by Mayor Davidson and seconded by Councilman Workman to postpone to the February 19<sup>th</sup> city council meeting for comparisons of rates to neighboring towns.

Roll call vote:

Tom Workman - Yes, Charles Collinworth - No, Richard Davidson - Yes, Steve Hart – Yes, David Ruth – No.

Motion carried.

### **Consider approval of request for one way alley between 114 & 112 N. Wood Street.**

Mr. Harrington stated there has been a request for consideration to dedicate the alley that runs between 114 & 112 North Wood Street as a one way alley for the purpose of a drive thru.

Mr. Lavern Beaver who signed up under visitor business stated concerns with the bump in the sidewalk.

Councilman Ruth stated he attended the traffic commission meeting and they recommended approving the one way alley and the bump in the sidewalk.

Mayor Davidson question why the agenda item being presented was for the one way alley only.

Discussion followed.

City Attorney Hays stated the bump would be in the city street which is still public property.

Mayor Davidson stated with no opposition from council he recommends holding a special council meeting on Friday at 9:00 a.m. to discuss both items as to not delay Mr. Tessmer's progress.

### **Consider approval of Irrevocable Consent to Annexation and Agreement Relating Thereto for property located at 13465 Kodiak Road.**

Mr. John Harrington gave an overview of request.

**Council Minutes – February 5, 2013**

Motion was made by Councilman Workman and seconded by Councilman Hart to accept the Irrevocable Consent to Annexation and Agreement Related Thereto and allow connection to city water.

Roll call vote:

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

Motion carried.

**Consider approval of ProCT agreement for hardware.**

Mr. Pete Ramsour gave an overview of agreement for installation services.

Motion was made by Councilman Workman and seconded by Councilman Collinsworth to approve ProCt 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 Missouri Housing Development Commission Letter.**

Mayor Davidson gave an overview and stated he, Councilman Hart and City Attorney Hays had a successful meeting with representatives of Affordable Homes Development.

Councilman Hart stated Mr. and Mrs. Carmichael were a very nice couple and expressed desire to support Neosho.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve the Missouri Housing Development Letter 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 of the Settlement and Release Agreement with Jarden Consumer Solutions.**

City Attorney Hays stated due to an accounting software conflict, it was discovered the city overbilled Jarden Consumer Solutions in the amount of \$284,891.33. He further stated this agreement relieves the city from writing a onetime check and offers a \$50,000 credit to Jarden.

Councilman Collinsworth stated appreciation to Jarden Consumer for working with the City and commended City Attorney Hays for working on the negotiations.

Motion was made by Councilman Workman and seconded by Councilman Hart to approve Jarden Consumer Solutions Settlement and Release Agreement 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.

**REPORT OF CITY OFFICERS**

**Fire Chief, Mike Eads – Yearly Report**

Mr. Eads gave an overview of the yearly report.

**Dana Daniel, Development Services Director – Big Spring Park Stairway**

Mr. Daniel gave an overview of a meeting regarding the renovation of the stairway at Big Spring Park.

Mayor Davidson stated with a consensus of the council for the Big Spring Park stairway to move forward and have them completed by summer.

**Police Chief David McCracken – Police Vehicles**

Mr. McCracken stated the new patrol units will be delivered the following day.

Mayor Davison stated positive things he has heard from citizens.

Councilman Workman stated he has also heard positive response from citizens.

**Councilman Charles Collinworth – Visitor Business Response**

Councilman Collinworth stated to Mr. Herrell that he did not agree with his statements under visitor business regarding city funds should be used to build a recreation center. The city is in the process of building back Mr. Collinworth continued. He further stated we are working towards replacing a 1979 fire truck so the citizens and staff can be safer and working on updating technology. He stated that the City has retained Land3 Studios and they have been interviewing citizens regarding recreation so to be patient. Mr. Collinworth also stated the Little League program is up.

Mayor Davidson stated the YMCA has a great facility for kids to use and offer scholarships.

Councilman Hart stated that although it was received negatively when council brought up building a new sport facility on the nine holes at the golf course they didn't stop looking into activities or possibilities, like Little League, to do what was best for the kids.

**APPOINTMENTS & VACANCIES**

Mayor Davidson announced the following vacancies:

**Airport Industrial Development Board:** One vacancy currently exists for a three year term due to the expiring term of Mark Knight beginning October 1, 2012.

**Board of Adjustments (Zoning):** One vacancy currently exists for a term of five years due to the expiring term of Bill Carlsten, beginning November 1, 2011 and expiring October 31, 2016.

**Economic Development Sales Tax Committee:** One vacancy currently exists beginning October 4, 2011 for an Ex-officio non-voting member of a Neosho financial institution.

**Historic District Commission:** One vacancy will exist beginning December 1, 2012 for the expiring term of Don McBride. *Three letters of interest has been received. One from Jimmy Sexton, David Sims and Jerry Hill.*

Mayor Davidson stated there have been three letters of interest received and asked for council recommendations.

Discussion followed by council members that all candidates were good candidates.

Councilman Hart recommended David Sims.

**Council Minutes – February 5, 2013**

Motion was made by Councilman Hart and seconded by Councilman Workman to appoint David Sims to the Historic District Commission for a term of three years beginning December 1, 2012.

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

Motion carried.

**Planning and Zoning Commission:** One vacancy exists beginning August 30, 2102 for the expiring term of Louise Estes.

**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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:56 p.m.

The meeting reconvened in open session at 9:23 p.m. and Mayor Davidson announced the council conferred with the city attorney and no vote was taken.

**ADJOURN**

Mayor Davison asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the February 5, 2013 Regular Session City Council meeting.

Motion to adjourn by Mayor Davidson.  
Seconded by Councilman Workman.

Unanimous vote to adjourn.

Mayor Davidson adjourned the closed meeting at 9:23 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

---

**Mayor**

**ATTEST:**

---

**City Clerk**