

MINUTES
NEOSHO CITY COUNCIL
May 20, 2014 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Luke Yates 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
Dana Daniel, Director of Economic Development

APPROVAL OF AGENDA

Motion was made to approve the agenda as presented by Councilman Collinsworth and seconded by Councilman Workman. 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 May 6, 2014, Regular Session and May 6, 2014, Closed Session Minutes were approved as presented.

PROCLAMATION:

Mayor Davidson stated that the following proclamation was issued on May 16, 2014.

May Employer of the Month – Crowder College

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 May, 2014 is *Crowder College*; and

WHEREAS, in 1963, *Crowder College* was established on the grounds of the former Fort Crowder and was named in honor of General Enoch Crowder, a prominent Missourian, statesman and Veteran of World War I who received training at that site. “Building a civil, serving, literate learning community of responsible

Council Minutes – May 20, 2014

citizens”, is the *Crowder College* mission statement and continues to this day to guide their future direction; and

WHEREAS, over the past 51 years *Crowder College*’s Neosho campus has grown from 94,200 square feet under roof to almost 430,000. They began with 15 full-time employees on one campus, and now employ over 280 full and part-time employees at 11 locations throughout Southwest Missouri; and

WHEREAS, *Crowder College* of Neosho, Missouri now offers over 80 degree & program opportunities while having one of the lowest tuition costs compared to other Community Colleges in Missouri. Partnerships with MSSU, MSU and CMU have made it possible to obtain a 4 year degree without leaving Neosho. *Crowder College* has achieved worldwide recognition for its innovative alternative energy program; and

WHEREAS, *Crowder College* partners closely with local industry, employers and high schools, preparing students with the specific education and skill set to fill needed positions. This partnership within the community strengthens and supports local economic development efforts while having an impact of over \$250 million dollars annually to the local economy; and

NOW THEREFORE, I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim *Crowder College* to be Neosho’s Employer of the Month for May, 2014. We extend our congratulations to their 280 full and part-time employees and to the approximately 5,845 students enrolled this past year that are pursuing their college education and enjoying the benefits of having an excellent institution of higher learning available locally.

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 16th day of May, 2014.

/s/ Richard Davidson, Mayor

VISITORS BUSINESS

Mr. Kevin Foote – Neosho Music Fest

Mr. Foote informed council of the activities and attractions for a benefit on May 24, 2014, from 12:00 p.m. to 9:00 p.m. for the Wounded Warrior Project being held at the Fish Hatchery.

UNFINISHED BUSINESS

Bill No. 2014-616...Providing for the amendment of Code Chapter 405.230, Off-street Parking and Loading, of the City Code of Ordinances, City of Neosho...2nd and 3rd Reading

Bill No. 2014-616 for Ordinance No. 19-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-616 on second and third readings by Councilman Workman and seconded by Councilman Collinsworth

Mayor Davidson reviewed the content of the Bill.

Roll call vote:

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

Motion carried.

Discussion – Mr. Crocker’s water damage

Mayor Davidson reviewed prior discussions regarding Mr. Dave Crocker’s water damage claim then turned the floor over to Mr. Crocker.

Mr. Crocker reviewed the information MOPERM told him when denying his claim then elaborated to explain the adjuster MOPERM sent was having personal problems. Mr. Crocker pointed out that there is 20 feet of curbing missing which directed the water flow into his building causing the City to be negligent. Mr. Crocker clarified when asked by Councilman Ruth that this is the first time his building has flooded.

Council Minutes – May 20, 2014

Mayor Davidson stated Mr. Crocker's tenant also filed a claim that was denied.

Mr. Crocker stated that his tenant has withdrawn his claim.

Mayor Davidson informed Council that after the last meeting the City Clerk forwarded an email confirming there is a \$1,000 deductible. Mr. Davidson stated the \$1,000 would be paid for by the City from the general fund should Mr. Crocker take legal action and the Judge so ordered. The Mayor expanded to inform council if the City chose to pay this it would \$5,000 vs. the \$1,000.

Mr. Crocker produced pictures and a video on his cell phone that he forwarded to City Attorney Hays.

Discussion followed.

Without objection, Mayor Davidson asked the City Attorney to contact MOPERM with the pictures and video.

Motion to table this issue and have MOPERM review again due to new evidence and bring this back to Council the first meeting in June by Councilman Collinsworth and seconded by Mayor Davidson

Councilman Ruth stated to give MOPERM seven days and if MOPERM says no, pay it anyway.

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

MoDOT – US 60 east of Kodiak Rd

Mayor Davidson announced the MoDOT meeting scheduled Thursday, May 29, 2014 between 5:00 p.m. and 7:00 p.m. at the Lampo Center regarding construction for a new intersection US 60 east of Kodiak Road.

Military Order of the Purple Heart

Mayor Davidson stated a letter has been received requesting the City become a Purple Heart City. He asked the Council consider this as it will be discussed at the first meeting in June.

NEW BUSINESS

Consider approval of Empire Electric Easement.

Dana Daniel, Director of Economic Development stated that after researching street ownership in the industrial area, it was determined no easement could be located for the Empire Electric Substation nor for the transmission line located on Williams Avenue and Doniphan Drive.

Motion to approve the easement agreement between the City of Neosho and Empire Electric and authorize Mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Bill No. 2014-609...Declaring certain real property as surplus and setting forth the method for disposing of same...1st Reading.

Bill No. 2014-609 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-609 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Dana Daniel, Director of Economic Development reviewed the need for surplus of Williams Avenue.

Roll call vote:

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

Motion carried.

Consider approval of Quit Claim Deed.

Dana Daniel, Director of Economic Development explained the Quit Claim Deed will eliminate obligation to provide maintenance for the streets named.

Mayor Davidson requested confirmation from the City Attorney that the City has no ownership.

City Attorney Hays stated when the City was approached to vacate those streets and research had been completed, there was no City ownership found. He further stated the Quit Claim Deed is the best way to surrender this property.

Motion to approve the Quit Claim Deed between City of Neosho and Neosho Land Development as presented 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.

Bill No. 2014-618...Rezoning certain real property located along Clark Drive, Neosho, Newton County, Missouri, from District M-1, Light Industrial District, to M-2, Heavy Industrial District, as petitioned by Neosho Land Development...1st Reading.

Bill No. 2014-618 was read by title only by Mr. Hays.

Council Minutes – May 20, 2014

Motion to pass Bill No. 2014-618 on first reading by Councilman Workman and seconded by Councilman Ruth

Mayor Davidson reviewed the re-zoning request by Neosho Land Development.

Mr. Daniel confirmed for Councilman Collinsworth the surrounding property is zoned M-2, Heavy Industrial.

Councilman Workman stated concerns to the cemetery having entrance and exit access.

The Mayor surrendered the floor to Mr. Andrew Wood, Attorney at Law wherein he explained that there were two deeds to the cemetery, one in 1878 and one in 1904. He confirmed there will be no problem with access as Neosho Land Development owns property to the North and West and Premier owns the driveway.

Roll call vote:

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

Motion carried.

Bill No. 2014-619...Deannexing certain real property located a part of the East Half of the Southwest Quarter of Section 34, Township 25 North, Range 32 West, Newton County, Missouri, all of which is contiguous with the City of Neosho, as petitioned by the Cedar Ridge Congregation of Jehovahs Witnesses...1st Reading.

Bill No. 2014-619 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-619 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Dana Daniel, Director of Economic Development explained the Cedar Ridge Congregation of Jehovah's Witnesses has requested to de-annex as they have concerns, including but not limited to, the cost of construction to bring within the City Code.

Discussion was held among city council, Mr. Daniel and representatives from the Cedar Ridge Congregation of Jehovah's Witnesses regarding the status of contiguous properties.

Mayor Davidson requested Mr. Daniel provide a map of the area at the next council meeting to be reviewed before the 2nd and 3rd reading.

Roll call vote:

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

Motion carried.

Consider approval for Relay for Life fireworks.

Mr. Mike Eads stated he was speaking on behalf of the Relay for Life requesting permission for the annual fireworks display during the ceremony.

Motion to approve request for Relay for Life's annual fireworks by Councilman Collinsworth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Consider approval of application for COP Grant.

Police Chief McCracken explained the terms of the COP Grant stating the City could obtain another School Resource Officer with no expense to the City. He stated this is a 75%-25% match wherein the School District is willing to pay the 25% for three years.

Mayor Davidson confirmed this would be adding an officer not replacing one.

Discussion followed including appreciation of the stronger relationship between the City and the School District.

Motion to authorize application of the COP Grant by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consider approval of Intermountain Slurry Seal Agreement.

Mr. Mike Hightower, Public Works Director reminded council of the approved bids for the 2014 slurry seal projects in the amount of \$188,464.05 and recommended they sign the attached agreement. He explained that the bid was for 10 to 15 pounds per square yard but due to some streets needing more repair there may be a future change order in the estimated amount of \$30,000.

Motion to approve agreement between City of Neosho and Intermountain Slurry Seal Inc. and authorize Mayor to execute 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.

Consider approval of two Swift Construction Contracts.

Mr. Mike Hightower, Public Works Director requested approval of the agreements for the approved 2014 Overlay Project in the amount of \$147,848.10 and Wood Street Parking Lot Project in the amount of \$ \$39,673.95 bids.

Council Minutes – May 20, 2014

Councilman Collinsworth confirmed with City Manager Royer that he has not yet contacted Mr. Neff to notify him of the projected completion of the project. Mr. Collinsworth stated he is looking forward to a more beautiful downtown.

Motion to approve both agreements between City of Neosho and Swift Construction Company and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Consider approval of Empire Electric agreement amendment.

Mr. Mike Hightower, Public Works Director explained this amendment is for permission to remove the two temporary street lights placed on Spring Street causing a \$20.93 per month reduction.

Motion to approve the Empire Electric agreement as presented and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consideration to approve hiring a part time city clerk.

City Clerk Houdyshell explained the request for a part-time clerk pointing out that since 2007 the Clerk's office has maintained one full time and one part time clerk. She stated during the financial crisis in 2010, she has tried to perform the job duties efficiently with one person. Mrs. Houdyshell further stated with the additional duties than prior City Clerk's were asked to perform, she is unable to attend to the back log or archives as required.

Mayor Davidson confirmed the money for the part time clerk would be from the general fund then inquired as to the additional sunshine requests.

City Clerk Houdyshell informed council since April 21st, 2014, she has received 48 sunshine requests from Mr. Copeland, Attorney at Law. She further explained the 72 hour sunshine law requirement to respond to these requests and although that is not feasible, she tries to respond as quickly as possible.

Councilman Ruth stated that if one full time and one part time City Clerk were needed in the 1990's, it was reasonable to think there would be the same need now.

Mrs. Houdyshell stated the last part time clerk made \$10.25 per hour but she is recommending the clerk be paid \$10.00 per hour with a maximum work week of 25 hours.

Discussion followed including but not limited to, the impact on the general fund.

Mayor Davidson asked each department head present if their departments are at full staff since the layoffs.

Council Minutes – May 20, 2014

Police Chief McCracken	–	Short six (6) officers
Fire Chief Eads	-	Short one (1)
Public Works Director Hightower	-	Short one (1)
Finance Director Pevahouse	-	At full staff

Motion to approve hiring a part time City Clerk by Councilman Ruth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Discussion – Transportation Development District (TDD) Projects

Mayor Davidson stated he asked for this to be on the agenda. He reviewed history of communications between the City and the TDD then stated frustration as the City supported the TDD project plan initially when it included the widening of Kodiak Road. The Mayor stated the TDD have made statements they would not have the funds to complete all of the projects but now are making comments that they will have their debt paid off within ten years and are looking for projects to do. Mr. Davidson displayed discontent that the safety of the children and repairs made to Kodiak are not important to the TDD.

Discussion followed.

Councilman Collinsworth stated he was disappointed but not surprised that the children are not a priority to the TDD.

Mayor Davidson requested the following statement regarding the History of the TDD provided by Councilman David Ruth be entered into the record.

Mayor Davidson read the following in its entirety.

“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 we 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 the Middle School.”

Discussion – Water/Wastewater Reserve Requirements.

City Manager Royer reviewed documents provided to council for discussions regarding water and sewer rates. The documents reviewed are entered into these city council minutes by attachment and made a permanent record.

The categories are itemized as follows:

- Water/Wastewater Fund Reserve Requirements
- 2006 A Water-Wastewater Portion (Debt payment Schedule)

Council Minutes – May 20, 2014

- 2009 ARRA(SRF) Wastewater Improvements (Ordinance No. 421-2009 & Debt Payment Schedule)
- 2011 SRF Drinking Water Improvements (Ordinance No. 489-2001 & Debt Payment Schedule)
- 2012A Water-Wastewater Portion (Debt Payment Schedule)
- Wastewater Replacement Reserve (Ordinance No. 383-2009)
- Water Replacement Reserve (Code Section 710.180)
- Rate System Analysis
- Water Treatment and Distribution System Improvements (First Phase Priority and Secondary Phase Priority)
- Future projects of Water and Wastewater
- GFOA Survey Rate Comparison
- David Potthast Correspondence
- 10 CSR 20-040 Department of Natural Resources
- Joplin Globe Article

Mr. Royer then pointed out that the City of Neosho is not the highest in the area along with stating that during Carthage's budget preparation, they are proposing an increase 5.5% for base, 10% for sewer and 10-16% for industry.

Councilman Ruth stated concerns regarding water loss percentages.

City Manager Royer stated in March the City was at 53% loss but that the water adjustments are not reflected in that percentage. He further stated the City's policy is to adjust an unexplained leak once a year if requested.

Discussion continued, including but not limited to, the expense of replacing cast iron pipes and reducing water loss.

REPORT OF CITY OFFICERS

Finance Director Pevahouse – Financial Report

Mrs. Pevahouse reviewed the financials pointing out the 53% increase in sales tax from last May. She stated she checked with outer cities and they are experiencing the same thing.

City Attorney Steven Hays – New Mac Franchise Fees

Mr. Hays explained if New Mac customers annex into city limits, New Mac is to pay an occupational tax to the City per City Code Chapter 640.010. He informed council of communications with New Mac Electric and determined that New Mac is defined under Chapter 394, and our Code is specific to Missouri Public Service 386 and 393. He reviewed options for fixing this issue but concluded this would need to go to a vote of the people. Mr. Hays then stated New Mac's counsel from Springfield has offered to review the ballot language to ensure it is accurate for the State of Missouri and all Federal regulations and rules at no cost to the City. He confirmed the vote would need to pass 4/7ths and only citizens within the city limits could vote.

Mayor Davidson stated it would be important for all citizens to understand this would not be an additional tax on them or an increase but this would be between New Mac and the City of Neosho.

Discussion followed.

City Clerk Houdyshell stated the next scheduled general election is November 4, 2014, with a final certification date of August 26, 2014.

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 May 20, 2014, Regular Session City Council meeting.

Council Minutes – May 20, 2014

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

Mayor Davidson adjourned the closed meeting at 8:53 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk