

MINUTES
NEOSHO CITY COUNCIL
June 3, 2014 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Mr. 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 7:05 p.m.

ROLL CALL

COUNCIL PRESENT:

Charles Collinsworth
Steve Hart

Richard Davidson
Tom Workman

ABSENT:

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
Amy Moritz, Parks Director

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 Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

MINUTES:

The minutes of May 20, 2014, Regular Session and May 28, 2014, Special Session was approved as presented.

PROCLAMATION:

Mayor Davidson stated that the following proclamation was issued on June 3, 2014.

June Employer of the Month – Construction Services Group

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 June, 2014 is the *Construction Services Group*; and

WHEREAS, *Chris Marion* founded *Construction Services Group* in 2005 on the principle of being a trusted and quality-conscious Contractor advocating personal attention to their customers' projects, while maintaining the highest moral and ethical standards; and

WHEREAS, *Construction Services Group* started with *Chris Marion* as the only employee, and has grown to now include a Staff of 17 Valued Employees, and a Management Team that collectively has over 100 years of combined Commercial, Industrial, and Residential Construction experience; and

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WHEREAS, *Construction Services Group* started its operation in a single, rented office, and now operates from an attractive office area of 1600 Square Feet and an attached shop/warehouse of 5000 square feet, which provides an excellent space for the Administrative duties, Customer Consultation, and Equipment Storage; and

WHEREAS, *Construction Services Group's* current Annual Sales Volume provides an impact of \$4,000,000 on the local Economy, and a solid payroll for its 17 Employees; and

NOW THEREFORE, I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim *Construction Services Group, A Marion Company, LLC* to be Neosho's Employer of the Month for June, 2014. We extend our Congratulations to their highly trained Construction Industry Personnel for their total commitment to customer service and quality work!

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 3rd day of June, 2014.

/s/ Richard Davidson, Mayor

VISITORS BUSINESS

There was none.

UNFINISHED BUSINESS

Bill No. 2014-609...Declaring certain real property as surplus and setting forth the method for disposing of same...2nd and 3rd Reading.

Bill No. 2014-609 for Ordinance No. 21-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-609 on second and third readings by Councilman Workman and seconded by Councilman Hart

Roll call vote:

Steve Hart – Yes
Tom Workman - Yes
Charles Collinsworth – Yes
Richard Davidson – 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...2nd and 3rd Reading.

Bill No. 2014-618 for Ordinance No. 22-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-618 on second and third readings by Councilman Workman and seconded by Councilman Hart

Roll call vote:

Richard Davidson – Yes
Steve Hart – 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...2nd and 3rd Reading.

Bill No. 2014-619 for Ordinance No. 23-2014 was read by title only by Mr. Hays.

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Motion to pass Bill No. 2014-619 on second and third readings by Councilman Collinsworth and seconded by Councilman Workman

Mr. Dana Daniel provided a copy of the property map for Council's review.

Discussion followed.

Roll call vote:

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

Motion carried.

Consideration of approval to place Occupational Tax issue on the November 2014 ballot.

Troy Royer, City Manager reviewed the need to revise the ordinance regarding loss of revenue due to nonpayment of an occupational tax from New Mac customers that are within the Neosho city limits.

City Attorney Hays stated the Code references fees are to be collected from Chapters 386 and 393 according to Missouri Public Commission. He further stated New Mac is a Chapter 394. Mr. Hays explained due to the Hancock Amendment this would be required to go to a vote of the people to change.

Councilman Workman received verification if approved by council and the voters, this would not be retroactive. He then requested the amount of New Mac users currently within the city limits to determine if the estimated \$5,000 in election cost would be beneficial.

Discussion followed.

Mayor Davidson requested the information be brought back to the next council meeting for review.

BID

There were none.

CORRESPONDENCE

There was none.

NEW BUSINESS

Bill No. 2014-621...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014...1st Reading. (City Clerk)

Bill No. 2014-621 was read by title only by Mr. Hays.

Mayor Davidson stated the budget amendment is to reflect the hire of a part time Deputy City Clerk approved at the prior city council meeting.

Motion to pass Bill No. 2014-621 on first reading by Councilman Collinsworth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

Bill No. 2014-620...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014...1st Reading. (Public Works-Streets)

Bill No. 2014-620 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-620 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Mr. Mike Hightower explained in detail reasons for the budget adjustment which reflects no transfer from the fund balance.

Roll call vote:

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

Motion carried.

Bill No. 2014-622...Providing that the revenues and expenditures budget be amended for the Fiscal Year beginning October 1, 2013 and ending September 30, 2014...1st Reading. (Public Works-Water Distribution)

Bill No. 2014-622 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-622 on first reading by Councilman Workman and seconded by Councilman Hart

Public Works Director reviewed the Water Distribution budget amendment emphasizing there is no transfer from the fund balance.

Roll call vote:

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

Motion carried.

Consider approval of the MoDOT Aviation and FAA Agreement

Mr. Daniel informed council this was an agreement to grant the Shea's permission to build a grass taxiway to access the City's taxiway. He stated this proposal and agreement have been reviewed by the Airport Board, Public Works Director, Code Enforcement Department, City Attorney and Empire Electric with no objections. After being questioned, Mr. Daniel further stated that the cost for the construction and upkeep of this project would be the responsibility of Mr. and Mrs. Shea.

Mayor Davidson stated concerns if the Airport decided to expand and if so, would the Shea's be permitted a refund of monies.

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City Attorney Hays stated there is always question when discussing the future use of property, then explained the termination clause of the agreement. He further stated if the agreement were to be terminated permanently it is possible the Shea's may be entitled to a pro-rata share.

Mr. Daniel informed council this agreement, if approved by council, is still subject to MoDOT Aviation and FAA's approval.

Discussion followed.

Motion to approve agreement between the City of Neosho and Dan and Connie Shea and authorize Mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Charles Collinsworth – Yes

Richard Davidson – Yes

Steve Hart – Yes

Tom Workman - Yes

Motion carried.

Consider naming Neosho a Purple Heart City by Proclamation.

Mayor Davidson reviewed the correspondence received by the Purple Heart Department of Missouri and opened the floor for comment from council.

Councilman Collinsworth stated he is proud of our military and voiced agreement for Neosho to become a Purple Heart City.

Absent objection from council, consent was given to proceed with the process of creating a proclamation to be presented at the next council meeting.

Transportation Development District (TDD) Priority Discussion and Cooperative Agreement Revision

Mayor Davidson stated while attending the MoDOT public meeting, Mr. Dan Salsbury presented a revised Cooperative Agreement requesting the City to consider approving it as soon as possible. He further stated that the City Manager contacted the TDD and they received the request yesterday.

Without objection from Council, the City Attorney was directed to contact the TDD and MoDOT to discuss the agreement presented.

Mayor Davidson stated he was asked why the R-5 School District was told to pay \$850,000 to have the roads built and who asked them as the request was made in 2008 or 2009 before the TDD formed.

City Attorney Hays stated that the property owners initiated the potential costs of the project and informed the school. He recollected that Mr. Gib Garrow brought the information to Mr. Jan Blase, former City Manager. He further stated that Mr. Warren Langland discussed the project with the City Council.

Mayor Davidson interjected for clarity that this was not a City decision or suggestion.

Mr. Hays continued the discussion explaining the school was told this would be prudent as it would save them money.

Mayor Davidson stated the other land owners in that area would benefit at no cost to them while the school bears the burden. He explained he was on the School Board when Mr. Warren Langland presented the idea and the Board looked into Chapter 164.121 (read into the record) but had reservations about how the District could pay for roads despite their safety concerns on Kodiak Road.

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Missouri Revised Statutes; Chapter 164; Tax Levies and Bonded Indebtedness; Section 164.121

Purposes for which bonds may be issued in districts other than metropolitan and urban.

164.121. 1. The school board of any district other than a metropolitan or urban district may borrow money and issue bonds for the payment thereof for the following purposes:

- (1) Purchasing schoolhouse sites and other land for school purposes;*
 - (2) Erecting schoolhouses or library buildings;*
 - (3) Furnishing schoolhouses or library buildings;*
 - (4) Building additions to or repairing old buildings;*
 - (5) Purchasing school buses and other transportation equipment;*
 - (6) Paying off and discharging assessments made by counties, cities, towns and villages or other political subdivisions or public corporations of the state against the district in connection with the erection, construction and maintenance of sewers and sewer systems, sidewalks, gutting, curbing and paving of streets and alleys adjoining and abutting real estate of the district if the general funds of the district are insufficient in the judgment of the board to pay and discharge the assessment.*
- 2. The question of any loan under this section shall be decided at an election.*
- (L. 1963 p. 200 § 5-12, A.L. 1978 H.B. 971) (Source: RSMo 1959 §§ 165.040, 165.043)*

City Attorney Hays stated that when Mr. Dwight Douglas and the County removed themselves from the TDD, the City was requested to step in as the Sponsor. He further stated that up until the first petition amendment Kodiak was the main force of the TDD.

Discussion followed.

REPORT OF CITY OFFICERS

City Manager Troy Royer – Re-Structure of COPs

Mr. Royer informed council that he and Finance Director Pevahouse have been speaking with Bond Counsel regarding the refund of 2007A and 2010 COPs.

He explained the 2007A COP is tax exempt and pertains to project overruns of the Civic Center and Senior Center currently being charged with 4 to 4.8% interests to be paid off in 2027. Mr. Royer explained the current estimated interest would be 2 to 3.6% still paying off in 2027.

Mr. Royer stated the 2010 COP is a taxable debt structure with a current interest amount of 5.75% but if restructured would be offered an estimated .65 to 2.98% with a payoff in 2019.

City Manager Royer informed council this would be an estimated savings of \$133,000. He stated the next discussion will be for the 2006A COP regarding the golf course debt becoming callable in 2015.

Mayor Davidson proudly stated that the City would not be offered low rates without good ratings as received from Standard and Poores.

City Manager Troy Royer – Assistant Public Works Director

Mr. Royer stated that Mr. Mike Hightower, Public Works Director is becoming eligible for retirement and would ask that council allow a budget amendment for an Assistant Public Works Director to be trained before Mr. Hightower leaves the City.

Mayor Davidson agreed it would be prudent to obtain a skilled person to learn from Mr. Hightower with required certifications and paid accordingly.

Mr. Wes Franklin, Public Relations/Events Coordinator

Mr. Franklin informed council of an upcoming event scheduled on August 2nd at Big Spring Park wherein seven (7) bands will be performing blue grass music from 11:00 a.m. to 6:00 p.m. along with local BBQ vendors providing good food.

