

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**July 15, 2014 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Troy Royer gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Mayor Davidson called the meeting to order at 7:01 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

CITY STAFF PRESENT:

David McCracken, Police Chief

David Kennedy, Police Lieutenant

Ryan Long, P.W.-Streets Dept

Pam Baker, Human Resources Director

Amy Moritz, Parks Director

Wes Franklin, Public Relations/Events Coordinator

Mike Eads, Fire Chief

Daphne Pevahouse, Finance Director

Duane Lynch, P.W.-Water/Wastewater Dept.

Dana Daniel, Director of Economic Development

Maron Towse, Golf Course Manager

**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.

**APPROVAL OF MINUTES:**

The minutes of July 1, 2014, Regular Session and July 1, 2014, Closed Session was approved as presented.

**VISITORS BUSINESS**

Mayor Davidson stated no one had signed up for Visitors Business. Ms. Heather Bowers from the audience stated she would like to approach council. Mayor Davidson turned the floor over to Ms. Bowers.

**Ms. Heather Bowers – City Attorney Hays**

Ms. Bowers made accusations and demands including, but not limited to, the following:

- City Attorney Hays needs to be fired.
- City Attorney Hays followed Councilman Hart to private property to obtain the recording.
- City Attorney Hays broke the law regarding a private land transaction.
- Mayor Richard Davidson is corrupt and vein.
- City Attorney Hays was corrupt during a rape case that took place at David Sims' bachelor party regarding Aaron Farber
- City Attorney Hays coerces people.
- Mayor Richard Davidson coerces the city clerk.
- Mr. Derek Snyder was City Attorney Hays' employee and intern and whom badgered Ms. Bowers during her time as Councilwoman.
- Mayor Davidson would be refining sugar on his Mom's land and that his plan was to do so around town.

Ms. Bowers then stated that the late Mr. David Holley had provided her a recorder that looked like a pen to record closed session city council meetings, which admittedly she did not do.

**UNFINISHED BUSINESS**

**Consideration for Mr. Kevin VanStory's water bill adjustment.**

Mr. VanStory approach Council to review the events prior to receiving his water bill being disputed. He further stated that prior to the leak, his average water bill was \$18.00 to \$20.00 per month and since the repair his bill is \$10.00 to \$15.00 per month. Mr. VanStory asked the council for consideration regarding the balance owed on his account after adjustments.

City Manager Royer reviewed the 18 month average which equates to \$17.06. Mr. Royer stated the production cost to deliver the water is \$4.21 per 1,000 gallons. He explained Mr. VanStory's 18-month average water billing is approximately \$17.06 and the average usage is 1,200 gallons which would equate to \$14.65 before fees and taxes. Mr. Royer stated Mr. VanStory's bill was adjusted 50% in March for water usage per Resolution 100-2010.

Councilman Hart asked for clarification regarding the amount of water loss which Mayor Davidson explained.

Mayor Davidson reiterated Mr. VanStory was credited 50% per policy and questioned the City's further responsibility.

Mr. VanStory recommended adjusting the code to read a citizen is not to be charged more than 20 times their average bill during a leak.

Discussion followed.

Motion made to remove the remaining balance on Mr. VanStory's water bill in the amount of \$364.77 made by Councilman Ruth and seconded by Councilman Hart.

Roll call vote:

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

Motion failed.

Discussion continued as to the review of the current water policy.

Mr. VanStory encouraged council to adjust the balance of his bill as MGE and Empire have a policy to do so.

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Discussion continued regarding adjustments during vacations and questioned how other towns and utility companies handle these situations.

Mrs. Daphne Pevahouse, Finance Director, stated she has contacted other cities and although they are all different, no other city adjusts more than 50%.

Councilman Workman stated concerns regarding overriding the current city code and suggested to postpone this discussion and amend the code addressing this situation. He further stated concerns adjusting the water bill by 75% and thanked Mr. VanStory for his patience while the council figures this out.

Councilman Ruth stated he has been on the council a total of 11 years and has never seen anything like this. He further stated that the leak was in the ground and as soon as Mr. VanStory saw the leak he reported it thereby the city should credit him the difference.

City Manager Royer reminded council of concerns of water loss and that leaks contribute to that percentage. He further stated that American Missouri Water would not provide relief.

Councilman Collinsworth stated there should be a stop loss and there should be different determinations made for business and individuals.

Without objection, Mayor Davidson directed City Manager to review the water and sewer adjustments policy and report the specifics of other cities water and sewer adjustment policies.

**CORRESPONDENCE**

There was none.

**BID**

The following bid recommendations were presented for consideration.

**Public Works – Water/Wastewater Engineering/Consulting Services**

Dana Daniel, Director for Engineering Services, informed the council, Public Works solicited RFQ for engineering/consultant services wherein five firms responded. He stated city staff recommends Allgeier Martin & Associates for a three year term.

<b>2014 Water-Wastewater Engineering Consultant Selection Rating</b>				
	<b>Experience &amp; Technical Competence</b>	<b>Capacity &amp; Capability</b>	<b>Past Record of Performance</b>	<b>Total</b>
Allgeier, Martin and Associates, Inc.	28	27	21	76
	25	25	25	75
	29	29	25	83
	30	25	25	80
	27	27	20	74
				<b>388</b>
HDR, Inc.	26	28	15	69
	25	25	25	75
	20	29	25	82
	25	25	25	75
	25	25	21	71
				<b>372</b>
Tri-State Engineering	26	23	11	60
	20	25	10	55
	29	28	20	77
	20	15	15	50
	25	25	15	65
				<b>307</b>
Olsson Associates	26	24	0	50
	25	25	0	50
	29	28	20	77
	25	20	15	65
	25	25	10	60
				<b>302</b>
Anderson Engineering, Inc.	25	23	0	48
	15	15	0	30
	29	28	20	77
	23	18	15	56
	21	21	15	61
				<b>272</b>

Mr. Daniel confirmed when asked by Mayor Davidson the transfer from HDR to Allgeier,

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Martin will be transferable with no loss of data pertaining to projects.

Motion to approve Allgeier, Martin & Associates for engineering services Request for Qualifications 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.

**NEW BUSINESS**

**Public Hearing concerning the proposed refinancing of the City's lease obligations entered into in 2007 and 2010 for renovation of the municipal auditorium and the senior citizens center.**

Mayor Davidson opened the floor for public comment. There being no comments from the public, Mayor Davidson closed the public hearing.

**Bill No. 2014-627...An Ordinance Approving A Lease Purchase Transaction And The Delivery Of Refunding Certificates Of Participation, Series 2014, For The Purpose Of Providing Funds To Refinance Certain Outstanding Obligations Of The City; Authorizing And Approving Related Documents; And Authorizing Certain Other Actions In Connection Therewith...1<sup>st</sup> Reading.**

Bill No. 2014-627 was read by title only by Mr. Hays.

Mayor Davidson reviewed the Bill explaining the refunding will save the citizens money along with provide lower interest.

Motion to pass Bill No. 2014-627 on first reading 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 Doniphan Drive Easement.**

Mr. Dana Daniel explained to council this is being brought per a discussion during the July 1, 2014, meeting in response to Neosho Area Business and Industrial Foundation's request for easement across Doniphan Drive.

Motion to approve Doniphan Drive easement as presented and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

**Consider approval to amend the NABIFI Contract for Option to Purchase Real Estate.**

Mayor Davidson reviewed the agreement emphasizing the amended agreement included additional land with no change in total pricing.

Discussion followed.

Motion to approve the amended contract between the City of Neosho and NABIFI regarding purchase and authorize Mayor to execute 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 contract Change Order #4 for East Spring Street Improvements.**

Mr. Daniel reviewed the two items reflecting the changes resulting in a reduction of costs by a net of \$24,875.46.

Motion to approve of contract Change Order #4 for East Spring Street Improvements with Branco Enterprises and authorize Mayor to execute by Councilman Workman 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 for the Morpho Trak service agreement renewal.**

Police Chief McCracken reviewed the renewal agreement. He stated the City would pay the entire contract in the amount of \$3,680.94 then bill the Sheriff's Department for 50% thereby making the net cost to the City would be \$1,840.47.

Motion to approve invoice to Morpho Trak in the amount of \$3,680.96 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.

**Consider approval to grant application for the LLEBG Block Grant.**

Chief McCracken explained this is to approve the application for the LLEBG Block Grant for safety equipment in the amount of \$9,000.00. He further stated there is a local match of 10% required which has been budgeted in the upcoming fiscal year budget.

Motion to approve to grant application for the LLEBG Block Grant 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.

**REPORT OF CITY OFFICERS**

**City Manager Troy Royer – Street Projects**

Mr. Royer stated at the town hall meeting given by Mayor Davidson showed a map highlighting the streets that have been completed as promised naming South Street and Oak Ridge.

**City Manager Troy Royer – Legislation**

Mr. Royer gave commentary from a meeting he and Finance Director Pevahouse attended wherein the Governor discussed bills that will impact sales tax by a 12% decrease. After further discussion he stated Newton County would have a potential loss in the amount of \$989,243. He handed out a report that itemized the potential loss of revenue for the City of Neosho in the amount total amount of \$623,826.

	<u>FY2014 Budget Amt</u>	<u>12% Decrease</u>
General fund	\$2,142,000.00	\$257,040.00
Fire	\$ 509,250.00	\$ 61,110.00
Drainage	\$ 306,600.00	\$ 36,792.00
Senior Center	\$ 127,050.00	\$ 15,246.00
Parks	\$ 456,750.00	\$ 54,810.00
Auditorium	\$ 381,150.00	\$ 45,738.00
Economic Development	\$ 254,100.00	\$ 30,492.00
Street	\$ 766,500.00	\$ 91,980.00
Street/Bridge	\$ 255,150.00	\$ 30,618.00

Mayor Davidson stated concerns regarding the State elected officials making decision that affects all cities without concern of the effect it will have. He further reminded citizens this is why it is important for the city to have reserves.

**Mrs. Daphne Pevahouse, Finance Director – Financials**

Mrs. Pevahouse reviewed the financial report emphasizing the sales tax was up 14% from July 2013 and 1.29% over year to date.

**Mrs. Amy Mortiz, Parks Director – Kiwanis Donation**

Mrs. Moritz informed council and stated appreciation of a generous donation from the Kiwanis Club which replaced two swings at Big Spring Park.

**Mayor Richard Davidson – Free Trade Zone**

Mayor Davidson stated he was made aware as of the date before this meeting that NABIFI had no application for a Free Trade Zone and to clarify that the City has made no attempt to delay this project.

**Councilman Charles Collinsworth – Sunshine Requests**

Councilman Collinsworth asked the City Clerk how many sunshine requests had been received recently.

City Clerk Houdysell responded by stating approximately 70.

Councilman Collinsworth asked how many of those are from Mr. Copeland.

City Clerk responded approximately 63.

Councilman Collinsworth directed the next question to Councilman Ruth wanting to know if there is an end in sight of these requests.

Councilman Ruth stated he is not Mr. Copeland's client behind the requests but that the city charges for the service.

Councilman Collinsworth directed City Clerk to provide an administrative report of sunshine requests to be presented at the next meeting.

**CLOSED MEETING:**

Motion to close the meeting pursuant to Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public governmental body by Mayor Davidson 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.

Mayor Davidson closed the meeting at 7:03 p.m.

The meeting reconvened in open session at 8:27 p.m. and Mayor Davidson announced the council conferred with the city attorney and no action or 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 July, 15, 2014, Regular Session City Council meeting.

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

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Mayor Davidson adjourned the closed meeting at 8:27 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

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**Mayor**

**ATTEST:**

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**City Clerk**