

MINUTES
NEOSHO CITY COUNCIL
August 19, 2014 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Jeremy Bridges 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

CITY STAFF PRESENT:

David McCracken, Police Chief	Mike Eads, Fire Chief
David Kennedy, Police Lieutenant	Daphne Pevahouse, Finance Director
Duane Lynch, P.W.-Water/Wastewater Dept.	Maron Towse, Golf Course Manager
Pam Baker, Human Resources Director	Dana Daniel, Director of Economic Development
Amy Moritz, Parks Director	Wes Franklin, Public Relations/Events Coordinator

AMENDED AGNEDA

Mayor Davidson stated the agenda is being amended to remove number seven under new business.

APPROVAL OF AGENDA

Motion was made to approve the agenda as presented by Councilman Workman and seconded by Councilman Workman. The motion passed unanimously.

CONSENT AGENDA:

Motion to approve the consent agenda items as amended 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 August 5, 2014, Regular Session; August 5, 2014, Closed Session and August 12, 2014, Special Session was approved as presented.

VISITORS BUSINESS

Doug Skaggs – Parks and Streets; Compliment Council

Mr. Doug Skaggs complimented the beauty of Morse Park and appreciation for the work on the streets. He stated the park and the streets look the best they ever have.

Mr. Gene Franklin – Letter to the Editor

Mr. Franklin stated the City is looking good and it was time for the council to work together then recited the Neosho Daily Newspaper letter to the editor seen below.

LETTERS

Time to wake up, Neosho!

Dear Editor,
OMG (Oh. mv gosh)!!!
Seriously, we elect two council members from the city of Neosho to represent us, the people of Neosho, and then they turn around and sue the city of Neosho, which is us. Where in the world is the logic in this and the common sense? If they do not want to uphold their responsibilities as the voice of the people of the city of Neosho, they should resign. This is absolutely no way for an elected official to act. Unbelievable.
Who is going to pay the

bill for this lawsuit? Of course, the people of the city of Neosho. We have a city manager and a partial city council who has worked hard to get us out of debt and here we go. Again, unbelievable.

Maybe it is time for us as citizens of Neosho to boycott the businesses of the two raging city councilmen since they are not taking care of our tax dollars.

Wake up Neosho, let's get level-headed people in these positions.

UNFINISHED BUSINESS

Bill No. 2014-628...Providing that the Revenues and Expenditures Budget be amended for the Fiscal Year Beginning October 1, 2013, and Ending September 30, 2014...2nd and 3rd Reading. (Building Inspections; Development Services; Recycling; Senior Center; Airport)

Bill No. 2014-628 for Ordinance No. 31-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-628 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. 2014-629...Providing for the submission of a certain enumerated gross receipt tax to the voters of the City of Neosho in accordance with Article 10, Section 22 of the Constitution of the State of Missouri; and providing for the language of the Proposition for such tax as described herein at the November 4, 2014 General Election...2nd and 3rd Reading.

Bill No. 2014-629 for Ordinance No. 32-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-629 on second and third readings 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.

Bill No. 2014-630...Procedures to report personal financial disclosure statements and conflicts of interest for certain municipal officers...2nd and 3rd Reading.

Bill No. 2014-630 for Ordinance No. 33-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-630 on second and third readings by Councilman Workman and seconded by Mayor Davidson

Roll call vote:

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

Motion carried.

BID

The following bid recommendations were presented for consideration.

Public Relations/Events Coordinator – Fall Festival Inflatable/Mechanical Rides

Wes Franklin, Public Relations/Events Coordinator, informed the council that Fall Festival is a two day event this year, October 4-5 and recommended offering rides free to the public for both days. He stated the contract providers will set up, operate and tear down the equipment. Mr. Franklin explained there were three bidders solicited for the Fall Festival Inflatable/mechanical rides and Party Station was the only bidder to respond in the amount of \$6,500.

Motion to approve bid to Party Station in the amount of \$6,500.00 by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Public Works/Development Services – 2014 Alley 1 & 2 Project

Troy Royer, City Manager, explained this is a bid to resurface two alleyways from Washington Street on the square east to the second alleyway then from the second alleyway south to Main Street. He informed council this is the last of the MDFB funded projects.

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Motion to approve agreement between the City of Neosho and Swift Construction Co as presented 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.

CORRESPONDENCE

There was none.

NEW BUSINESS

Public Hearing providing for the rate of taxation and the levy and collection of taxes for real property assessment for the fiscal year commencing October 1, 2014.

Although there were no citizens signed up to speak, Mayor Davidson opened the floor for public comment.

There being no comments from the public, Mayor Davidson closed the public hearing.

Bill No. 2014-631...Providing for the rate of taxation and the levy and collection of taxes for real property assessment for the fiscal year commencing October 1, 2014...1st Reading.

Bill No. 2014-631 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-631 on first reading by Councilman Workman and seconded by Councilman Collinsworth

Mr. Royer stated this bill sets the tax levy with a ceiling at the allowable rate of \$0.4256.

Mayor Davidson noted last year the tax rate was lowered to \$0.4043 by council even though the ceiling was set at the rate of \$0.4256. He reminded council a 5% tax reduction was provided last year but this year there is the unknown of sales tax reductions.

Councilman Collinsworth stated everyone was committed to improving city finances and agreed to the tax break last year. He further stated he would like to give a tax break this year, if not at a lower rate at least at the same rate as last year.

Discussion followed.

City Manager Royer said it would be very tough to maintain the given budget if the tax rate was lower than \$0.4043.

Mayor Davidson encouraged council to review the amount taken from reserves in the proposed budget.

Discussion followed.

Motion to amend Bill No. 2014-631 to change the tax levy to \$0.4043 made by Councilman Workman and seconded by Councilman Collinsworth

Councilman Hart requested clarification of what the vote was for.

Roll call vote:

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

Motion carried.

Motion to pass Bill No. 2014-631 on first reading as amended by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Bill No. 2014-631...Providing for the rate of taxation and the levy and collection of taxes for real property assessment for the fiscal year commencing October 1, 2014...2nd and 3rd Reading.

Bill No. 2014-631 for Ordinance No. 34-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-631 as amended on second and third readings as amended by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Discussion Only – Cooperative Agreement with MoDOT

Mayor Davidson opened the floor for discussion regarding the Cooperative Agreement provided by MoDOT. He stated that Mr. Dan Salisbury, Assistant District Engineer for MoDOT was available for questions.

City Attorney Hays stated when he received the agreement in July from MoDOT, he addressed concerns via email to Mr. Dan Salisbury. He explained the City currently has an agreement with the TDD wherein they mutually agreed upon the completion of the road, the TDD would pay to the City an amount equal to \$6,250.00 per mile annually for maintenance. Mr. Hays stated in emailed correspondence with Mr. Salisbury, he mentioned concerns regarding wording in the agreement wherein the City is being requested to assume all maintenance at its own cost and expense. Mr. Hays suggested rewording the agreement so that the City is only solely liable for the maintenance subsequent to the winding down of the Transportation Development District and full responsibility being accepted by the City as provided for in the Transportation Development District/City Cooperative Agreement. Mr. Hays also voiced concerns regarding the design changes of the project and proper jurisdiction should be that of the Circuit Court of Newton County, Missouri. City Attorney Hays suggested a three party agreement for clarity of the language between all parties.

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Councilman Collinsworth stated he would like to hear from Mr. Salisbury.

Mr. Salisbury gave an overview of the City approaching MoDOT regarding these projects and reminded Council that MoDOT and the City have attempted to work through the adversities of the law suit between the City and the TDD. He stated MoDOT has earned \$2.4 Million for the development of this project. Mr. Salisbury explained to Council since Amendment 7 failed MoDOT will no longer fund cost share projects. He informed Council that he is of the understanding the TDD has financing in place, a finished design and ready to move forward.

Councilman Hart asked Mr. Salisbury if this agreement is not approved if it would kill the project.

Mr. Salisbury answered at some point MoDOT will need to cut their losses but there should be trust between the City and MoDOT and encouraged Council to move forward and come together as a community to benefit the community with economic development.

Mayor Davidson reminded Mr. Salisbury along with Council the City has not been the parties that have held up progress on this project.

Discussion followed.

After Mayor Davidson inquired as to a third-party agreement, Mr. Salisbury stated one had been proposed before but the City was uncomfortable with it.

Mayor Davidson declared the agreement between the City and the TDD states the City will make a one lump sum payment in the amount of \$100,000.00 once the Waldo Hatler/Hale McGinty intersection is completed.

City Attorney Hays stated the agreement was not rejected by the City however made recommendations.

Discussion followed.

City Attorney Hays recommended again for MoDOT to reword the agreement so the City is only solely liable for the maintenance subsequent to the winding down of the TDD and full responsibility being accepted by the City as provided for in the TDD/City Cooperative Agreement.

Discussion followed.

Mayor Davidson stated absent objection have City Attorney Hays and MoDOT Attorney's to work on a third party agreement.

Mr. Salisbury stated he would discuss this with the MoDOT Attorney's to either prepare a third party agreement or remove the wording of the City being solely responsible for road maintenance and is happy to be moving forward

Councilman Collinsworth thanked the TDD Board members present for attending the meeting.

Mayor Davidson stated absent objection to the contrary, Council will wait to hear from the City Attorney.

Consider approval of the Pools Prairie Superfund Site Agreement.

Dana Daniel, Development Services explained this was an access agreement for installation and maintenance of monitoring wells for the Pools Prairie Superfund Site.

Motion to approve the agreement between the City of Neosho and The Boeing Company as presented and authorize Mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Discussion followed.

Roll call vote:

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

Motion carried.

Consider approval of agreement with Newton County.

(Councilman Collinsworth stepped out 8:00 p.m.)

City Manager Royer stated this is an annual agreement with Newton County authorizing them to collect property taxes on behalf of the City.

Motion to approve agreement between the City of Neosho and Newton County with the amended tax rate of \$0.4043 and authorize Mayor to execute by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consider approval of donation to Newton County Historical Society.

Mr. Daniel informed Council during the Hatchery Trail Project construction of new sidewalks, with the exception of the sidewalk that borders the property at the corner of McKinney and Hamilton, the current brick sidewalk will be replaced with concrete. He recommended the Council approve the non utilized bricks be donated to the Newton County Historical Society.

Councilman Workman confirmed with Mr. Daniel that no additional homeowners requested to keep the brick.

(Councilman Collinsworth returned 8:02 p.m.)

Motion to approve donation of removed and unused brick for the Hatchery Trail Project to be given to the Newton County Historical Society by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Consider approval of the Joplin Police Department Mutual Aid Agreement.

Police Chief McCracken stated this is to renew the Mutual Aid Agreement between the City of Neosho and the City of Joplin and to revise the Joplin Police Chief's name.

Motion to approve the Mutual Aid Agreement between the City of Joplin and the City of Neosho as presented and authorize Chief McCracken to execute 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 of the Neosho R-5 School District Resource Officer.

Police Chief McCracken stated this was similar to agreements in years past wherein for the 2014-2015 school year, the Resource Office will be on duty for the Neosho R-5 School and three months for the City.

Mayor Davidson turned the floor over to Mr. Day, School Board Member who stated he was thankful for the opportunity and relationship between the School and the City. Mr. Day further stated appreciation for Mr. Royer and Chief McCracken in this process.

Motion to approve the agreement between the City of Neosho and Neosho R-5 School District 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.

Consider approval of the Sprint agreement for the PD Mobile Data Network.

Chief McCracken explained this is to renew the City's agreement for mobile patrol car network services which has now been upgraded to 4G speed while reducing the agreement amount \$26.00 per year.

Motion to approve the agreement between the City of Neosho and Sprint and authorize the 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.

REPORT OF CITY OFFICERS

City Manager Troy Royer – Fireworks

Mr. Royer stated he receives calls when fireworks are being fired after the 4th of July. He explained he contacted area cities wherein most of them end the ability to shoot fireworks after July 5th and the City of Neosho's timeframe to shoot fireworks is from June 20th to July 10th.

Discussion continued with Councilmen agreeing they also receive calls or messages.

Finance Director – Monthly Financials

Mrs. Pevahouse reviewed the monthly financials pointing out the sales tax year-to-date is up 2%.

Councilman Charles Collinsworth – Relationships

Councilman Collinsworth stated he would like to address the Council from behind the podium.

Mr. Collinsworth stated appreciation to all current Councilmen and commended the last two years as they have assisted in bringing the City out of the financial crisis and have enjoyed serving with them. He noted the Council was united regarding the TDD subject matter until a couple changed their minds and that is ok.

Mr. Collinsworth stated the lawsuits are embarrassing and the people are expecting more from their elected officials. He explained he did not believe the conspiracy theory that Mayor Davidson and City Attorney Hays were withholding information from the Council. He declared the third party behind the lawsuits must not have the City's best interest at heart and would like them to stop.

Mr. Collinsworth referred to a text message taking place between Councilman David Ruth and City Attorney Hays during election night wherein Mr. Ruth alluded that this has just begun. Mr. Collinsworth challenged Councilman Ruth to an answer of when all of this will end. He stated the text message was of a personal nature.

Mr. Collinsworth concluded with saying the Council need to trust each other and stop the spending of taxpayer dollars for lawsuits and attorney fees.

Councilman David Ruth stated he did not realize the text message would be public knowledge as it should be privileged Client-Attorney communication. He explained he found out that day an Ethic charge was filed against him.

Councilman Ruth continued by stating he had requested information from the City Attorney and Attorneys in St. Louis that has not yet been provided. He stated he wants the information requested and would also like the lawsuits to stop.

Mayor Davidson stated the allegations regarding receiving a letter of the likely hood of the TDD lawsuit success and confirmed he has not seen one. He further stated he called Mr. Vogel who confirmed such letter does not exist.

City Manager Royer reflected he came to Neosho to make a difference and it saddens him the circus the employees have to work in due to the lawsuits filed because of personal vendettas. Mr. Royer reminded council this is effecting the employee's livelihoods. He further stated he was never told to not pay attorney bills as alleged.

Discussion followed.

Councilman Hart stated he is sickened by the way the City has been run the past two years.

APPOINTMENTS & VACANCIES

Board of Adjustments (Zoning): Three vacancies currently exist for a five-year term; one beginning November 1, 2011, one beginning November 1, 2013, and one term that expires October 31, 2014. *(There is no quorum for this Board to conduct meetings)*

City County Library Board: One vacancy currently exists for a three-year term that began July 1, 2014. *One letter of interest has been received from Ms. Melanie Cox.*

Motion to appoint Ms. Melanie Cox to the Library Board for a term of three years which began July 1, 2014, 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.

Economic Development Sales Tax Committee: There are currently two Neosho Resident unfilled positions for a three-year term; one beginning October 1, 2013 and one expiring September 30, 2014.

Enhanced Enterprise Zone Board: There is currently one vacancy for a five-year term that began October 1, 2013.

Ethics Board: There is currently one vacancy for an unexpired two-year term beginning September 1, 2013, and expiring August 31, 2015.

Parks Recreation and Golf Course Board: There are four terms due to expire August 30, 2014. Three positions are for a two-year term; two for a Neosho Resident and one for a Newton County Resident. There is one for a one-year term which needs to be a Neosho Resident. *One letter of interest has been received from Mr. Doug Skaggs for re-appointment of a one-year term.*

Motion to re-appoint Mr. Doug Skaggs to the Parks Recreation and Golf Course board for a term of one year by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Planning & Zoning Commission: There are three three-year terms due to expire August 30, 2014. *One letter of interest has been received by Ms. Julie Kruse for re-appointment.*

Motion to re-appoint Ms. Julie Kruse to the Planning and Zoning Commission for a term of three years 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.

CLOSED MEETING:

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

Mayor Davidson closed the meeting at 9:50 p.m.

The meeting reconvened in open session at 10:03 p.m. and Mayor Davidson announced the council conferred with the city attorney and 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 August 19, 2014, Regular Session City Council meeting.

Motion to adjourn by Councilman Collinsworth and seconded by Mayor Davidson. Unanimous vote to adjourn.

Mayor Davidson adjourned the closed meeting at 10:04 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk