

MINUTES
NEOSHO CITY COUNCIL
October 7, 2014 - 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 Collinsworth	Richard Davidson
Steve Hart (Arrived at 7:05 p.m.)	David Ruth
Tom Workman	

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
Ryan Long, Public Works Director	Duane Lynch, Utilities Director
Pam Baker, Human Resources Director	Dana Daniel, Director of Economic Development
Amy Moritz, Parks Director	Maron Towse, Golf Course Manager
Wes Franklin, Public Relations/Events Coordinator	

APPROVAL OF AGENDA

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

CONSENT AGENDA:

Motion to approve the consent agenda items as listed by Councilman Collinsworth and seconded by Councilman Ruth.

Roll call vote:

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

Motion carried.

MINUTES:

The minutes of September 16, 2014, Regular Session and Closed Sessions was approved as presented.

PROCLAMATION:

Mayor Davidson stated that the following proclamation was for the employee of the quarter and turned the floor over to City Manager Royer.

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Employee of the Quarter – David Kennedy

City Manager Royer read the following statement in its entirety:

The Employee of the Quarter for the 3rd QTR 2014 is David Kennedy.

Integrity- David is a great asset to the City. I have seen him stay calm in very difficult situations. He has shown honesty and strong moral character in conducting the business of the police department and the City.

Team Attitude- David supports his team and has worked hard to keep the department together after the layoffs. He has worked with the Chief to build a great management team, build relationships, and establish standards. His strict management style requires everyone to walk the right path, but he does this to help his team succeed and be the best officers they can be.

Customer Service- Not having the opportunity to see Mr. Kennedy in action with his “customers”, I solicited the opinion of others. What I learned is that David is someone who can talk to and work with anyone and communicate on their level. He is very good at getting people to understand and has developed a great deal of patience over the last few years when doing his job.

Giving 150%- David goes above and beyond in everything he does. His work makes my job easier. He keeps great records and works towards having an understanding of everything that affects the police department and the City. He has been well trained and does what is right for his employees, the police department, and the entire City. I have no doubt that David will someday make a great Chief of Police, and we are lucky to have him with us.

Mayor Davidson presented the proclamation to Lieutenant Kennedy.

Councilman Hart arrived at 7:05 p.m.

VISITORS BUSINESS

Mr. Eldon Morgan – Insurance

Mr. Morgan requested the amount of malpractice coverage City Attorney Hays has due to pending lawsuits.

UNFINISHED BUSINESS

Bill No. 2014-632... 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. (Public Works)

Bill No. 2014-632 for Ordinance No. 35-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-632 on second and third readings by Councilman Ruth 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. 2014-634... 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. (Recycling/Senior Center)

Bill No. 2014-634 for Ordinance No. 37-2014 was read by title only by Mr. Hays.

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Motion to pass Bill No. 2014-634 on second and third readings by Councilman Ruth 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.

BID

Fire Department – Fire Station 1 Roof

The following bid recommendations were presented for consideration.

Fire Chief Mike Eads informed the council there were nine bids mailed and one returned to replace Fire Station #1's roof and recommended the council accept the bid from Dooley Construction in the amount \$49,500. Mr. Eads explained lack of bidding could be contributed to the Fire Station having a flat roof.

Motion to approve bid from Dooley Construction in the amount of \$49,500 as presented by Councilman Workman and seconded by Councilman Collinsworth

Councilman Ruth suggested in the future when bidding for roof replacement to consider a vinyl roof. After Chief Eads stated concerns regarding the ability to walk on a vinyl roof, Councilman Ruth stated Sonic has one and they walk on it with no problems.

After Councilman Collinsworth questioned the \$71,000.00 budgeted for the roof replacement, City Manager Royer explained the estimated amount of \$71,000.00 was provided from a contractor who has performed repairs on the roof. Mr. Royer informed council due to the budgeted amount and low bid for Fire Station #1, staff will be bidding for roof replacement at Fire Station #2.

Discussion followed.

Roll call vote:

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

Motion carried.

CORRESPONDENCE

There was none.

NEW BUSINESS

Bill No. 2014-635... Providing that the Revenues and Expenditures Budget be amended for the Fiscal Year Beginning October 1, 2013, and Ending September 30, 2014...1st Reading. (Police Department)

Bill No. 2014-635 was read by title only by Mr. Hays.

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Motion to pass Bill No. 2014-635 on first reading by Councilman Workman and seconded by Councilman Ruth

Lieutenant Kennedy gave an overview of the budget adjustment.

Roll call vote:

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

Motion carried.

Bill No. 2014-636...Providing that Chapter 215 of the Code of Ordinances, City of Neosho, Missouri, be amended by revising Section 215.195 of said Code, providing for fireworks regulations in the City of Neosho and setting an effective date thereof...1st Reading.

Bill No. 2014-636 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-636 on first reading by Councilman Collinsworth and seconded by Councilman Workman

City Manager Royer reviewed the recommended changes in the fireworks ordinance which included the dates of sales from June 20th through July 10th to June 30th through July 5th; discharge of fireworks from June 20th through July 10th to June 30th through July 5th; and added “unless stored in a personal residence for personal use during the specified dates”.

Extensive discussion between the City Council, and City Manager followed regarding the time periods of discharge and sales of fireworks along with the possibility of July 4th falling on a weekday.

Police Chief McCracken stated the current code follows the State Statutes regarding the sale of fireworks.

City Manager Royer was given direction on the needed changes to his recommendation along with Councilman Collinsworth’s request to include the annual events brought before council for permission to shoot fireworks.

Roll call vote:

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

Motion failed.

Bill No. 2014-637...Vacating and abandoning the alley between Oak Street and Hickory...1st Reading.

Bill No. 2014-637 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-637 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Mr. Dana Daniel stated after City Staff confirmed there were no utilities and the City does not use or maintain the alley, the Planning & Zoning Board recommended the alley be vacated and abandoned.

Roll call vote:

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

Motion carried.

Bill No. 2014-638...De-annexing the below described property located within the West ½ of the E ½ of the SW ¼ of the NW ¼ of Section 20, Township 25, Range 31, except one acre square in the Northeast corner thereof; Newton County, Missouri all of which is contiguous with the City of Neosho as petitioned by Robert & Laverne Norman...1st Reading.

Bill No. 2014-638 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-638 on first reading by Councilman Ruth and seconded by Councilman Collinsworth

Mr. Dana Daniel stated according to the GIS mapping system this property is located outside of city limits. He explained there are no city utilities to this property and the road is maintained by the county.

Roll call vote:

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

Motion carried.

Bill No. 2014-639...Accepting and approving the Cullum Acres Subdivision...1st Reading.

Bill No. 2014-639 was read by title only by Mr. Hays.

Mr. Daniel stated this is to be divided into four properties and after review of the Planning and Zoning Commission and recommend the plat be approved.

Motion to pass Bill No. 2014-639 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.

Resolution Bill No. 2014-05...Resolving that the City of Neosho adopts Section 125 Premium Only Plan of the Internal Revenue Code.

Resolution Bill No. 2014-05 for Resolution 147-2014 was read by title only by Mr. Hays.

Motion to adopt Resolution Bill No. 2014-05 by Councilman Ruth and seconded by Mayor Davidson

Mrs. Pam Baker reviewed the annual Resolution for renewal.

Roll call vote:

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

Motion carried.

Consider approval of payment for the Advanced Public Safety Co invoice.

Lieutenant David Kennedy stated this is to renew the annual agreement for electronic ticketing software in the cars.

Motion to approve payment to Advanced Public Safety Company in the amount of \$6,322.05 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.

Consider approval of the Special Use Permit submitted by Cindy Lodrup.

Mr. Daniel stated the property is zoned R-1 and the owner would like to operate a small beauty salon in her home. He noted during the Planning and Zoning review, the property owner was told the signage must be in compliance with current codes and the parking on street, or side-streets, must be avoided.

Discussion followed.

Motion to approve the Special Use Permit as submitted by Cindy Lodrup at 1412 Oakridge Drive by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consider approval to expend Hotel/Motel Tax Fund to support the 2014 Annual Neosho Holiday Classic High School Basketball Tournament.

City Manager Royer reviewed the request and economic impact report along with pointing out the two letters of appreciation received by Branco staff.

Mayor Davidson confirmed it was budgeted.

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Motion to support the 2014 Annual Neosho Holiday Classic High School Basketball Tournament and authorize expenditure in the amount of \$10,000.00 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 approving letter of support for Dr. Gulshan Uppal to Freeman Health System.
Consider approving letter of support for Dr. Irfan Saddique to Freeman Health System.**

Mayor Davidson stated the letters of support to Freeman Health Systems may be grouped together.

City Attorney Hays stated the City Council have approved similar letters in past to show government support. He explained that although the Council has no knowledge of these doctors, they trust Freeman to do the proper background checks.

Motion to approve the letters of support to Freeman Health System for the two doctors as listed by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consider approval to allow Empire Electric to install 12 new LED street lights for a joint pilot project study.

City Manager Royer stated he received a letter from Empire Electric asking permission to replace 12 street lights for two to three years to determine if the LED light bulbs are more energy efficient. He explained during this trial period the City's fees will not change.

City Attorney Hays stated concerns regarding after the test period if Empire will charge the City money to install the old lights.

Mayor Davidson confirmed Empire is not providing an amended agreement for this trial period.

Motion to approve the trial project of Empire Electric Co to install the 12 new LED street lights on Hickory Street as presented by Councilman Ruth 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.

Consider Transportation Development District Board's (TDD) request for funds.

Mr. Royer informed council during the last Transportation District Development meeting, he was asked for the \$100,000 payment as mentioned in the cooperative agreement with the City of Neosho wherein Mr. Royer reminded the TDD Board the \$100,000 payment was agreed to be paid upon the completion of the Waldo-Hatler/Hale McGinty intersection. He stated he was told the Board was unable to lump the expense for the aforementioned project into their bid and would need the money from the City up front.

Mayor Davidson stated since the meeting Mr. Royer referenced, Mr. Steve Roark confirmed the Board was able to borrow the funds needed.

Discussion followed.

No vote taken.

REPORT OF CITY OFFICERS

City Manager Troy Royer – Tree Removal

Mr. Royer stated after discussions with Empire Electric, the trees and stumps at the golf course will be removed.

Councilman Ruth stated appreciation the Empire Electric and contractor would remove the stumps.

City Manager Troy Royer – MoDOT

Mr. Royer stated there was a meeting held to discuss the TDD projects needs. He informed council the following Thursday there will be a meeting to discuss the Hale McGinty/Waldo Hatler intersection regarding widening and MS4 requirements.

City Manager Troy Royer – 2014 Street Projects

Mr. Royer reported after working with the school district, the Streets Department laid 30,750 feet to complete the 2014 slurry seal street project and they look great.

City Manager Troy Royer – Springbrook

Mr. Royer stated City Staff is still working with Springbrook implementation and will bring a report regarding online bill pay to the following Council meeting.

APPOINTMENTS & VACANCIES

Airport Industrial Development Board: One three-year term expiring September 30, 2014, for Mr. Kyle Franklin (Affiliated with industrial commercial aviation business) and one existing three-year term due to expire September 30, 2016, (Officer of a financial institution). *One letter of interest for appointment has been received by Mr. William Cook, First Community Bank President.*

Mayor Richard Davidson abstained due to his relationship with First Community Bank and turned the floor over to Mayor Pro Tempore Collinsworth.

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Motion to appoint Mr. William Cook to the Airport Industrial Development Board by Councilman Hart 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.

Parks Recreation and Golf Course Board: Three three-year terms expiring August 30, 2014, for two Neosho Residents and one Newton County Resident. *One letter of interest has been received by Mr. Tim Toepfer, Neosho Resident.*

Motion to appoint Mr. Tim Toepfer to the Parks Recreation and golf Course Board for a term of three years 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.

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 by Mayor Davidson 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.

Mayor Davidson closed the meeting at 8:00 p.m.

The meeting reconvened in open session at 8:36 p.m. and Mayor Davidson announced the council conferred with the city attorney and one 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 October 7, 2014, Regular Session City Council meeting.

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Motion to adjourn by Councilman Hart and seconded by Councilman Collinworth. Unanimous vote to adjourn.

Mayor Davidson adjourned the closed meeting at 8:36 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk