

MINUTES
NEOSHO CITY COUNCIL
November 4, 2014 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Eugene Tindall 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
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 Collinsworth. 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 October 21, 2014, Regular Session and October 14, 2014, Special Session was approved as presented.

VISITORS BUSINESS

There was none.

UNFINISHED BUSINESS

Bill No. 2014-640...Providing that the revenues and expenditures budget be amended for fiscal year beginning October 1, 2014, and ending September 30, 2015...2nd and 3rd Reading. (General Administrative Budget – Health Insurance and Police Department Budget)

Bill No. 2014-640 for Ordinance No. 42-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-640 on second and third readings 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.

Bill No. 2014-641...Providing that the revenues and expenditures budget be amended for fiscal year beginning October 1, 2013, and ending September 30, 2014...2nd and 3rd Reading. (Fiscal Year End)

Bill No. 2014-641 for Ordinance No. 43-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-641 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. 2014-642...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...2nd and 3rd Reading.

Bill No. 2014-642 for Ordinance No. 44-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-642 on second and third readings by Councilman Ruth and seconded by Councilman Workman

Mayor Davidson reviewed visitor business discussions during prior council meeting regarding discharge of fireworks prior to June 30th.

Councilman Workman stated concerns regarding shortening the days of sales.

Councilman Hart reviewed the chart provided by City Manager Royer regarding sales and discharge of fireworks of surrounding cities.

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City	Allowable Discharge	Times	Bottle Rockets	Vendor Sales
Joplin	July 1st - July 4th, July 5th only if the 4th is a Sunday	Noon - 11:00 pm	No	June 30th - July 4th
Carthage	December 31st from 5:00 p.m. to January 1st at 1:00 a.m.		Not Mentioned	Persons may sell fireworks in the city limits during the time as authorized by state statute. So long as they comply with all federal, state and local law concerning the sale of fireworks.
	June 30th - July 3rd	9:00 am - 11:00 pm		
	July 4th - July 5th	9:00 am - 1:00 am		
	July 5th	9:00 am - 11:00 pm		
Miami	NONE	NONE	No	NONE
Monett	By permit of Police Fire Chief	-	-	-
Pittsburg, Ks	Any time 8:00 am - 10:00 pm		Not Mentioned	Same regulations as Carthage
	July 4th - July 5th	8:00 am - 12:00 am		
Webb City	July 1st - July 4th 9:00 am - 11:00 pm		No aerial fireworks (bottle rockets/ roman candles ect.	July 1st - July 4th
	December 31st from 11:30 p.m. to January 1st at 1:00 a.m.			
Neosho	June 20th - July 10th	7:00 am - 10:00 pm	No	June 20th - July 10th

Discussion followed.

Mayor Davidson stated he received calls from citizens regarding the discharge of fireworks after July 4th. He further stated the sale and discharge should be the same.

Councilman Workman made the inquiry as to how many towns listed are sales tax based and should allow the sales and discharge from the 20th through the 5th.

Councilman Collinsworth stated there are several citizens that are not familiar with city code and may cause some confusion.

Mayor Davidson informed Councilman Workman if he could make the motion to amend paragraph B to be June 20th.

Motion to amend paragraph B under Section 215.195 to begin discharging fireworks on June 20th through July 5th on second and third readings as amended by Councilman Workman and seconded by Mayor Davidson

Discussion followed.

Councilman Hart stated inquired as to the difference from the original code if the wording is changed to the 20.

Councilman Workman responded the original code was from the 20th through the 10th.

Mayor Davidson further explained the review of the time frame was due to citizen's complaints of fireworks being discharged in town through the 10th.

Councilman Ruth asked how the shorter time frame of discharge was determined.

City Manager Royer stated it was in comparison to surrounding cities.

Councilman Hart stated other cities have short sales. He further stated the shorter the better as the sales are so minimal until a week before the 4th.

Discussion followed; Mayor Davidson called for a vote of the amended motion.

Roll call vote:

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

Motion carried.

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Mayor Davidson then called for a vote of the original motion to approve Bill as amended.

Roll call vote:

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

Motion carried.

BID

The following bid recommendations were presented for consideration.

Public Works – FY2015 Bulk Fuel

City Manager Troy Royer stated Ryan Long, Public Works Director is working on a main break and informed the council there were three bids solicited with two bidders responding and recommended the council accept the bid from MFA Oil per 3% local preference as stated in the purchasing policy. He further stated the City uses approximately 35,000 gallons of unleaded fuel and 21,000 gallons of diesel per year.

The following bids were received by:

MFA Oil Company, Neosho, Mo	Unleaded - \$2.774 above rack price Diesel - \$3.063 above rack price Including winter and summer additives
Ozark Mountain Energy, Mt. Vernon, Mo	Unleaded - \$2.6933 above rack price Diesel - \$3.0091 above rack price Including winter and summer additives

Mayor Davidson stated the City has used MFA for several years now and prefers to use someone local.

Mayor Davidson asked for further comment from Council, hearing none he stated he would entertain a Motion to accept bid from MFA Oil for the Fiscal Year 2015 Bulk Fuel bid

Motion made by Councilman Ruth to accept the low bid from Ozark Mountain Energy in the amount of \$2.6933 and \$3.0091 seconded by Councilman Hart

Councilman Collinworth requested a cost analysis.

Mr. Royer stated the difference was estimated to be \$2,800.00 per year based on the 35,000 gallons.

Discussion followed.

Councilman Workman stated MFA Oil being located in Neosho they do extra for the City throughout the year.

Councilman Ruth stated he was not surprised the City received only two bids this year and predicted receiving one next year.

Mayor Davidson called for a vote on Councilman Ruth's motion to accept the bid from Ozark Mountain.

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Roll call vote:

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

Motion failed.

City Attorney Hays pointed out the wording in the Ozark Mountain bid states all taxes and fees are included but asked City Manager if that included freight.

City Manager stated after speaking with Mr. Ryan Long, the prices did include freight.

Councilman Ruth stated concerns regarding the generic rack rate wording and inquired as to which State they would use for the base amount as they are all different.

Discussion followed.

Motion to accept bid from MFA Oil for the Fiscal Year 2015 Bulk Fuel bid by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

The following bid recommendations were presented for consideration.

Fire Department – Fire Station 2 Roof

Mike Eads, Fire Chief, informed the council there were nine bids solicited with one bid returned from Dooley Roofing in the amount of \$39,500.00.

Mayor Davidson verified the agreement was signed by Mr. Dooley.

Motion to accept the bid from Dooley Roofing as presented, approve the agreement and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Ruth

Councilman Hart questioned the over budgeted difference of \$18,000.00.

City Manager Royer reminded Councilman Hart there was not a decrease in sales tax revenue so the money is in the general fund.

Councilman Collinsworth clarified the \$71,000.00 was budgeted for one new roof and now the City is obtaining two new roofs in the amount of \$89,000.00.

Chief Eads stated that due to Councilman Ruth's inquiry, he investigated the expense of the different type roof but it was not feasible at this time.

Roll call vote:

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

Motion carried.

The following bid recommendations were presented for consideration.

Fire Department – Ladder 1 Repair

Chief Eads informed the council there were two lift cylinders, two outriggers on the left and one outrigger on the right in need of repair on Ladder 1. Fire Chief Eads stated there were two bids received and recommended the council accept the bid from Mid America Fire Apparatus in the amount of \$6,875.00. He further stated the Fire Department has used both companies but have better service from Mid America.

The following bids were received by:

Mid America Fire Apparatus	(1to 2 weeks)		
Repair (2) lift cylinders	\$2,825.00		
Outrigger cylinder repair (2) L	\$2,840.00		
Outrigger cylinder repair (1) R	\$1,210.00		TOTAL \$6,875.00
Fire Master	(No time frame give)		
Repair (2) lift cylinders	\$2,600.00		
Outrigger cylinder repair (2) L			
Outrigger cylinder repair (1) R	\$3,000.00		TOTAL \$5,600.00

Discussion followed.

Motion to accept bid from Mid America Fire Apparatus as presented by Councilman Ruth 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.

CORRESPONDENCE

There was none.

NEW BUSINESS

Bill No. 2014-643...Vacating and abandoning the alley between Randolph Street and BNSF Railroad...1st Reading.

Bill No. 2014-643 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-643 on first reading by Councilman Ruth and seconded by Councilman Workman

Mr. Dana Daniel stated there is a belief this alley was abandoned years ago but cannot find the paper trail so it was presented to Planning and Zoning with no opposition.

Discussion followed.

Roll call vote:

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

Motion carried.

Bill No. 2014-644...Vacating and abandoning the alley between 700 block of Washington Avenue and Grant Avenue...1st Reading.

Bill No. 2014-644 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-644 on first reading by Councilman Ruth and seconded by Councilman Workman

Mr. Dana Daniel informed council this alley is not used or maintained by the City and there was no opposition when presented to the Planning and Zoning commission.

Roll call vote:

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

Motion carried.

Bill No. 2014-645...Annexing the described property located within part of the NE ¼ of the NE ¼ of Section 21, Township 25, Range 32...1st Reading.

Bill No. 2014-645 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-645 on first reading by Councilman Collinsworth and seconded by Councilman Ruth

Mr. Dana Daniel informed Council this is the Love's Travel Plaza wherein after being presented to Planning and Zoning Commission there was no opposition and recommend approving the annexation request.

Roll call vote:

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

Motion carried.

Consider approval of CDBG funds request.

Mr. Dana Daniel explained this grant was administered by Harry S. Truman Coordinating Council for FEMA housing after the Joplin tornado and recommend Council approve the request for funds.

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Motion to approve the CDBG fund request as presented and authorize Mayor to execute by Councilman Ruth 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 Westrum Leak Detection Agreement.

City Manager Royer stated Westrum Leak was approved for services from 2013 and 2014 and requesting the agreement be approved in the same amount for the year 2015.

Motion to approve the Westrum Leak Detection Agreement for 2015 in the amount of \$6,400.00 and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Workman

Discussion followed.

Roll call vote:

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

Motion carried.

Consider approval for professional service expenditure.

City Manager Royer reminded Council of the approved budget in the amount of \$50,000.00 for professional services for legal fees. He stated there have been two additional lawsuits filed and is requesting permission to process and pay current and future legal fees over \$5,000.00, up to the budgeted amount, without bringing each invoice to Council.

Mayor Davidson stated after original approval there was one lawsuit naming the City Attorney forcing the City to obtain outside legal counsel.

Councilman Collinsworth requested a monthly report under Officer's Reports regarding expenditures.

Discussion followed.

Motion to approve raising the legal fee cap to \$50,000.00 as budgeted and authorize City Manager to process and pay invoices as necessary regarding legal suits 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 – South Street Mane Break

Mr. Royer stated there is a main break on South Street and informed Council South Street is shut down from High Street to the round-a-bout. He further stated citizens may need to flush their lines once this is fixed.

Councilman Collinsworth stated appreciation to City Staff's timely response.

APPOINTMENTS & VACANCIES

Airport Industrial Development Board: There is one three-year vacancy available which began October 1, 2014. *Two letters of interest have been received. One from Mr. Kyle Franklin for re-appointment and one from Mr. Steve Herrin.*

Motion to appoint Steve Herrin to the Airport Board by Councilman Hart and seconded by Councilman Ruth

Mayor Davidson noted Mr. Herrin's employer is also on the board.

Roll call vote:

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

Motion failed.

Motion to re-appoint Kyle Franklin to the Airport Board by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

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 November 4, 2014, Regular Session City Council meeting.

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

Mayor Davidson adjourned the closed meeting at 7:46 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk