

MINUTES
NEOSHO CITY COUNCIL
November 18, 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 7:02 p.m.

ROLL CALL

COUNCIL PRESENT:

Charles Collinsworth
David Ruth

Richard Davidson
Tom Workman

ABSENT

Steve Hart

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

Brad Fienen, Police Sergeant

Daphne Pevahouse, Finance Director

Duane Lynch, Utilities Director

Dana Daniel, Director of Economic Development

Pam Baker, Human Resources 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 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

David Ruth – Yes

Tom Workman - Yes

Motion carried.

MINUTES:

The minutes of November 4, 2014, Regular Session was approved as presented.

VISITORS BUSINESS

Mr. Eldon Morgan – Insurance

Mr. Morgan informed council he received the entire insurance policy from the City Clerk. He stated after reviewing the policy, he still has concerns regarding City coverage should the City Attorney cause damages due to his negligence. Mr. Morgan stated he also requested all policies

that would pay for damages suffered by the City as a result of Errors, Omissions or neglect caused by the City Attorney wherein none was provided except the policy from MOPERM. He then demanded an answer as to why the City Council would employ a City Attorney that has no coverage.

After receiving permission from the Mayor, Councilman Collinsworth provided a scenario to Mr. Morgan regarding insurance coverage. Mr. Collinsworth stated Mr. Hays is an agent of the City and this is where he operates and therefore would be covered by MOPERM.

Mr. Morgan states the MOPERM policy verifies in Paragraph Q on page 4, is an exclusion clause wherein the City Attorney would not be covered by MOPERM and did they City or the City Attorney have any other insurance that would cover this type of situation.

Mr. Doug Skaggs – Alley

Mr. Skaggs stated concerns regarding the possibility of property owners blocking alleys once the City vacates them.

After Mayor Davidson granted permission to Councilman Collinsworth to address Mr. Skaggs, Councilman Collinsworth explained the special circumstances in which these alleys were vacated.

City Manager Royer assured Mr. Skaggs City staff was not going around town looking for alleys to vacate.

UNFINISHED BUSINESS

Bill No. 2014-643...Vacating and abandoning the alley between Randolph Street and BNSF Railroad...2nd and 3rd Reading.

Bill No. 2014-643 for Ordinance No. 45-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-643 on second and third readings by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Bill No. 2014-644...Vacating and abandoning the alley between 700 block of Washington Avenue and Grant Avenue...2nd and 3rd Reading.

Bill No. 2014-644 for Ordinance No. 46-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-644 on second and third readings by Councilman Workman and seconded by Councilman Ruth

Roll call vote:

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

Bill No. 2014-645 for Ordinance No. 47-2014 was read by title only by Mr. Hays.

Motion to pass Bill No. 2014-645 on second and third readings by Councilman Ruth and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

BID

Fire Department – Overhead Door and Openers

Fire Chief Mike Eads explained the bid is for replacing three of the six doors and two door openers at Station 2. He stated he received three out of four bids and recommends the low bid from Tri-State Overhead Doors of Neosho in the amount of \$7,024.00.

The following bids were received:

Four State Doors, Inc.	\$11,023.58 (Does not include removal of old doors and prep work.
Garage Door Brokers	No Bid
Overhead Door Company	\$12,195.00 (Does not include additional remote opener)
Tri-State Overhead Door	\$7,024.00

Motion to approve bid from Tri-State Overhead Doors in the amount of \$7,024.00 by Councilman Ruth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

CORRESPONDENCE

Mayor Davidson announced the following communications:

Neosho R-5 School District – 15th Annual Senior Citizen Appreciation Banquet
Missouri Department of Conservation – The Missouri Arbor Award of Excellence Nominations

NEW BUSINESS

Bill No. 2014-646...Canvassing the returns of the General Election held Tuesday, November 4, 2014, submitting to the qualified voters of said City 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 ...1st Reading.

Bill No. 2014-646 was read by title only by Mr. Hays.

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Motion to pass Bill No. 2014-646 on first reading by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Consider approval of the annual Outdoor Warning Sirens maintenance agreement.

Fire Chief Eads reviewed the terms of the agreement and informed council this is a single source provider as Blue Valley Public Safety is the only company servicing Missouri.

Motion to approve agreement between the City of Neosho and Blue Valley Public Safety and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

Consider approval of the Newton County Central Dispatch agreement.

Police Chief McCracken reviewed the annual agreement.

Mayor Davidson stated the County does a good job of providing documentation of number of calls supporting the percentage of fees being charged to the City.

Motion to approve the annual dispatch agreement between the City of Neosho and Newton County and authorize the Mayor to execute by Councilman Collinsworth and seconded by Councilman Ruth

Roll call vote:

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

Motion carried.

REPORT OF CITY OFFICERS

City Manager Troy Royer – Historical Society/Newton County

Mr. Royer updated council regarding a revision to the terms made with the Historical Society and Newton County regarding the blighted property located on Spring Street. He informed them the City has agreed to tear down the rock building before conveying title.

City Manager Troy Royer – Hatchery/Benton Trail Project

Mr. Royer informed council the Hatchery/Benton Trail Project is moving forward as planned.

City Manager Troy Royer – Golf Course Damage

Mr. Royer stated the damage to Golf Course Number 13 green is estimated to be \$10,000.00 and will be starting repair as early as next month, weather permitting.

Mr. Royer informed council he provided the amount of damages to the City Attorney to be forwarded to the Prosecuting Attorney.

Councilman Collinsworth stated he has received several comments from citizens recommending the person who caused the damages should provide labor to help with repairs.

After an inquiry from Mayor Davidson, City Manager Royer explained the City's insurance is checking to see if this would be covered. However, Mr. Royer continued, MOPERM's initial evaluation is the City would need to pay a \$10,000.00 deductible.

Mayor Davidson stated although he applauds City staff's efforts to control costs, we need to make sure we repair the green back to the state it was in and not cut corners.

After an inquiry for Councilman Workman, City Attorney Hays stated the person's liability insurance will not cover damages as it was a deliberate act of vandalism.

City Manager Royer stated the trees are down and stumps are out.

City Manager Troy Royer – Attorney Fees

City Manager Royer reported an amount of \$10,496.25 in attorney fees paid regarding the two lawsuits as of the end of last week.

Finance Director Daphne Pevahouse – Financials

Mrs. Pevahouse reported as of November 2013 sales tax is up 11.55%; Almost 19% over FY14 receipts and over 18% of the FY15 budget amounts.

Mayor Davidson stated if you look at the first two months of this fiscal year, hoping it is a trend; the 1% sales tax is the highest two months on record of the City's history which is contributed to the continued growth of the City.

Councilman Charles Collinsworth – Leaf Pickup and Salt on Hand

Councilman Collinsworth made an inquiry as to the status of City-wide leaf pickup and if the City has enough salt for bad weather.

City Manager Royer stated staff has started one round of leaf pickup and will be conducting a second round. He confirmed the pickup schedules are listed on the website and provided to the news media. Mr. Royer stated he signed a P.O. today for salt.

Economic Development Services Director Dana Daniel – Collection Points

Mr. Daniel informed council Mr. John Harrington has been working with Missouri Stream Team for a couple of years and on his own has volunteered to help with fishing line recovery and recycling. He stated as a result the City will be installing four collection points. (McKinney Street, Spring Street by the helicopter, Coler Street by the low water bridge and North College Street.)

Councilman David Ruth – 86 Sewer

Councilman Ruth stated a few businesspeople have approached him regarding City plans to run sewer on the North side of 86. He further stated there were plans in the 90's and without sewer on that side, there would be no growth.

City Manager Royer stated he discussed this with Mr. Hightower and have since discussed two options with Duane Linch.

Discussion followed.

APPOINTMENTS & VACANCIES

Historic District Commission:

Two three year vacancies currently exist. One – Representative of a Downtown Neosho Property Owner; One – Chamber of Commerce Nominee

Motion to re-appoint J.R. Penn to the Historic District Commission 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.

Parks Recreation and Golf Course Board

Two two-year vacancies currently exist. One – Newton County Resident; One – Neosho Resident

Planning & Zoning Commission

One three year vacancy currently exists.

Senior Citizen Committee

Two three year vacancies currently exist. One – Newton County Resident; One – Newton County Senior Citizen, Inc. Representative

Motion to appoint Alice Canfield to the Senior Citizen Committee by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

Richard Davidson – 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 Mayor Davidson and seconded by Councilman Workman

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Roll call vote:

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

Motion carried.

Mayor Davidson closed the meeting at 7:44 p.m.

The meeting reconvened in open session at 8:18 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 November 18, 2014, Regular Session City Council meeting.

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

Mayor Davidson adjourned the closed meeting at 8:18 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk