

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**April 21, 2015 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Josh Branham gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Councilman Davidson called the meeting to order at 7:00 p.m.

**ROLL CALL**

COUNCIL PRESENT:

Charles Collinsworth; Richard Davidson; Timothy Lewis; Tom Workman

COUNCIL ABSENT:

Steve Hart; David Ruth

CITY OFFICERS PRESENT:

Steven Hays, City Attorney; Troy Royer, City Manager; Nora Houdyshell, City Clerk

CITY STAFF PRESENT:

David Kennedy, Police Chief	Mike Eads, Fire Chief
Daphne Pevahouse, Finance Director	Duane Lynch, Utilities Director
Ryan Long, Public Works Director	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	

**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

Tom Workman - Yes

Motion carried.

**MINUTES:**

The minutes of April 7, 2015 Regular Session and April 10, 2015 Special Session was approved as presented.

**UNFINISHED BUSINESS**

**Bill No. 2015-666...Accepting and approving Wesshire Subdivision Phase II, a subdivision of the City of Neosho, Newton County, Missouri...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2015-666 for Ordinance No. 19-2015 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-666 on second and third readings by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

**Bill No. 2015-668...Canvassing the returns of the Municipal Election held Tuesday, April 7, 2015, submitting to the qualified voters of said city, candidates for city councilman and declaring the results thereof ...1<sup>st</sup> Reading.**

Bill No. 2015-668 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-668 on first reading by Councilman Workman and seconded by Councilman Collinsworth.

Roll call vote:

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

Motion carried.

**Bill No. 2015-668...Canvassing the returns of the Municipal Election held Tuesday, April 7, 2015, submitting to the qualified voters of said city, candidates for city councilman and declaring the results thereof ...2<sup>nd</sup> & 3<sup>rd</sup> Readings...under emergency measure.**

Bill No. 2015-668 for Ordinance No. 21-2015 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-668 on second and third readings by Councilman Workman and seconded by Councilman Collinsworth.

Roll call vote:

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

Motion carried.

**ADJOURN...SINE...DIE**

Mayor Davidson adjourned...sine...die

**RECESS**

The council meeting was in recess between 7:05 and 7:10.

**ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEN**

**Oath of Office**

City Clerk Houdyshell administered the oath of office to Councilman-elect Timothy Lewis and to Councilman-elect Richard Davidson.

**RECONVENED SESSION - NEOSHO CITY COUNCIL**

City Clerk Houdyshell reconvened the meeting with the following council members in attendance: Charles Collinsworth, Richard Davidson, Timothy Lewis and Tom Workman.

**ELECTION OF MAYOR**

City Clerk Houdyshell called for nominations for Mayor.

Councilman Lewis nominated Councilman Collinsworth.

Councilman Workman nominated Councilman Davidson.

City Clerk requested a show of hands for nominated Charles Collinsworth as Mayor wherein Councilman Lewis raised his hand.

City Clerk requested a show of hands for nominated Richard Davidson as Mayor wherein Councilmen Charles Collinsworth, Richard Davidson, and Tom Workman showed a positive sign.

City Clerk ceased nominations and elect Councilman Davidson as Mayor by acclamation.

**ELECTION OF MAYOR PRO TEMPORE**

Mayor Davidson assumed the chair and called for nominations for Mayor Pro Tempore.

Councilman Workman nominated Councilman Collinsworth.

Mayor Davidson requested a show of hands for nominated Charles Collinsworth as Mayor Pro Tempore wherein Councilmen Charles Collinsworth, Richard Davidson, Timothy Lewis and Tom Workman showed a positive sign.

Mayor Davidson ceased nominations and elect Councilman Collinsworth as Mayor Pro Tempore by acclamation.

**VISITORS BUSINESS**

There was none.

**BID**

**Golf Course – Fertilizer**

Maron Towse, Golf Course Superintendant reviewed bids.

GreensPro \$16,803.80 (12-3-12 and 18-9-18 total \$2,067.80)

BWI (12-3-12 and 18-9-18 total \$2,067.80)

Agra Turf did not bid.

Motion to approve GreensPro bid in the amount of \$16,803.80 by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

Charles Collinsworth – Yes

Richard Davidson – Yes

Timothy Lewis – Yes

Tom Workman - Yes

Motion carried.

**Finance Department – Banking Services**

Mayor Davidson removed himself from the bench due to his affiliation with First Community Bank and turned the rule over to Mayor Pro Tempore Collinsworth.

Finance Director Pevahouse stated seven bids were solicited wherein three responded.

Motion to approve bid from First Community Bank as submitted by Councilman Lewis and seconded by Councilman Workman

Roll call vote:

Richard Davidson – Abstain  
Timothy Lewis – Yes  
Tom Workman – Yes  
Charles Collinsworth – Yes

Motion carried.

**NEW BUSINESS**

**Bill No. 2015-667...Vacating and abandoning the Right-of-Way identified as part of Sherry Lane in Oak Hill Estates Sub Division, NE ¼ NW ¼ of Section 25, Township 25, Range 32, City of Neosho, Newton County, Missouri...1<sup>st</sup> Reading.**

Bill No. 2015-667 was read by title only by Mr. Hays.

City Manager Royer explained the need to abandon the excess of the right-of-way.

Motion to pass Bill No. 2015-667 on first reading by Councilman Collinsworth and seconded by Councilman Workman.

Roll call vote:

Timothy Lewis – Yes  
Tom Workman - Yes  
Charles Collinsworth – Yes  
Richard Davidson – Yes

Motion carried.

**Bill No. 2015-669...Providing that the revenues and expenditures budget be amended for fiscal year beginning October 1, 2014 and ending September 30, 2015.**

Bill No. 2015-669 was read by title only by Mr. Hays.

Finance Director Pevahouse reviewed budget adjustment regarding the Crowder Water Tower Lease, new truck for Development Services, reorganizing personnel in the water wastewater department and payment for added work in the Street Fund Balance.

Mayor Davidson stated appreciation to staff for keeping the amendments current.

Motion to pass Bill No. 2015-669 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Roll call vote:

Tom Workman – Yes  
Charles Collinsworth – Yes  
Richard Davidson - Yes  
Timothy Lewis – Yes  
Motion carried.

**Consider request from Rembrandt Foods.**

City Manager Royer explained Pace Analytical is a third party company that performs sampling and testing for the purpose of determining certain waste discharges pursuant to City Code Section 705.460. He stated due to reports conducted by Pace, the city billed Rembrandt Foods accordingly wherein Rembrandt is disputing the amount due.

Discussion followed.

Without objection from the council, Mayor Davidson requested more information from city staff and Rembrandt Foods Representative, Tony Crisamore be presented at the next meeting.

**Consider approval of the Memorandum of Understanding with Newton County Health Department.**

Mr. Royer stated the Newton County Health Department would like to use the Lampo Community Center for an alternative location for services in the event of an emergency.

Motion to approve the Memorandum of Understanding between the City of Neosho and the Newton County Health Department and authorize Mayor to execute by Councilman Collinsworth and seconded by Councilman Lewis.

Roll call vote:

Charles Collinsworth – Yes  
Richard Davidson – Yes  
Timothy Lewis – Yes  
Tom Workman - Yes

Motion carried.

**Consider approval of the CDBG Close out Documents. 2006-PF-39 Grant.**

Mr. Daniel stated the Certificate of Completion is needed to close out this project.

Motion to approve the CDBG 2006-PF-39 close out documents as presented and authorize Mayor to execute by Councilman Workman and seconded by Councilman Collinsworth.

Roll call vote:

Richard Davidson – Yes  
Timothy Lewis – Yes  
Tom Workman – Yes  
Charles Collinsworth - Yes

Motion carried.

**Consider approval of the CDBG payment regarding 2008-DT-03.**

Mr. Daniel explained the 2008-DT-03 grant project was approved for Neosho's downtown revitalization efforts however, in 2009 the City communicated the desire to terminate this contract. He stated the funds received by the city for design need to be returned to the Department of Economic Development in the amount of \$12,705.00 due to the project not being completed.

Motion to approve refund in the amount of \$12,705.00 as presented by Councilman Collinsworth and seconded by Councilman Workman.

Roll call vote:

Timothy Lewis – Yes  
Tom Workman – Yes  
Charles Collinsworth - Yes  
Richard Davidson – Yes

Motion carried.

**Consider approval of the American Test Center agreement.**

Fire Chief Eads stated there were four bids solicited with three bids received for the test/inspection services for ground ladders and aerial devises.

	<u>Ground Ladders</u>	<u>5 yr NDT Aerial Test</u>	<u>Yearly Aerial Test</u>
American Test Center	\$40.00/Ladder	\$970.00	\$560.00
Consolidated Fleet Svc	\$ 1.75/foot	ALL Aerial tests \$750.00	
Fire One	\$50.00/Ladder	ALL Aerial tests \$1,440.00	

Motion to approve the agreement between the City of Neosho and American Test Center as presented and authorize Mayor to execute by Councilman Lewis and seconded by Councilman Collinsworth.

Roll call vote:

Tom Workman – Yes  
Charles Collinsworth – Yes  
Richard Davidson - Yes  
Timothy Lewis – Yes

Motion carried.

**REPORT OF CITY OFFICERS**

**Daphne Pevahouse, Finance Director - March Financials**

Mrs. Pevahouse reviewed financials emphasizing sales tax is up 12%.

**City Manager Troy Royer – Attorney Fees**

Mr. Royer stated the attorney fees pertaining to the lawsuit against the City, et al by Councilman Hart and Mr. Ruth is in the amount of \$26,116.40.

**City Manager Troy Royer – Intermodal**

Mr. Royer informed council there would be a meeting on May 1<sup>st</sup> at City Hall regarding the Nelson Extension Bridge. He stated NABIFI would like the City of apply for grants to cover the expense for this expansion with an estimated project cost in the amount of \$6.5 million. Mr. Royer stated historically grant matches are 20% which would be an estimated cost to the City in the amount of \$1.3 million. (Interrupted by Councilman Collinsworth)

**Councilman Charles Collinsworth – Legal Files**

Councilman Collinsworth confirmed access to the legal files have been made available through the City Clerk's office.

**Intermodal Discussion Continued**

Mayor Davidson stated the last information he received was they did not know if this project was going to happen. He stated the maintenance of the bridge would be a life-time commitment for the City.

**City Manager Royer – Oakridge and Burr Crossing**

Mr. Royer informed council of discussions with Calvary Church regarding necessary sewer upgrades as they will use their facility as an emergency shelter if needed.

**City Manager Royer – Ball Field Lighting**

Mr. Royer stated the issue of the ball field lighting should be resolved should the council receive further calls.

**Mr. Dana Daniel, Director of Economic Development Services – Senior Center Policy**

Mr. Daniel handed the new conduct policy for the Senior Center to the council for their review and information.

**POLICY TO TERMINATE OR DENY SERVICES**

The Newton County Senior Center makes every effort to serve everyone, but will deny services and/or ban admittance to the Senior Center Property if any of the following situations should occur:

- Disrespect shown to any participant, volunteer, or staff member, including but not limited to, cursing and/or physically abusive conduct.
- Anyone who continuously speaks in a negative manner regarding the Senior Center while in the center.
- Disregard for personal hygiene that makes a disruption in the Center's activities.
- Any condition which makes it unsafe for Home Delivered Meal Drivers/Volunteers at the residence of the participant.
- Use of any form of alcohol or illegal drugs.
- Willful destruction or damage to Senior Center property or similar actions that occur on Senior Center property.

*1<sup>st</sup> Incident:* Document the incident, speak to the individual, and provide a written warning regarding the violation that has been committed.

*2<sup>nd</sup> Incident:* Document the incident and inform the individual that they are suspended for 5 days from participating in activities or accessing Senior Center Property.

*3<sup>rd</sup> Incident:* Document the incident and inform the individual that they are no longer allowed to participate in activities or access Senior Center Property on a permanent basis.

\*\* Documentation should be completed by the Board or Senior Center Manager.

\*\* Informing the individual of the violation and the consequences should involve two people (from the board, member of management, or combination of the two).

\*\* When providing a written warning, suspension, or permanent restriction both witnesses need to sign the document.

**Mr. Dana Daniel, Director of Economic Development Services – Irrevocable Consent Form**

Mr. Daniel notified council of the change in Irrevocable Consent to Annexation form as outlined below:

6. Property owners agree that any new construction will be properly permitted by the City of Neosho or face possible forfeiture/denial of City water, sewer, and other services.

**APPOINTMENTS & VACANCIES**

Mayor Davidson pointed out the below vacancies and asked city council to review board positions being held by council and notify the City Clerk with any desired positions.

- Board of Adjustments (Zoning): Three vacancies currently exists for a five year term
- Economic Development Sales Tax Committee: Two vacancies currently exist.
- Enhanced Enterprise Board: One vacancy currently exists for a term of five years.
- Neosho Housing Authority (Oaks): Two vacancies currently exist for a term of four years.
- Parks Recreation and Golf Course Board: One vacancy currently exists for a term of two years.
- Planning & Zoning Commission: Two vacancies currently exist.
- Senior Citizen Committee: One vacancy currently exists for a term of three years.

Appoint council representatives to committees.  
Airport Industrial Development Board  
Board of Appeals (Dangerous Buildings & Structures)  
Economic Development Sales Tax Committee  
Enhanced Enterprise Zone Board  
Historic District Commission  
Senior Citizen Committee  
Traffic Commission  
TDD

Current Appointments:  
Richard Davidson  
Richard Davidson and Steve Hart  
Richard Davidson  
Tom Workman  
Charles Collinsworth  
Tom Workman  
David Ruth  
Richard Davidson

**CLOSED MEETING**

Motion was made by Mayor Davidson and seconded by Councilman Collinsworth 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.

Roll call vote:

Charles Collinsworth – Yes  
Richard Davidson – Yes  
Timothy Lewis – Yes  
Tom Workman - Yes

Motion carried.

Mayor Davidson closed the meeting at 8:07 p.m.

The meeting reconvened in open session at 9:17 p.m. and Mayor Davidson announced the council conferred with the city attorney and no 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 April 21, 2015, Regular Session City Council meeting.

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

Mayor Davidson adjourned the regular session meeting at 9:17 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk