

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

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Mr. Doug Houdyshell 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 (Left at 9:05 p.m.); Timothy Lewis;
Tom Workman

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
Ryan Long, Public Works Director	Daphne Pevahouse, Finance Director
Georgia Holtz, Human Resources Director	Ken Brady, Utilities Manager
Mike Sharp, Lieutenant	Dana Daniel, Director of Economic Development
Maron Towse, Golf Course Manager	Wes Franklin, Public Relations/Events Coordinator
Adam Wimpey, Public Works Fleet Supervisor	

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 Workman and seconded by Councilman Lewis.

Roll call vote:

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

Motion carried.

MINUTES:

The minutes of July 7, 2015, Regular Session was approved as presented.

VISITOR BUSINESS:

Mr. Jeff Werneke – Agenda Item Bill No. 2015-682

Mr. Werneke thanked council for their service. He voiced concerns regarding the language in Bill No. 2015-682 pertaining to economic development including, but not limited to, the following: (1) 50% of net proceeds to assist in infrastructure instead of 100%; (2) it is impossible

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to determine the estimated job growth at the beginning of the project; and (3) encouraged council to consider separate ordinances on procedures for the purchase and sale of all property and then on an economic development incentive program. Mr. Werneke further stated the council should seek the direction from the Economic Development Committee regarding the matters stated in this bill. Mr. Werneke stated he understood the incentive to provide up to 50% of what someone pays for city land to help develop the property, but claimed the intermodal is different. He argued the ability of council to use the full \$600,000.00 that would be realized from the sale of the land for the intermodal to use for grants for a bridge to lead to the facility would be restricted by the ordinance.

Ms. Patricia Loveland – Agenda Bill No. 2015-682

Ms. Loveland requested the council address the review process before the city council decided to present this bill for approval. She voiced concerns regarding the council's motives behind this bill as it relates to the gateway and reviewed communications between City Manager Royer, Mr. Mike Franks and City Council.

Mr. Bob Foster – Property Taxes

Mr. Foster reviewed the voter's history pertaining to property taxes. He stated the paper reports how well the City is doing so the property tax should be eliminated.

UNFINISHED BUSINESS

Bill No. 2015-674...Providing for the amendment of Code Section 240.040, Weeds, of the City Code of Ordinances...2nd and 3rd Reading.

Bill No. 2015-674 for Ordinance No. 27-2015 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-674 on second and third readings by Councilman Collinworth and seconded by Councilman Workman

Roll call vote:

Richard Davidson – Yes
Steve Hart – Yes
Timothy Lewis – Yes
Tom Workman – Yes
Charles Collinworth - Yes

Motion carried.

Bill No. 2015-678...Providing that the revenues and expenditure budget be amended for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015...2nd and 3rd Reading. (ACO Part Time)

Bill No. 2015-678 for Ordinance No. 31-2015 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-678 on second and third readings by Councilman Lewis and seconded by Councilman Workman

Roll call vote:

Steve Hart – Yes
Timothy Lewis – Yes
Tom Workman - Yes
Charles Collinworth – Yes
Richard Davidson – Yes

Motion carried.

Bill No. 2015-679...Authorizing the City of Neosho to execute an agreement between the City of Neosho and the Missouri Highways and Transportation Commission for the purpose of relocating the existing water utilities to accommodate the Transportation Development District...2nd and 3rd Reading.

Bill No. 2015-679 for Ordinance No. 32-2015 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-679 on second and third readings by Councilman Workman and seconded by Councilman Collinworth

Roll call vote:

Timothy Lewis – Yes
Tom Workman – Yes
Charles Collinworth - Yes
Richard Davidson – Yes
Steve Hart – Yes

Motion carried.

BID

Development Services – City Facility Plumbing Services

Mr. Dana Daniel reviewed there were six bids solicited with one return and recommended G-3 Plumbing for city facility plumbing services.

The following bids were received:

G3 Plumbing	REGULAR	AFTER HOURS	HOLIDAY
	\$55.00	\$65.00	\$75.00
	3 hour response	4 hour response	6 hour response

Solicited but not received: All Around Sewer & Plumbing, Neosho
Burkhart Plumbing, Neosho
Jackson's Sales & Service, Neosho
Otten Plumbing, Neosho
Gold Mechanical, Springfield, Mo

Motion to approve city facility plumbing bid as presented by Councilman Collinworth and seconded by Councilman Workman

Discussion followed.

Roll call vote:

Tom Workman – Yes
Charles Collinworth – Yes
Richard Davidson - Yes
Steve Hart – Yes
Timothy Lewis – Yes

Motion carried.

Public Works – Drainage Truck

Adam Wimpey, Fleet Supervisor reviewed the bids for a drainage truck, with a FY 2015 budgeted amount of \$26,500.00, to be used for tree trimming, transporting mower equipment, mosquito spraying and backup snow removal. He recommended council accept bid from Joe Machens Ford in the amount of \$26,431.00.

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The following bids were received:

Smith Auto Group, Pineville	\$29,923.00
Jay Hatfield Ford, Sarcoixie	\$31,503.00
Joe Machens Ford, Columbia	\$26,431.00

Solicited but not received: Carthage Ford

Motion to accept bid from Joe Machens Ford in the amount of \$26,431.00 by Councilman Lewis and seconded by Councilman Workman

Councilman Collinsworth stated appreciation to the ditch crews for their hard work.

Roll call vote:

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

Motion carried.

Finance Department – City Audit Services

Mrs. Daphne Pevahouse presented bids for the annual city auditing services and recommended the council accept the bid from KPM.

The following bids were received:

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
KPM CPAs & Advisors	\$25,000.00	\$25,500.00	\$26,000.00
Cochran Head Vick & Co	\$27,180.00	\$27,995.00	\$28,835.00
Dana F. Cole & Co. LLP	\$29,000.00	\$30,000.00	\$31,000.00

Motion to accept staff's recommendation of KPM CPAs & Advisors for annual auditing services for a three year term by Councilman Lewis and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

CORRESPONDENCE

Mr. Bob Foster - Request to eliminate property taxes

Mr. Foster's correspondence was revealed during visitor business.

NEW BUSINESS

Bill No. 2015-680...Providing for the Amendment Code Section 145.040, Composition – Officers, of the City Code of Ordinances...1st Reading.

Bill No. 2015-680 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-680 on first reading by Councilman Lewis and seconded by Councilman Workman

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Mr. Daniel reviewed the Airport Board recommendations to change of decreasing the requirement for members affiliated with industrial commercial aviation businesses from three to two and increasing the pilot at large from one to two.

Discussion followed.

Roll call vote:

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

Motion carried.

Bill No. 2015-681...Declaring certain personal property as surplus and setting forth the method for disposing of same...1st Reading.

Bill No. 2015-681 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-681 on first reading by Councilman Collinsworth and seconded by Councilman Workman

Police Chief Kennedy stated this is to surplus accumulated property that is no longer of use to the city.

Roll call vote:

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

Motion carried.

Bill No. 2015-682...Providing that Chapter 120 of the Code of Ordinances, City of Neosho, Missouri, be amended by adding Section 120.235, Purchases and Sales of Real Estate, of said Code and setting an effective date thereof...1st Reading.

Bill No. 2015-682 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-682 on first reading by Councilman Lewis and seconded by Councilman Workman

Mayor Davidson addressed concerns brought up during visitor business. He clarified this ordinance has been discussed before the offer by NABIFI and has nothing to do with the intermodal project. He further emphasized this would not restrict funds but be reinvested to help economic development in Neosho. Mayor Davidson also noted that he and the city manager met with Mr. Mike Franks and Mr. Hopper and still have not heard anything from them as a follow-up. He also noted the requirements in this ordinance mimics several grant applications. He further noted, per state statute, 100% of funds that come out of any sale of property in the industrial park that was purchased originally with economic development sales tax funds has to go back in to the economic development sales tax fund.

City Manager Royer added the city had no economic development incentives to offer incoming businesses which this ordinance would rectify.

Councilman Hart suggested voting down this ordinance or tabling it. He stated concerns and made accusations that the motive behind this ordinance was to hinder the intermodal project.

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Mayor Davidson stated the ordinance makes no changes to state statute requirements on how money is spent, but it says to people looking to invest in the industrial park that the City will make sure that up to 50% of what you spend on land in the industrial park can go back to you if you have demonstrated a need.

Councilman Collinsworth stated this is not an uncommon practice in cities to have an economic development policy.

Councilman Hart stated as of two weeks ago he had not heard of this ordinance and the city should take their time to consider it. He suggested the ordinance be brought before the Economic Development Committee for review and recommendation. He further stated this ordinance requires companies to go through too many hoops.

Councilman Lewis countered there should be no problem for a company to jump through hoops to obtain free money.

City Manager Royer stated the city has to jump through hoops to obtain free grant monies and if Councilman Hart would show up to meetings he would have realized this has been discussed for awhile. Mr. Royer stated there needs to be a policy in place to purchase and sale real estate.

Discussion followed including, but not limited to, Mr. Werneke stating concerns regarding the timing and effect of this ordinance as it relates to the intermodal project.

Mayor Davidson reiterated this has nothing to do with the intermodal project and as those who are working to develop the intermodal have stated, the proposed bridge is not directly related to this project.

Motion was made to table the ordinance until the intermodal project is done by Councilman Hart and seconded by Councilman Lewis.

Roll call vote:

Tom Workman – No
Charles Collinsworth – No
Richard Davidson - No
Steve Hart – Yes
Timothy Lewis – Yes

Motion failed.

Councilman Workman stated he supports the theory behind this ordinance but has no problem if the council chooses to obtain another opinion of the wording before the 2nd and 3rd reading.

Mayor Davidson called for a vote of the original motion on the floor to pass Bill No. 2015-682 on first reading.

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
Steve Hart – No
Timothy Lewis – Yes
Tom Workman - Yes

Motion carried.

Consider approval of agreement with H.W. Lochner for engineering services to complete the pavement maintenance at the Hugh Robinson Memorial Airport.

Mr. Daniel reviewed the agreement for the airport maintenance of runway and taxiways in the amount of approximately \$29,000.00 to the city. He stated federal funding would pay approximately \$261,000.00.

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Motion to approve the agreement between the City of Neosho and H.W. Lochner, Inc. as presented and authorize Mayor to execute by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Consider approval to submit CDBG documents for close out of 2004-ED-12.

Mr. Daniel explained this grant was for the Howard Bush Drive Extension and startup of Jarden. He stated it is in the process of being closed out and recommended council authorizes the Mayor to execute the four documents.

Discussion followed.

Motion to approve close out documents as presented for the 2014-ED-12 Community Development Block Grant by Councilman Lewis and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Consider approval of the Windstream agreement to upgrade Police Department internet functions.

Police Chief Kennedy stated this is needed to upgrade the Police Department's internet from 3Mb to 10Mb.

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

Roll call vote:

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

Motion carried.

Consider approval of Police Department grant application submission for the LLEBG officer safety equipment.

Chief Kennedy requested approval to submit application for the LLEBG grant for officer safety equipment.

Motion to authorize application for the LLEBG grant as presented by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Consider approval of the Neosho R-5 School District agreement for the School Resource Officer Program.

Chief Kennedy requested the council approve the annual Neosho R-5 School District agreement for the School Resource Officer Program.

Motion to approve the agreement between the City of Neosho and the Neosho R-5 School District for the School Resource Officer Program and authorize Mayor to execute by Councilman Lewis and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

APPOINTMENTS & VACANCIES

City County Library Board: One vacancy exists for a three-year term due expire June 30, 2015. *One letter of interest has been received from Mrs. Keri Collinsworth to be re-appointed.*

Motion to reappoint Mrs. Collinsworth to the Library Board by Mayor Davidson and seconded by Councilman Workman

Roll call vote:

Richard Davidson – Yes
Steve Hart – Yes
Timothy Lewis – Yes
Tom Workman – Yes
Charles Collinsworth - Abstain

Motion carried.

Mayor Davidson referenced the following vacancies:

Economic Development Sales Tax Committee: Two vacancies currently exist.

Enhanced Enterprise Zone Board – One five-year vacancy currently exists.

Ethics Board – One two-year vacancy currently exists.

Historic District Commission – Two three-year vacancies currently exists.

Neosho Housing Authority (OAKS) – Two four-year vacancies currently exists.

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Parks Recreation and Golf Course Board: One two-year vacancy currently exists beginning September 1, 2015. *One letter of interest has been received from Mr. Charlie McFadden.*

Motion to appoint Mr. McFadden to the Parks Recreation and Golf Course Board by Councilman Lewis and seconded by Councilman Hart

Roll call vote:

Steve Hart – Yes
Timothy Lewis – Yes
Tom Workman - Yes
Charles Collinsworth – No
Richard Davidson – No

Motion carried.

Planning & Zoning Commission: Two vacancies currently exist.
One vacancy – Beginning September 1, 2013 and One vacancy – Beginning September 1, 2014
One letter of interest has been received from Mrs. Lynn Otey for the remaining three year term expiring August 30, 2016.

Motion to appoint Mrs. Otey to the Planning and Zoning Commission by Councilman Hart and seconded by Councilman Lewis

Roll call vote:

Timothy Lewis – Yes
Tom Workman – No
Charles Collinsworth - No
Richard Davidson – No
Steve Hart – Yes

Motion failed

REPORT OF CITY OFFICERS

Mrs. Daphne Pevahouse – Financials

Mrs. Pevahouse reviewed the sales tax revenues and informed council staff is working on FY2016 budget.

Mr. Troy Royer – Attorney Fees

Mr. Royer reported \$30,566.00 of attorney fees spent to date in defense of a lawsuit filed against the city by Councilman Steve Hart and former Councilman David Ruth.

Troy Royer – Intermodal Project

Mr. Royer reported no further meetings or communications from Mr. Franks regarding the Intermodal project.

Troy Royer- FY 2016 Budget

Mr. Royer reported a draft FY2016 budget will be provided to the council at the following meeting.

Mr. Wes Franklin – Celebrate Neosho

Mr. Franklin gave a brief overview of the Celebrate Neosho event then highlighted the appreciation from Mr. Matt Younkin to the Neosho Airport Manager, Mr. Chuck Graves, for noticing a malfunction in his landing gear before he performed the night time show which could have ended in casualties.

Mayor Richard Davidson – FTZ (Foreign Trade Zone)

Mayor Davidson reported rumors he heard that the city was delaying progress in the FTZ. He informed council and the public after confirmation, authorities are still waiting on information from the applicant, FTZ, not on the city.

CLOSED MEETING:

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

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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:21 p.m.

The meeting reconvened in open session at 9:05 p.m. and Mayor Davidson announced the council conferred with the city attorney and one vote was taken.

(Councilman Hart left at 9:05 p.m.)

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 July 21, 2015, Regular Session City Council meeting.

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

Mayor Davidson adjourned the regular session meeting at 9:06 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk