

**MINUTES  
NEOSHO CITY COUNCIL  
October 20, 2015 - 7:00 p.m.  
City Hall – Council Chambers  
203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Mr. Todd Decker gave the opening prayer and Mayor Davidson led the Pledge of Allegiance.

A quorum being present, Mayor Davidson called the meeting to order at 7:04 p.m.

**ROLL CALL**

COUNCIL PRESENT:

Charles Collinsworth; Richard Davidson; Steve Hart; Timothy Lewis; Tom Workman

CITY OFFICERS PRESENT:

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

**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 Lewis and seconded by Councilman Collinsworth.

Roll call vote:

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

Motion carried.

**MINUTES:**

The minutes of October 6, 2015, Regular and Closed Sessions and October 16, 2015 Special and Closed Special Sessions were approved as presented.

**VISITORS BUSINESS**

There was none.

**UNFINISHED BUSINESS**

**Bill No. 2015-688...Providing that certain provisions of the Neosho Municipal Code be amended to comply with Missouri Senate Bill No. 5 relating to penalties, court procedures and minor traffic violations, and setting an effective date thereof...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2015-688 for Ordinance No. 41-2015 was read by title only by Mr. Hays.

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Motion to pass Bill No. 2015-688 on second and third readings by Councilman Workman and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

**Bill No. 2015-689...Rezoning property located at 2030 LaQuesta Drive from District R-1, First Dwelling House District, to C-1 Retail District as petitioned by Neosho Investments LLC...2<sup>nd</sup> and 3<sup>rd</sup> Reading.**

Bill No. 2015-689 for Ordinance No. 42-2015 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-689 on second and third readings by Councilman Hart and seconded by Councilman Collinsworth

Discussion followed to ensure the zoning was corrected.

Roll call vote:

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

Motion carried.

**BID**

**Human Resources Department – Insurance/Liability Bids**

The following bid recommendations were presented for consideration.

City Manager Royer reviewed the bids and turned the floor over to City Attorney Hays to discuss prior concerns.

City Attorney Hays stated after further review is comfortable with the liability limits and aggregates per claim.

Discussion followed.

Motion to accept bid from MIRMA as the insurance carrier by Councilman Collinsworth and seconded by Councilman Lewis

Roll call vote:

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

Motion carried.

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**Public Works – FY2016 Asphalt Bid**

The following bid recommendations were presented for consideration.

Ryan Long, Public Works Director, informed the council there were two bidders for the Fiscal Year 2016 asphalt services and recommended the council accept the bid from Swift Construction Company in the amount \$51.50 per ton for Hot Mix and Blevins Asphalt in the amount of \$67.50 per ton for Cold Mix.

The following bids were received by:

Swift Construction	Hot Mix BP1	\$51.50
	Cold Mix	\$72.50
Blevins Asphalt	Hot Mix BP1	\$52.50
	Cold Mix	\$67.50
APAC Missouri	No Bid	

Discussion followed.

Motion to accept bids 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.

**Public Works – Dump Bed**

The following bid recommendations were presented for consideration.

Ryan Long, Public Works Director, informed the council there were three bidders for the dump bed and recommended the council accept the bid from Crown Beds in the amount \$17,765.00.

The following bids were received by:

Bus Andrews, Springfield, Mo	\$23,428.00
Grand Truck Equipment, Afton, Ok	\$27,866.00
Crown Beds, West Plains, Mo	\$17,765.00

No bids: Viking-Cives, Morley, Mo; Fleet Sales, Springfield, Mo; Davis Beds, Little Rock, Ark

Discussion followed.

Motion to accept bid from Crown Beds in the amount of \$17,765.00 by Councilman Collinsworth 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.

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### CORRESPONDENCE

There was none.

### NEW BUSINESS

#### American Legion – Offer Discussion

Mayor Davidson stated there is a proposal approved by Council to be presented and asked if anyone would like to state anything before the presentation.

Mr. Wilson, a member from the audience identified himself as being a member of the Post and named in the lawsuit and stated he did not know anything about this offer nor did their Attorney.

City Attorney Hays stated a letter was sent two weeks ago to the Post's attorney, Patricia Loveland. He clarified the gentlemen was at the American Legion meeting last Tuesday wherein Ms. Loveland gave a presentation, discussing this issue.

Mr. Wilson insisted this was not discussed and told Mr. Hays that Ms. Loveland sent a letter requesting him to remove himself from this case.

City Attorney Hays clarified that Ms. Loveland did a Motion and reminded the Post member that he agreed to remove himself from any Post meeting wherein the lawsuit would be discussed, which he did at last Tuesday's meeting. He clarified this issue was relayed clearly to Ms. Loveland.

Mr. Wilson stated they cannot act on this matter tonight as they need over 51% of all Post's members to vote by ballot. Mr. Hays clarified with him that was also the case and how it was designed when this lawsuit was filed.

City Attorney Hays stated the Council is not asking the Legion to act on the proposal tonight.

Mayor Davidson reviewed the history noting the six years of his tenure as Councilman during which the Council has continually discussed solutions.

Discussion followed.

Mayor Davidson read the proposal verbatim:

#### American Legion Presentation

*It is important to affirm that the City of Neosho honors its veterans and respects the sacrifice each and every one has given to this nation. It is only because of the selfless acts of our veterans that this nation has stayed strong. That being said . . .*

- 1. The City simply cannot agree to the Legion's previous demand of \$700,000.00, however in an effort to demonstrate its commitment to the Legion this is what the City can do and is willing to offer as a resolution to the lawsuit filed by the American Legion. Nothing herein shall be considered an admission of guilt nor of liability for damages allegedly sustained by the American Legion and the subject of the existing lawsuit.*
- 2. The City will purchase and erect a building 60'x60' in dimension. The City shall invest \$100,000.00 in this facility.*
- 3. This building shall be erected on the east side of the Lampo Community Center. It will include the HVAC system, plumbing shall be stubbed in, and electric meter and box set. The Legion will design the interior. The City acknowledging its previous offer to transfer ownership of the building and pay to the Legion a \$100.00 a month rental amount for the storage space needed by the Police Department, deem it only just to maintain such offer and will pay to the Legion four (4) years of monthly rental in an amount of \$5,000.00 as rounded up from a four(4) year aggregate amount of \$4,800.00.*
- 4. Working together, both the City and the Legion shall seek other donated funding, furniture, fixtures and other associated items.*
- 5. The building shall continue to be owned by the City of Neosho and the City of Neosho shall incur the cost of utilities and insurance for the facility. The Legion shall receive a ninety nine (99) year lease with an automatic renewal of an additional ninety nine years unless either party notifies the other of its desire to terminate the lease within six months of its original term expiration. The Legion shall insure its contents. Provided however, should the Clyde R. Burdick American Legion Post 163 ever dissolve, upon its cessation the lease term shall terminate.*

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6. *Noting the Legion's ownership of various historical artifacts this building shall be used not only as a Legion office but shall be arranged into a Military/Space Museum and made available to the public on days which shall be determined by a committee of City of Neosho council members and Legion members. The museum shall be manned by Legion personnel who shall be informed of the exhibits and able to communicate information about each exhibit to the public when asked. Special emphasis shall be given to local education district outings/field trips and community groups, i.e., senior center, boy scouts, girl scouts, etc.*

7. *In addition to this facility, the American Legion and Auxiliary shall be guaranteed one regular day each for the use of the Lampo Community Building for its monthly meetings.*

8. *The Legion shall also be provided three additional days annually for its events and fundraisers, however these events and fund raisers shall be coordinated with other events that are scheduled within the facility.*

9. *The name of the newly constructed facility shall be determined jointly by the City of Neosho and the American Legion, but shall include Clyde R. Burdick American Legion Post 163 and City of Neosho Military/Space Museum.*

10. *If accepted, the American Legion shall dismiss its lawsuit against the City of Neosho and relinquish any rights to the old city hall/courts building.*

11. *If accepted, the American Legion and the City of Neosho shall be community partners in an effort to provide military and space history to the citizens of Neosho and surrounding communities. Neosho will commit to apply for grants and rights to artifacts which would facilitate this goal when such are available. Examples of artifacts might be static displays of military equipment, vehicles and/or aircraft.*

12. *As time is of the essence, the looming trial date in February mandates that the City must receive an acceptance or rejection of this offer no later than November 20, 2015, so it can adequately continue its preparation for trial, including but not limited to, depositions and request for admissions.*

*The City Council of the City of Neosho has put much thought and consideration in making this offer of resolution. We believe it to be fair and place the Legion in a very similar position as it had in its original facility, the Neosho Armory. We sincerely hope that the American Legion will likewise look towards the greater good of our community and accept this proposal and offer of partnership.*

Councilman Collinsworth stated the lawsuit reflects poorly on the City and the Legion and would like this to be resolved.

Councilman Collinsworth and Councilman Workman confirmed their priorities were to get the matter resolved between the City and the Legion.

Discussion followed pertaining to the 30 day deadline set. Mayor Davidson clarified the deadline was set due to a trial date for the lawsuit the American Legion filed.

City Attorney Hays stated if the Legion would seriously consider this proposal he would recommend both attorney's asking Judge Perigo to reset the trial date to give time for negotiations.

Discussion followed.

**Bill No. 2015-790...Rezoning property described as a grass lot located behind Darden Motors on Neosho Boulevard, Neosho, Newton County, Missouri, from District R-1, First Dwelling House District, to C-3, Commercial Business District, as petitioned by Evelyn Jenell Darden Trust...1<sup>st</sup> Reading.**

Bill No. 2015-790 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-790 on first reading by Councilman Collinsworth and seconded by Councilman Hart

Mr. Dana Daniel, Economic Development Director reviewed the rezoning request for property located on South Neosho Boulevard behind Darden Motors.

Mayor Davidson stated he was excited to learn a national chain was interested in purchasing the lot.

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Roll call vote:

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

Motion carried.

**Bill No. 2015-791...Providing for the amendment of Code Chapter 210, Animals and Fowl, of the City Code of Ordinances, City of Neosho, Missouri...1<sup>st</sup> Reading.**

Bill No. 2015-791 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-791 on first reading by Mayor Davidson and seconded by Councilman Workman

John Harrington, Code Enforcer reviewed the recommended changes.

Discussion followed wherein Mr. Harrington reviewed an incident they were called investigate an odor issue. He stated the residence being investigated had 50 to 60 rabbits causing an odor issue and caused issues for the animal control department to know how to dispose of the rabbits.

Discussion continued and it was clarified there were not currently limits of the amount of dogs or cats a citizen could own.

Discussion followed.

Roll call vote:

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

Motion failed.

**Bill No. 2015-792...Providing for the Amendment of Code Chapter 210, Animals and Fowl, of the City Code of Ordinances, City of Neosho, Missouri...1<sup>st</sup> Reading.**

Bill No. 2015-792 was read by title only by Mr. Hays.

Motion to pass Bill No. 2015-792 on first reading by Councilman Lewis and seconded by Councilman Collinsworth

Discussion followed.

Roll call vote:

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

Motion failed.

**Consider approval of the Memorandum of Understanding between the Neosho Police Department, The Alliance of Southwest Missouri and Joplin Area Safe Teens Coalition.**

Police Chief Kennedy stated the Police Department participated in the drug take back program where over 100 pounds of prescription medications were accepted. He explained the Memorandum of Understanding would allow the community to get rid of medications during normal business hours at the Neosho Police Station lobby.

Discussion followed.

Motion to approve Memorandum of Understanding with Southwest Missouri and Joplin Area Safe Teens Coalition and authorize Mayor to execute by Councilman Workman and seconded by Councilman Lewis

Roll call vote:

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

Motion carried.

**Consider approval of the Memorandum of Understanding between the City of Neosho and Family Self Help Center d/b/a Layette House and support letter.**

Police Chief Kennedy explained the Lafayette House is currently applying for a grant to place a Victims Advocate back into Newton County.

Discussion followed.

Motion to approve Memorandum of Understanding with Southwest Missouri and Joplin Area Safe Teens Coalition and authorize Mayor to execute 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.

**Discussion – Transportation Development District (TDD) Issues**

City Manager Royer stated there were pictures displayed regarding the City's concerns pertaining to the close of the Waldo Hatler and Hale McGinty intersection project. Staff was notified the project at Waldo Hatler and Hale McGinty were coming to a complete, so a preliminary evaluation was conducted. He noted safety concerns regarding the drainage, ditch slope and street edge. He explained the City's Engineers concerns partially outlined below:

- The ditch depth needs to be reduced to permit construction of a small shoulder and to flatten the slope;
- Guardrail could be installed to provide protection to motorists, but the installation of posts tends to damage the slopes, and the edge will still remain unsupported and will likely continue to erode.

City Manager Royer also noted after discussing this issue with Mr. Steve Roark, Mr. Roark indicated city staff could fix it and send the TDD Board an invoice for work completed.

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Mayor Davidson voiced concerns along with noting there were no drawings or plans provided to the City for approval which would not have been allowed by other contractors.

Discussion followed.

### **REPORT OF CITY OFFICERS**

#### **Finance Director – September Financials**

Mrs. Pevahouse reviewed financials noting receipts are up 3.97% over Fiscal Year 2016 budget for October, cash on hand is holding and the year end budget amendment will be presented at the following council meeting. She further noted the annual auditors will be here starting earlier than usual.

#### **City Manager Royer – Attorney Fees**

Mr. Royer stated the current attorney fees total \$30,946.40.

#### **City Manager Royer – 2006 A&B**

Mr. Royer announced the 2006 A&B debt is callable and will be starting the process to refinance. He reminded council this debt includes the Golf Course, Parks, Drainage and the TIF in the Water/Wastewater.

#### **City Manager Royer – Possible Special Session Council Meeting**

Mr. Royer stated there may be a need for a special session city council meeting as the Waste Water Treatment Plant is in need of an expensive part that has gone out.

#### **Mr. John Harrington, Code Enforcer – International Code Counsel Emerging Leader**

Mr. Harrington stated he was recognized by the International Code Counsel Building Code Industry as an emerging leader. He informed council this was held in California wherein they reviewed changes to the 2015 building code and worked on the 2018 building code. He further stated there were around 600 people there including representatives from Wal-Mart and Lowes.

#### **Councilman Steve Hart – Church Sewer Issues**

After Councilman Hart questioned the progress pertaining to the Church with sewer issues that addressed Council at a prior meeting, City Manager Royer stated it has not been addressed as staff has been working on the Clearpath project, the Alliance transition and finishing summer projects in the Public Works Department but it will be looked into. Mr. Royer also stated the church is not located in the city limits but would need to check the map to see if it was in the TIF as questioned by Councilman Hart.

#### **Mayor Richard Davidson – Land Contract**

Mayor Davidson asked if Mr. Royer had heard anything from Mr. Franks pertaining to extension of the Option to Purchase wherein Mr. Royer answered no.

#### **Mayor Davidson – Grant Efforts**

Mayor Davidson asked Mr. Royer if he heard anything from Mr. Franks pertaining to the grant efforts of the Harry S. Truman Coordinating Council wherein Mr. Royer answered no.

#### **Councilman Tom Workman – FTZ**

Councilman Workman asked if Mr. Royer has heard anything pertaining to the FTZ wherein Mr. Royer stated no.

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**Councilman Charles Collinsworth – Contractors**

Councilman Collinsworth stated the City should make it clear to the contractors working on the TDD project that if they are not going to do quality work on this project the City would not be interested in using them on future projects.

Mr. Royer stated one of the contracts were found taking water from hydrants and not closing them properly leaving the water vulnerable to contamination.

City Attorney Hays stated one of the contractors caught with 800 gallons of water was issued a citation and failed to appear to his hearing on Thursday so a warrant was issued.

**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 and Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public governmental body 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 - Yes

Motion carried.

Mayor Davidson closed the meeting at 8:55 p.m.

The meeting reconvened in open session at 9:53 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 20, 2015, Regular Session City Council meeting.

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

Mayor Davidson adjourned the regular session meeting at 9:53 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

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