

**MINUTES
NEOSHO CITY COUNCIL
October 6, 2015 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO**

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Mr. Josh Branham 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; 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 amended 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 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 September 15, 2015, Regular and Closed Sessions and September 23, 2015, Special Session was approved as presented.

PROCLAMATION:

Mayor Davidson stated that the following proclamations were issued.

National Arts and Humanities Month

Whereas, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for 30 years;

Whereas, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

Whereas, arts and humanities affect every aspect of life in America today including the economy, social problem solving, job creation, education, creativity, and community livability; and

Whereas, they play a unique role in the lives of our families, our communities, and our country; and

Whereas, the nonprofit arts industry also strengthens our economy by generating \$135 billion in total economic activity annually, 2.2 billion in government revenue, and by supporting the full-time equivalent of 4.1 million jobs; and

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Whereas, the Neosho Arts Council strives to strengthen and enrich the community by growing appreciation, participation and support of the arts through its charitable and educational activities; and

Whereas, the Neosho City Council urges you to participate in and celebrate the cultural riches our community has to offer.

Now, therefore, I, Richard Davidson, Mayor of the City of Neosho, do hereby proclaim October as National Arts and Humanities Month and call upon our citizens to celebrate and promote the arts and culture in our nation.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Official Seal of the City, in the City of Neosho, this 2nd day of October, 2015.

/s/ Richard Davidson, Mayor

And

National Manufacturing Day

Whereas, the Neosho City Council wishes to recognize National Manufacturing Day; and

Whereas, National Manufacturing Day is designed to amplify the voice of individual manufacturers and coordinate a collective chorus of manufacturers with common concerns and challenges; and

Whereas, the rallying point for a growing mass movement, National Manufacturing Day empowers manufacturers to come together to address their collective challenges so they can help their communities and future generations thrive; and

Whereas, the City of Neosho recognizes the role that manufacturing makes as a contribution to local economy, state and national growth and development; and

Whereas, our community is fortunate to be home to many manufacturing companies, and

Whereas, those manufacturing companies add to the vitality and prosperity of our community by producing jobs; and

Whereas, these manufacturing companies typically sell products outside our region bringing new wealth to our community; and

Now, therefore, the Neosho City Council does hereby proclaim October 2, 2015,

NATIONAL MANUFACTURING DAY

We urge all citizens to join in recognizing the value of our manufacturers and the importance they serve in our community.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Official Seal of the City, in the City of Neosho, this 2nd day of October, 2015.

/s/ Richard Davidson, Mayor

VISITORS BUSINESS

Mr. JC Herrell – Non-Profit

Mr. Herrell requested during events like Fall Festival and Celebrate Neosho the local non-for-profit vendors have priority and the city not allow other vendors to sale the same products.

Mr. Manuel Cornelio – Wastewater

Mr. Cornelio explained his property was originally a bigger parcel and has been split. He stated due to the split, the septic tank is on a neighboring property who will not allow access for needed repairs. Mr. Cornelio requested the city assist him in finding a solution as there are approximately 40 people attending his church every Saturday and would like to see a permanent solution instead of using a port-a-pot.

UNFINISHED BUSINESS

There was none.

BID

Human Resources Department – Insurance/Liability Bids

Georgia Holtz, informed the council there were three bidders for insurance including, property liability, workers compensation, cyber and airport services and recommended the council accept the bid from MIRMA in the amount \$376,104.00.

The following bids were received by:

MIRMA \$376,104.00

MOPERM \$337,127.00

BEIMDIEK/MO Rural Services (Agent for MOPERM) Incomplete bid

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Ms. Holtz explained the deductibles and per occurrence would save the city money.

Mayor Davidson stated the City Attorney will need to work through some general liability issues before we can act on this and in addition MOPERM is covering the City in active litigation.

By consensus and without objection, this agenda item will be tabled until the City Attorney works through the issues.

Police Department – Patrol Vehicle Purchase

Police Chief Kennedy informed the council there was a trade in value from Republic Dodge in the amount of \$5,000.00 for all three (3) Crown Vics. He recommended the council accept the 2016 State Bid for the purchase of three (3) new Dodge Chargers for patrol vehicles in the total amount of \$70,981.00.

After discussion followed, Chief Kennedy explained he preferred the Chargers over the SUVs due to the constant repairs needed on the SUVs.

Motion to accept bids to purchase patrol vehicles and accept the trade in units by Councilman Collinsworth 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.

Public Works: FY2016

- Bulk Fuel
- Rock Salt
- Concrete
- Bulk Rock

City Manager Royer reviewed bids for the Fiscal Year 2016 Bulk Fuel, Rock Salt, Concrete and Bulk Rock for the Public Works Department.

He recommended the following bids be approved:

<i>Bulk Fuel</i>	MFA Oil:	Unleaded \$1.663 above rack price Diesel \$1.861 above rack price (Winter and Summer Additives are included)
<i>Rock Salt</i>	Kunshak Chat & Coal	\$80.00 per ton
<i>Concrete Bid</i>	Neosho Concrete:	
	4000# Street Mix (200 Yards)	\$89.00 per yard
	4000# Curb Mix (50 Yards)	\$89.00 per yard
	4000# Wall Mix (50 Yards)	\$89.00 per yard
	Flowable Fill (50 Yards)	\$77.50 per yard
	2% Calcium	\$6.50 per yard
	Fiber	\$5.00 per yard
	Black Dye	\$70.75 per yard
	Light Load Charge	\$70.00 per load

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<i>Bulk Rock</i>	(Both)	<u>Kemp Stone</u>	<u>Anchor Stone:</u>	
	1" Base	\$6.25 per ton	\$6.50 per ton	1" Base
	¾" Clean	\$7.50 per ton	\$5.00 per ton	Screening
	¼" Chips	\$11.00 per ton	\$10.00 per ton	6" Rip Rap
	6" Rip Rap	\$10.00 per ton	\$12.00 per ton	12" Rip Rap
	12" Rip Rap	\$12.00 per ton		

Councilman Collinsworth clarified staff tries to obtain at least three bids.

Motion to accept bid MFA Oil for Bulk Fuel, Kunshek Chat & Coal for Rock Salt, Neosho Concrete for concrete and Kemp Stone for Bulk Rock as presented by Councilman Collinsworth 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.

CORRESPONDENCE

There was none.

NEW 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...1st Reading.

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

Motion to pass Bill No. 2015-688 on first reading by Councilman Lewis and seconded by Councilman Workman

City Attorney Hays stated subsequent to the events in Ferguson the State legislatures met and discussed those problems and passed Senate Bill No 5. He explained this defines what a minor traffic violation is and provides specific punishment thereof. Mr. Hays stated the maximum fine and court costs that can be imposed is \$300.00 wherein in the past the Judge could collect up to \$500.00 and if necessary, put the person in jail for up to 90 days. He explained now, the City's court costs are \$31.50 so the maximum fine the Judge can impose is \$268.50. The City Attorney noted the most disturbing change is if a person doesn't come to court, the judge cannot put a failure to appear warrant until he has a show cause hearing. Then, he further explained, when we get them to court, the judge notices what the fine is going to be and if the person doesn't pay, we will have to give it to a collection company to collect for us.

Discussion followed.

Roll call vote:

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

Motion carried.

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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...1st Reading.

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

Motion to pass Bill No. 2015-689 on first reading by Councilman Lewis and seconded by Councilman Hart

Mr. Daniel reviewed the rezoning request for property located at 2030 LaQuesta Drive.

Mayor Davidson pointed out a discrepancy in the bill and asked for clarification if the property owner requested a C-1 or a C-2 zoning.

The property owner was in the audience and stated he preferred a C-1.

Discussion followed.

Roll call vote:

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

Motion carried.

Consider approval of the Human Resource Director as LAGERS Annual Delegate.

Human Resource Director Holtz reviewed the request employer delegate to attend the LAGARS annual conference.

Motion to approve Georgia Holtz as employee delegate to attend the LAGERS annual meeting by Councilman Lewis and seconded by Councilman Workman

Roll call vote:

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

Motion carried.

Consider approval of the Comprehensive Facility Services agreement.

Mr. Wes Franklin explained this is being presented for approval of the bid to change The Civic Center lighting.

Discussion followed.

Motion to approve the agreement between the City of Neosho and Comprehensive Facility Services as presented and authorize Mayor to execute by Councilman Collinworth and seconded by Councilman Hart

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Roll call vote:

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

Motion carried.

Consider approval of Advance Public Safety agreement.

Police Chief Kennedy presented this annual agreement for renewal of the electronic ticketing software.

Motion to approve services between the City of Neosho and Advance Public Safety by Councilman Workman and seconded by Councilman Collinsworth

Roll call vote:

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

Motion carried.

Consider approval of the Carfax agreement.

Police Chief Kennedy stated this would be used as a tracking and recovery tool of stolen vehicles.

Motion to approve Carfax agreement and authorize Mayor to execute by Councilman Lewis 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 amendment of Empire District Electric agreement.

City Manager Royer stated a property owner requested a street light be placed on an existing pole as the street gets too dark at night.

Motion to approve the Empire Electric Agreement and authorize Mayor to execute by Councilman Workman and seconded by Councilman Lewis

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Roll call vote:

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

Motion carried.

Consider approval dispense/pump purchase.

Mr. Daniel explained the pump at the airport needed replaced due to maintenance issues.

Discussion followed.

Motion to approve purchase from Broyles Petroleum Equipment Company as presented by Councilman Hart 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.

Consider approval for a Special Use Permit as requested for property located at 1411 Ozark Drive.

Mr. Daniel stated this was presented to the Planning and Zoning Commission and recommend the council approve the special use permit for a beauty salon.

Discussion followed.

Motion made by Councilman Collinsworth and seconded by Councilman Workman to approve the rezoning application for the special use permit as presented.

Roll call vote:

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

Motion carried.

Consider approval of Hotel/Motel Expenditure for Holiday Classic Tournament.

City Manager Royer reviewed the request to approve the \$10,000.00 expenditure from the Hotel/Motel Fund for the Holiday Classic Tournament.

Mr. Justin Branham informed the Council of a few changes made to the program.

Discussion followed.

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Motion to approve the \$10,000.00 Hotel/Motel expenditure as presented by Councilman Workman and seconded by Councilman Hart

Roll call vote:

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

Motion carried.

REPORT OF CITY OFFICERS

City Manager Troy Royer – TDD

Mr. Royer stated the Transportation Development District informed the City the project on Hale McGinty is coming to an end and will request the \$100,000 of TIF funds per the Cooperative Agreement.

After discussion, it was determined the request to release funds would need to go before Council before being released.

City Manager Royer – Golf Course

Mr. Royer informed Council he has received several comments and correspondence regarding how well the golf course looks.

Events Coordinator/Public Relations, Wes Franklin – Fall Festival

Mr. Franklin reported on the success of the Fall Festival and estimated 4,000 in attendance.

Councilman Hart stated Mr. Franklin did a good job.

Mayor Richard Davidson – Option to Purchase

Mayor Davidson asked Mr. Royer to forward a friendly reminder to Mr. Franks inquiring as to the option to purchase real estate with an expiration date of December 2015.

City Attorney Hays – Copeland vs. City of Neosho and Nora Houdyshell

Mr. Hays reported there has been a Motion to Dismiss pertaining to the Copeland vs. City of Neosho and Nora Houdyshell lawsuit.

Councilman Tom Workman – R.V. Park

Councilman Workman inquired as to an ordinance or resolution the council can pass to give city staff more support to control the atmosphere at the R.V. Park.

Discussion followed.

Absent objection, City Council authorized the City Attorney to compose a policy to assist the City Manager in addressing these issues.

Mayor Davidson – Shoal Creek Wastewater Plant

Mayor Davidson reviewed issues he witnessed at the Shoal Creek Wastewater Plant and encouraged other councilmen and staff to visit the facility so there will be a better understanding when Alliance starts submitting maintenance invoices.

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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:

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

Motion carried.

Mayor Davidson closed the meeting at 8:30 p.m.

The meeting reconvened in open session at 10:02 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 October 6, 2015, Regular Session City Council meeting.

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

Mayor Davidson adjourned the regular session meeting at 10:20 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk