

**MINUTES
NEOSHO CITY COUNCIL
February 07, 2017 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO**

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Mark Taylor gave the opening prayer and Mayor Collinsworth led the Pledge of Allegiance.

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

ROLL CALL

COUNCIL PRESENT:

Charles Collinsworth; Richard Davidson; Ben Baker; David McCracken, William J.P. Doubek

CITY OFFICERS PRESENT:

Steven Hays, City Attorney; Dana Daniel, Interim City Manager; Rachel Holcomb, City Clerk

APPROVAL OF AGENDA

Motion was made to approve agenda including consent agenda and minutes by Councilman Doubek and seconded by Councilman McCracken.

CONSENT AGENDA:

MINUTES:

The minutes of January 17, 2017-Open Session-was approved as presented.

Roll call vote:

Ben Baker - Yes

Charles Collinsworth – Yes

Richard Davidson – Yes

William J.P. Doubek -Yes

David McCracken - Yes

Motion carried.

PROCLAMATION

Proclamation for Flour Box Bakery

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Flour Box Bakery is employer of the month. The celebration will take place February 8th from 10-11am.

VISITOR BUSINESS

Mark Taylor thanked Council and the City of Neosho for the use of the Civic for the annual Community Dinner held on Christmas Day. He said that over 600 people were in attendance and there were 120 meals delivered to those who were unable to come. There were also 80 volunteers. He also thanked Paul Richardson for taking time away from his family on Christmas to help them with the sound system.

Tim Cox informed Council he read an article in the Joplin Globe about the City of Neosho researching selling alcohol at the golf course to increase revenues. He had questions about it being OK for people to bring alcohol on to the golf course and he has concerns that the golf course employees say they are currently not able to stop people from doing so.

UNFINISHED BUSINESS

Bill No. 2016-829 for Ordinance No. 03-2017: Police and Fire Amendment

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING THAT THE REVENUES AND EXPENDITURES BUDGET BE AMENDED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017....2nd and 3rd
Reading

Motion to pass Bill No. 2016-829 on second and third readings by Councilman Baker and seconded by Councilman Doubek.

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes

Motion carried.

Bill No. 2016-830 for Ordinance No. 04-2017: Declare Golf Course Air Compressor Surplus

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS AND SETTING FORTH THE METHOD FOR DISPOSING OF SAME2nd and 3rd Reading

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Motion to pass Bill No. 2016-830 on second and third readings by Mayor Collinsworth and seconded by Councilman Baker.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes

Motion carried.

Irrevocable Consent for Mailes Located at 14507 Kodiak Road

City Attorney Hays said that the correct information has been received.

Motion to approve the irrevocable consent for Mailes located at 14507 Kodiak Road by Councilman McCracken; seconded by Councilman Baker

Roll call vote:

William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes

Motion carried.

BID

Parks & Recreation – Soccer League T-Shirts

Dana Daniel advised Council these shirts would be for 2017 Spring and Fall seasons.

Staff recommends Council approve the bid from Sports Locker.

Mayor Collinsworth made a motion to accept the bid from Sports Locker for soccer T-shirts; Councilman Davidson seconded.

Roll call vote:

William J.P. Doubek -Yes
David McCracken - Yes

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Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes

Motion carried.

Public Works – FY2017 Emergency Power System

Ryan Long explained this electrical work will be set up to automatically switch over to emergency power if there is an outage. Mr. Long advised Council that they have money elsewhere in their budget to cover this cost.

Staff recommends that Council accept the bid from Long Electric for \$10,500.00.

Motion to accept the bid from Long Electric for \$10,500.00 by Councilman Baker; seconded by Councilman McCracken.

Roll call vote:

David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes
William J.P. Doubek -Yes

Motion carried.

CORRESPONDENCE

There was none.

NEW BUSINESS

Ethics Complaint Discussion

City Attorney Hays opened this discussion saying that there has been an ethics complaint received from citizen TJ Angel. In this complaint, Mr. Angel reiterated what he had said during the last Council meeting. The Ethics Board has 30 days to discuss this complaint. The issue at hand is that there is no Ethics Board to investigate this complaint. After the last investigation an attorney questioned whether the Ethics Board had any authority to investigate the claim. This issue was never resolved and ultimately the complaint will come back to Council. Attorney Hays recapped the situation saying that Council had already met in a closed meeting (because a personal attorney was involved) and all Councilmembers who were in attendance (Councilman Baker was absent) found Councilman Davidson innocent of any wrong doing. He advised Council that they really have three options:

- Look at the entire complaint again

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- Look at only the Tammy Rice complaint
- Can say that nothing more needs to be done since they already voted on this matter

Mayor Collinsworth's comments:

- Council did their due diligence by calling a meeting within 48 hours of receiving the email
- Mr. Royer didn't file a complaint or request any action to be taken
- Council came to the conclusion at the meeting that Councilman Davidson did not violate the charter
- The email with Ms. Rice's information was sent a month after the parks position was filled

Councilman Doubek's comments:

- He is very concerned that he never received the email about the closed meeting on November 28, 2016.
- He would very much like to get the Ethics Board's validity figured out. He feels this is very important

Councilman McCracken's comments:

- He agrees with Councilman Doubek in that he feels the Ethics Board question needs to be addressed
- He feels Council has resolved the Davidson issue with the exception of any new information

Councilman Baker's comments:

- He agreed with the two previous Councilmen. The Ethics Board question must be answered. What would be the procedure for an issue like this in the future?
- He also feels the Davidson issue is resolved because it was a unanimous decision from the 4 Councilman that were there.
- He is confident that he would have voted the same because the facts show Davidson's innocence
- He feels part of his responsibility as a Councilman is to demand excellence from the city's departments

Councilman Davidson's comments:

- He remains that he has done nothing except be concerned about the future of Neosho and have a discussion with someone who was passionate about helping bring forth grant programs to better the parks in Neosho.

Councilman Doubek made a motion to have City Attorney Hays research whether the Ethics Boards has the ability to investigate claims; Councilman Baker seconded.

Roll call vote:

Ben Baker - Yes

Charles Collinsworth – Yes

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Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes

Motion carried.

Councilman Baker made a motion to uphold the ruling of Council previously made on November 28, 2016; Councilman McCracken seconded.

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes

Motion carried.

Bill No. 2016-831: Declaring Councilmembers for Election to be held April 4, 2017

Read in title only by Mr. Hays

THE SAME BEING AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, FINDING AND DECLARING THAT THE NUMBER OF COUNCILMEMBERS TO BE ELECTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 4, 2017, IS ONE (1) FOR A REGULAR TERM OF THREE-YEARS AND ONE (1) TO FILL AN UNEXPIRED TERM OF 1-YEAR; CANVASSING THE PETITIONS FILED BY PERSONS DESIRING TO BECOME CANDIDATES FOR COUNCILMEMBERS; DECLARING UNDER RSMO 115.124.1 NO ELECTION SHALL BE HELD FOR THE UNEXPIRED ONE YEAR TERM; FIXING THE DATE OF THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF APRIL, 2017; AND DECLARING AN EMERGENCY SO AS TO PROVIDE FOR PUBLICATIONS OF NOTICES IN TIME FOR THE ELECTION.....1st Reading

Motion to approve Bill No. 2016-831 on first reading by Mayor Collinsworth and seconded by Councilman Davidson.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes

Motion carried.

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Bill No. 2016-831 for Ordinance No. 05-2017: Declaring Councilmembers for Election to be held April 4, 2017

Read in title only by Mr. Hays

THE SAME BEING AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, FINDING AND DECLARING THAT THE NUMBER OF COUNCILMEMBERS TO BE ELECTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 4, 2017, IS ONE (1) FOR A REGULAR TERM OF THREE-YEARS AND ONE (1) TO FILL AN UNEXPIRED TERM OF 1-YEAR; CANVASSING THE PETITIONS FILED BY PERSONS DESIRING TO BECOME CANDIDATES FOR COUNCILMEMBERS; DECLARING UNDER RSMO 115.124.1 NO ELECTION SHALL BE HELD FOR THE UNEXPIRED ONE YEAR TERM; FIXING THE DATE OF THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF APRIL, 2017; AND DECLARING AN EMERGENCY SO AS TO PROVIDE FOR PUBLICATIONS OF NOTICES IN TIME FOR THE ELECTION.....2nd & 3rd Reading by Emergency Measure

Motion to approve Bill No. 2016-831 on 2nd and 3rd reading by emergency measure by Mayor Collinsworth and seconded by Councilman Davidson.

Roll call vote:

William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes

Motion carried.

Department of the Air Force – Static Display – Contract Documents

Dana Daniel said he would like this to be airborne by Celebrate Neosho 2017.

Motion to approve the contract documents with the Air Force by Councilman Baker and seconded by Councilman Doubek.

Roll call vote:

David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes
William J.P. Doubek -Yes

Motion carried.

Big Spring Plaza CID Budget

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Daphne Pevahouse asked Council to consider approving the Big Spring Plaza CID budget for 2016-2017.

Councilman Davidson thanked Ms. Pevahouse for bringing the budget before Council because it has never been done before. The CID budget is supposed to be approved by the Neosho City Council every year.

Motion to approve the Big Spring Plaza CID budget by Councilman McCracken; seconded by Councilman Davidson

Roll call vote:

Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes

Motion carried.

Cash Handling Policies

Councilman Davidson asked that the City review and reinforce our current policies. It is important that all departments are following all procedures. He commended Ms. Pevahouse on creating and implementing the cash handling policy.

Councilman McCracken agreed and said that the city manager and finance director should review this from time to time and adapt to the way the City of Neosho does business.

Sales Agreement for Radio Advertising

Paul Richardson explained this agreement is for Zimmer Radio for advertising and live remote for the Bluegrass Promoters Night.

Motion to approve the agreement with Zimmer Radio by Councilman Doubek; seconded by Councilman Baker.

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes

Motion carried.

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Public Hearing regarding the Annexation of the Property Located at 1812 Waldo Hatler

Mayor Collinsworth opened the floor for public comment.

There being no comments from the public, Mayor Collinsworth closed the public hearing.

Bill No. 2017-832: Annexation of 1812 Waldo Hatler Drive

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, ANNEXING THE BELOW DESCRIBED PROPERTY A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 25 NORTH, RANGE 32 WEST, NEWTON COUNTY, MISSOURI, AS PETITIONED BY RAY AND VERLYN MARCUM, UNDER ZONING DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT
.....1st Reading

Motion to approve Bill No. 2016-832 on first reading by Mayor Collinsworth and seconded by Councilman Baker.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes

Motion carried.

APPOINTMENTS AND VACANCIES

REPORT OF CITY OFFICERS

Closed Meeting

Motion was made by Councilman Davidson and seconded by Councilman Doubek to close the meeting pursuant to Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public governmental body.

Roll call vote:

William J.P. Doubek -Yes
David McCracken - Yes
Ben Baker - Yes
Charles Collinsworth – Yes
Richard Davidson – Yes

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Motion carried

Mayor Collinsworth closed the meeting at 8:15 p.m.

The meeting reconvened in open session at 8:47 p.m. and Mayor Collinsworth announced there was 1 vote taken.

ADJOURN

Mayor Collinsworth asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the February 07, 2017, Regular Session City Council meeting.

Motion to adjourn by Councilman Doubek and seconded by Mayor Collinsworth. Unanimous vote to adjourn.

Mayor Collinsworth adjourned the regular session meeting at 8:47 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk