

MINUTES
NEOSHO CITY COUNCIL
March 21, 2017 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Buddy Funk gave the opening prayer and Mayor Collinsworth led the Pledge of Allegiance.

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

ROLL CALL

COUNCIL PRESENT:

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

COUNCIL ABSENT:

Charles Collinsworth

CITY OFFICERS PRESENT:

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

APPROVAL OF AGENDA

Motion was made to approve the agenda by Councilman Baker and seconded by Councilman McCracken. Unanimous vote to approve.

CONSENT AGENDA:

Motion to approve the consent agenda including minutes by Councilman Doubek; seconded by Councilman McCracken.

MINUTES:

The minutes of March 07, 2017-Open Session-was approved as presented.

The minutes of March 07, 2017-Closed Session-was approved as presented.

The minutes of March 15, 2017-Special Open Session-was approved as presented.

The minutes of March 15, 2017-Special Closed Session-was approved as presented.

Roll call vote:

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek -Yes

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David McCracken - Yes

Motion carried.

PROCLAMATION

There was none.

VISITOR BUSINESS

There was none.

UNFINISHED BUSINESS

Bill No. 2017-839 for Ordinance No. 13-2017: Truck Route Ordinance

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING THAT CHAPTER 310 OF THE CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI, BE AMENDED BY REVISING SECTION 310.130 OF SAID CODE, PROVIDING FOR THE REDESIGNATION OF BUSINESS HIGHWAY 71 TO BUSINESS HIGHWAY 49 AND ADDING TO THE TRUCK ROUTE DESIGNATIONS AS IDENTIFIED IN PARAGRAPHS 15, 16, 17, AND 18 AND SETTING AN EFFECTIVE DATE THEREOF.....2nd and 3rd

Reading

Motion to pass Bill No. 2017-839 on second and third readings by Councilman Doubek and seconded by Councilman Baker.

Roll call vote:

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

Motion carried.

Bill No. 2017-840 for Ordinance No. 14-2017: Historic District Commission

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING FOR THE AMENDMENT OF CODE SECTION 405.176, HISTORIC PRESERVATION DISTRICT, OF THE CITY CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI.....2nd and 3rd Reading

City Attorney Steve Hays said he would still like to speak with Mr. Sims about there. He feels that the statements “more often than not” and “regularly located” are not completely defined yet. It leaves these terms open to interpretation.

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Motion to postpone the passing of this until the council meeting on April 4, 2017 by Mayor Pro Tem Davidson and seconded by Councilman Doubek.

Roll call vote:

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

Motion carried.

BID

There was none.

CORRESPONDENCE

There was none.

NEW BUSINESS

Annual Audit Report for Fiscal Year 2015-2016

Sandra Barrera presented the audit report for the fiscal year ending September 30, 2016.

She noted the following:

1. Reviewed the Independent Auditors' Report on page 4 and pointed out the City received an unmodified or clean audit, the best you can receive.
2. Pointed out the Management Discussion and Analysis on pages 8 through 16 wherein the City Management's discussion and analysis of the City's financial position and recommended everyone take time to read it as it provides good information.
3. Reviewed the Statement of Net Position on Page 17. Shows the assets, liabilities, and net position of the city as of September 30, 2015. It is separated by governmental activities (supported with tax revenues) and business activities (supported by fees and charges). She commended Neosho on having a well funded pension. Most governments in Missouri and nationwide have a Net Pension Liability.
4. Reviewed the following page 23
5. Reviewed the following page 27
6. Reviewed the following page 29-59
7. Ms. Barrera explained that they are required to report if there are any weakness in internal control. The lack of segregation of duties in the court. There are individuals that have access to accounting records as well as cash. She did acknowledge this is because there is a lack of personnel.
8. She informed Council that water loss was at 57%; normal is 15%-20%.
9. She recommended the City pay attention to the overtime rules and to GASB 77

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Public Hearing regarding the Rezoning of 2.8 Acre Tract on LaQuesta Drive

Mayor Pro Tem Davidson opened the floor for public comment.

John Branum informed Council that this property is currently under contract. He acknowledged the opposition that existed in the beginning, but he and the neighborhood residents were able to come to an agreement. Rezoning this property to a C-1 will limit what kind of commercial business will be able to be constructed. He feels that this will fit in with what already exists.

There being no further comments from the public, Mayor Pro Tem Davidson closed the public hearing.

Bill No. 2017-834: Rezoning of 2.8 Acre Tract on LaQuesta Drive

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED 2.8 ACRE TRACT OF PROPERTY LOCATED ON LAQUESTA DRIVE, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT, TO C-1, RETAIL BUSINESS DISTRICT, AS PETITIONED BY VIOLET L BRANHAM TRUST.....1st Reading

Councilman Baker made a motion to pass Bill No. 2017-834 on first reading; Councilman Doubek seconded.

Roll call vote:

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

Motion carried.

Public Hearing regarding the Rezoning of 5.68 Acre Tract on Laramie Lane

Mayor Pro Tem Davidson opened the floor for public comment.

Mr. Sims spoke on behalf of the Wards and his son David Sims. He doesn't see a problem with rezoning this property since it will be consistent with what already exists in that location.

There being no further comments from the public, Mayor Pro Tem Davidson closed the public hearing.

Bill No. 2017-835: Rezoning of 5.68 Acre Tract on Laramie Lane

Read in title only by Mr. Hays

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AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED 5.68 ACRE TRACT OF PROPERTY LOCATED ON LARAMIE LANE, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT, TO C-3, COMMERCIAL BUSINESS DISTRICT, AS PETITIONED BY BCWC, LLC.....1st Reading

Councilman Doubek made a motion to pass Bill No. 2017-835 on first reading; Councilman McCracken seconded.

Roll call vote:

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek - Yes

David McCracken - Yes

Motion carried.

Public Hearing regarding the Rezoning of Lots N&O on Hale McGinty Drive

Mayor Pro Tem Davidson opened the floor for public comment.

Tim Duncan rose to speak in regards to rezoning lots K, L, M, N, and O in this neighborhood. He passed out packets to the Council (which are on file with the City Clerk). He informed Council that he has a petition with 71 signatures in which residents of this neighborhood have given him permission to speak for them at this council meeting. His points are as follows:

- If duplexes are meant for K, L, M this property just needs to be zoned an R-2; not R-3
- A C-3 for lots N & O is too high; a C-0 or C-1 would be best
- He is concerned about property value of their homes and the safety of their kids if the properties are rezoned at C-3 and R-3.

Terry Neff owns lots K, L, M, N, and O. He discussed the following:

- The code for land zoning is archaic and he is trying to make sure that he covers his basics
- He has a stake in the property value as well and wouldn't try to rezone the property where it would devalue the land around it.
- He doesn't have plans to build anything more than duplexes on K, L, and M.
- He understands the concerns of the citizens, but he would like to get these passed so as to not have to start the process from the beginning.

Larry Lane spoke in regards to this property. He said that he felt R-1 or R-2 would be appropriate for lot O. He feels that it should be kept all the same for the sake of the neighborhood.

There being no further comments from the public, Mayor Pro Tem Davidson closed the public hearing.

Bill No. 2017-836: Rezoning of Lots N&O on Hale McGinty Drive

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Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED PROPERTIES, TRACTS N&O LOCATED ON HALE MCGINTY DRIVE, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT, TO C-3, COMMERCIAL BUSINESS DISTRICT, AS PETITIONED BY NEFF FAMILY TRUST....1st Reading

Mayor Pro Tem Davidson and Councilman Baker both expressed concerns in regards to over zoning this property. Councilman Baker agreed that Mr. Neff might not have any plans on building to that level but once he sells the land he no longer has any control on that. Councilman Baker feels that this needs to be zoned at a lower level to have a compromise.

Councilman Doubek made a motion to pass Bill No. 2017-836 on first reading; Councilman McCracken seconded.

Roll call vote:

Richard Davidson – No
William J.P. Doubek -No
David McCracken - No
Ben Baker - No

Motion failed.

Public Hearing regarding the Rezoning of Lots K&L&M on Hale McGinty Drive

Mayor Pro Tem Davidson opened the floor for public comment.

See comments from council item above. Lots K, L, M, N, and O were all discussed together.

There being no further comments from the public, Mayor Pro Tem Davidson closed the public hearing.

Bill No. 2017-837: Rezoning of Lots K&L&M on Hale McGinty Drive

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED PROPERTIES, TRACTS K&L&M LOCATED ON HALE MCGINTY DRIVE, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT, TO R-3, APARTMENT HOUSE DISTRICT, AS PETITIONED BY NEFF FAMILY TRUST....1st Reading

See comments from council item above. Lots K, L, M, N, and O were all discussed together.

Councilman Baker made a motion to pass Bill No. 2017-837 on first reading; Councilman McCracken seconded.

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Roll call vote:

William J.P. Doubek –No
David McCracken - No
Ben Baker - No
Richard Davidson – No

Motion failed.

Public Hearing regarding the Rezoning of 426 West McCord Street

Mayor Pro Tem Davidson opened the floor for public comment.

There being no comments from the public, Mayor Pro Tem Davidson closed the public hearing.

Bill No. 2017-838: Rezoning of 426 West McCord Street

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED PROPERTY 426 WEST MCCORD STREET, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-3, APARTMENT HOUSE DISTRICT, TO M-H, MOBILE HOME DISTRICT, AS PETITIONED BY DANIEL AND LASHAY SWEM....1st Reading

Interim City Manager Dana Daniel informed Council that the Planning and Zoning Commission voted to deny this request and asked Council to do the same.

City Attorney Hays informed Council that there are strict guidelines in regards to M-H zonings and this request simply cannot be done.

Councilman Doubek made a motion to pass Bill No. 2017-838 on first reading; Councilman Baker seconded.

Roll call vote:

David McCracken - No
Ben Baker - No
Richard Davidson – No
William J.P. Doubek -No

Motion failed.

Irrevocable Consent for Majors 14810 HWY TT

Councilman McCracken made a motion to approve the irrevocable consent for Majors 14810 HWY TT; Councilman Doubek seconded.

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Roll call vote:

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

Motion carried.

Grant Agreement – Butterfield Fire Protection District

Fire Chief Mike Eads informed Council that the fire engine the City of Neosho granted to the City of Butterfield is no longer able to be used. Butterfield would like to know what Neosho would like to do; sign the title over so Butterfield can dispose of it or does Neosho want to take it back.

Mayor Pro Tem Davidson asked Fire Chief Eads if he could find the documents that show the City of Neosho has surplused this fire engine. He would like to postpone any decision until the next Council meeting when those documents will be available. Mayor Pro Tem Davidson would also like to know what the value of the fire truck would be.

Contracts: Pat Kelley Auctions & WW Auctions, Precision Heat & Air, the Housing Authority of the City of Neosho, Long Electric, Booyer Welding, Dave Dacy Air Shows

Lois Williams, the director of the Housing Authority of the City of Neosho spoke to the Council and advised them that if they did not approve this contract she will not be able to use her grant money.

Councilman Doubek made a motion to accept and allow the mayor to execute all contracts presented: Pat Kelley Auctions & WW Auctions, Precision Heat & Air, The Housing Authority of the City of Neosho, Long Electric, Booyer Welding, Dave Dacy Air Shows; Councilman Baker seconded.

Roll call vote:

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

Motion carried.

Lighting-Morse Park Ball Fields

Michael Southerby addressed Council for permission to add two new lights on the ball field. He

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explained that the poles have already been donated and an employee of Empire will be doing the work. It will cost the city very little on their monthly bill each month.

Angie Leach explained this is for the Tball field where there is currently no lighting.

Councilman McCracken made a motion to approve the two new lights on the Tball field at Morse Park; Councilman Baker seconded.

Roll call vote:

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

Motion carried.

MODot Grant for the Fire Department

Fire Chief Eads asked Council to approve the Grant with MODOT for \$ for cones. It is a grant that will pay 100% towards the purchase of cones.

Councilman McCracken made a motion to accept the grant from MODOT for the purchase of cones; Councilman Doubek seconded.

Roll call vote:

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

APPOINTMENTS AND VACANIES

Mayor Pro Tem Davidson made a motion to accept the letter of resignation from JR Penn and the letter of reappointment from Tammy Ebbinghaus for the Historic District Commission; Councilman Doubek seconded.

Roll call vote:

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

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Motion carried.

Councilman Doubek made a motion to accept the letter of reappointment from Bill Martz for the Neosho Housing Authority; Councilman Baker seconded.

Roll call vote:

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

Motion carried.

REPORT OF CITY OFFICERS

Daphne Pevahouse – Finance Director: February Financials

Ms. Pevahouse reviewed February financials. Financials can be found online or with the City Clerk.

Ken Brady – Wastewater Department: Alliance February Report

Mr. Ken Brady discussed the February Report (can be found online or with the City Clerk).

Fire Chief Eads – Annual 2016 Fire Report

Fire Chief Eads presented the Annual 2016 Fire Report. This report can be found online or with the City Clerk.

Interim City Manager Dana Daniel – Parks Director:

Dana Daniel introduced Council to the new parks director, Sally Pennington.

Public Works Director Ryan Long – Water Loss Report:

Ryan Long informed Council that by his calculations our water loss percentage is not as high as the auditors; 42 %-45%. He said that it has gone up since last year.

Closed Meeting

Motion was made by Mayor Pro Tem Davidson and seconded by Councilman Baker 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.

Section 610.021(3) RSMo,...Hiring, firing, disciplining or promoting an employee of a public

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governmental body.

Roll call vote:

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

Motion carried

Mayor Pro Tem Davidson closed the meeting at 8:42 p.m.

The meeting reconvened in open session at 9:03 p.m. and Mayor Pro Tem Davidson announced there was one vote taken.

ADJOURN

Mayor Pro Tem Davidson asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the March 21, 2017, Regular Session City Council meeting.

Motion to adjourn by Councilman Baker and seconded by Councilman McCracken. Unanimous vote to adjourn.

Mayor Pro Tem Davidson adjourned the regular session meeting at 9:03 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk