

MINUTES
NEOSHO CITY COUNCIL
July 18, 2017 - 7:00 p.m.
City Hall – Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Jeremie Bridges gave the opening prayer and Mayor Baker led the Pledge of Allegiance.

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

ROLL CALL

COUNCIL PRESENT:

Richard Davidson; Ben Baker; Jon Stephens, Tom Workman, 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 the agenda by Councilman Doubek and seconded by Councilman Workman. Unanimous vote to approve.

Roll call vote:

Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens -Yes
Tom Workman - Yes

Motion carried.

CONSENT AGENDA:

Motion to approve the consent agenda by Councilman Workman; seconded by Councilman Doubek.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens -Yes

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Tom Workman - Yes

Ben Baker - Yes

Motion carried.

MINUTES:

The minutes of June 20, 2017- Open Session-was approved as presented.

The minutes of June 20, 2017- Closed Session-was approved as presented.

Motion to approve the open and closed minutes from June 20, 2017 by Councilman Davidson; seconded by Councilman Workman.

Roll call vote:

William J.P. Doubek - Yes

Jonathan Stephens -Yes

Tom Workman - Yes

Ben Baker - Yes

Richard Davidson – Yes

Motion carried.

PROCLAMATION

Mayor Baker announced that the July Employer of the Month was Free Market Physician. He thanked them for their dedication to the City of Neosho.

Mayor Baker presented Kevin Foote, Charla Geller, and Calvary Church with a plaque recognizing the hard work and dedication during the recent flooding.

VISITOR BUSINESS

Jonathon Lopez – He informed Council that he feels the Neosho Police Department has been harassing the Hispanic community. He said his aunt was arrested because she made a complaint about a neighbor's dog and when the police came to answer the complaint they arrested her because she didn't have legal papers. He said that the Hispanic community is scared to make reports because they feel they will be arrested. He said he has been stopped over and over in Neosho and he feels it's because of his race.

Sarah Lopez – She explained that her sister (Jonathon's aforementioned aunt) came from Guatemala because of domestic abuse. She also brought her 5 year old with her. Ms. Lopez said that the police broke in their door to arrest her sister. When asked to show papers to come in the house, the police told her they didn't have to have any.

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Samuel Cordova – He is the pastor of a church in Neosho. They would like to have an event outside and need Council approval because of the noise and the time. Everyone in the community is welcome. Mayor Baker asked him to contact Interim City Manager Dana Daniel and he will give him the necessary paperwork to have a successful event.

UNFINISHED BUSINESS

Bill No. 2017-844 for Ordinance No. 18-2017: Rezoning Lots N & O on Hale McGinty Drive

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-1, RETAIL BUSINESS DISTRICT, AS PETITIONED BY NEFF FAMILY TRUST2nd and 3rd Reading

Bill No. 2017-845 for Ordinance No. 19-2017: Rezoning Lots K & L & M on Hale McGinty Drive

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-2, SECOND DWELLING HOUSE DISTRICT, AS PETITIONED BY NEFF FAMILY TRUST2nd and 3rd Reading

Bill No. 2017-846 for Ordinance No. 20-2017: Rezoning 676 S Neosho Blvd

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED PROPERTIES, 676 SOUTH NEOSHO BOULEVARD, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT, TO C-3, COMMERCIAL BUSINESS DISTRICT, AS PETITIONED BY DEBBIE MAJOR....2nd and 3rd Reading

Bill No. 2017-844 for Ordinance No. 18-2017 was read by title only by Mr. Hays.

Bill No. 2017-845 for Ordinance No. 19-2017 was read by title only by Mr. Hays.

Bill No. 2017-846 for Ordinance No. 20-2017 was read by title only by Mr. Hays.

Councilman Doubek made a motion to approve Bills 2017-844, 2017-845, and 2017-846 on second and third readings; seconded by Councilman Stephens.

Roll call vote:

Jonathan Stephens - Yes

Tom Workman - Yes

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek - Yes

Motion carried.

Bill No. 2017-847 for Ordinance No. 21-2017: De-Annexation of AA HWY

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AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, DE-ANNEXING THE BELOW DESCRIBED PROPERTY LOCATED WITHIN PART OF THE SOUTH ½ OF SECTION 19 AND 20 IN TOWNSHIP 24, RANGE 32, AND PART OF THE NORTH ½ OF SECTION 29 AND 30 IN TOWNSHIP 24, RANGE 32, NEWTON COUNTY, MISSOURI ALL OF WHICH IS CONTIGUOUS WITH THE CITY OF NEOSHO, AS PETITIONED BY THE CITY OF NEOSHO.....2nd and 3rd Reading

Bill No. 2017-847 for Ordinance No. 21-2017 was read by title only by Mr. Hays.

Bruce Copeland spoke as the attorney for NABIFI. He said that this De-Annexation is improper and stated the reasons that he listed in his letter to the City Manager and the City Clerk.

Mayor Baker informed Mr. Copeland that the annexation of AA HWY was not proper because it was a flag pole or shoe string annexation and they are not legal in the state of Missouri; therefore, this council is righting a wrong. He explained that the City is not able to efficiently use its police department when they are called out to AA for an accident.

Councilman Davidson agreed with Mayor Baker and added that it is dangerous for the City of Neosho when there is an accident on AA and 3 of our 4 policeman on duty respond. This leaves only 1 police officer to patrol the city. This is unsafe for the officer and the citizens.

Motion to pass Bill No. 2017-847 on second and third readings by Councilman Davidson; seconded by Councilman Stephens.

Roll call vote:

Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - No
Jonathan Stephens -Yes

Motion Carried

BID

Fire Department Bids for Bunker Gear, Coats and Pants

Fire Chief Mike Eads informed Council that five bids were received:

- NAFECO (did not meet bid specs) \$69,930.00
- Conrad Fire Equipment
 - #1 (did not meet bid specs) \$83,628.00
 - #2 (did not meet bid specs) \$67,954.50
- Feld Fire (did not meet bid specs) \$63,022.50
- Sentinel Emergency Solutions \$68,849.81
- Hoffcomp (did not meet bid specs) \$65,224.50

Staff recommends Council approve the bid from Sentinel Emergency Solutions for \$68,849.81 as

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they were the only company to meet the bid specs.

Motion to accept the bid from Sentinel Emergency Solutions for \$68,849.81 by Councilman Doubek; seconded by Councilman Workman.

Roll call vote:

Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens -Yes
Tom Workman - Yes

Motion Carried

Fire Department Bid for Helmets

Fire Chief Mike Eads informed Council that five bids were received:

- NAFECO \$7,770.00
- Conrad Fire Equipment \$9,525.00
- Feld Fire \$7,938.00
- Sentinel Emergency Solutions \$7,506.90
- Hoffcomp \$8,610.00

Staff recommends Council accept the bid from Sentinel Emergency Solutions for \$7,506.90.

Motion to accept the bid from Sentinel Emergency Solutions for \$7,506.90 by Councilman Doubek; seconded by Councilman Stephens.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens -Yes
Tom Workman - Yes
Ben Baker - Yes

Motion Carried

Recycling Center Bid for Commodity Purchases

Interim City Manager Dana Daniel informed Council that 4 bids were received

- Triple R
 - Total Projected Revenue \$19,101
 - Revenue per Ton \$74,56
- Service Recycling

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- Total Projected Revenue \$18,102
- Revenue per Ton \$70.66
- Midwest Fibre
 - Total Projected Revenue \$28,186
 - Revenue per Ton \$110.02
- MARCK
 - Total Projected Revenue \$25,810
 - Revenue per Ton \$100.74

Staff recommends Council approve the bid from Midwest Fibre.

Motion to accept the bid from Midwest Fibre by Councilman Doubek; seconded by Councilman Stephens.

Roll call vote:

William J.P. Doubek - Yes
Jonathan Stephens - Yes
Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes

Motion Carried

CORRESPONDENCE

There was a letter from Bible Holiness Assembly thanking the City of Neosho for the closing of streets during their youth camp.

Rhonda Marion sent a letter voicing her concerns for numerous city issues.

These letters can be found with the City Clerk.

NEW BUSINESS

Public Hearing to Consider Annexation of 14646 Kodiak Road (Neosho Junior High)

Mayor Baker opened the floor for public comment.

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

Bill No. 2017-848: Annexation of 14646 Kodiak Road (Neosho Junior High_

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, ANNEXING THE BELOW DESCRIBED PROPERTY LOCATED WITHIN PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER

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AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 32 WEST, NEWTON COUNTY, MISSOURI ALL OF WHICH IS CONTIGUOUS WITH THE CITY OF NEOSHO, AS PETITIONED BY THE NEOSHO SCHOOL DISTRICT, UNDER ZONING DISTRICT R-1, FIRST DWELLING HOUSE DISTRICT CLASSIFICATION.....1st Reading

Councilman Doubek made a motion to pass Bill No. 2017-848 on first reading; Councilman Workman seconded.

Roll call vote:

Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes

Motion carried.

Public Hearing to Consider Water Rates

Mayor Baker opened the floor for public comment.

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

Bill No. 2017-850: Raising Water Rates

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI, BE AMENDED BY REVISING SECTION 710.180, CHAPTER 710: WATER, OF SAID CODE; PROVIDING FOR WATER RATES-GENERALLY-CLASSIFICATION OF CONSUMERS.....1st Reading

Finance Director Daphne Pevahouse presented Council with the following information in regards to water rates:

- Rates have only been raised two times in 16 years
- The City is not breaking even and has to dip into its reserves and our loans require us to keep a certain amount of reserves
- The City is not making a profit and using the money to spend elsewhere
- With the new rates we will be in line with other communities around us
- We are using a collection agency and are currently getting back 5%
- In the last 13 months we have had 367 leave us with a balance. This amount adds up to \$48K.

Councilman Davidson made a motion to pass Bill No. 2017-850 on first reading; Councilman Workman seconded.

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Roll call vote:

Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens –Yes

Motion carried.

Public Hearing to Consider Raising Sewer Rates

Mayor Baker opened the floor for public comment.

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

Bill No. 2017-849: Raising Sewer Rates

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI, BE AMENDED BY REVISING SECTION 705.450, CHAPTER 705: SEWERS AND SEWAGE DISPOSAL, OF SAID CODE; PROVIDING FOR CLASSIFICATION OF USERS AND MONTHLY CHARGES FOR SEWER SERVICE.....1st Reading

Councilman Workman made a motion to pass Bill No. 2017-849 on first reading; Councilman Davidson seconded.

Roll call vote:

Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens –Yes
Tom Workman - Yes

Motion carried.

Bill No. 2017-851: Deposits for New Water Accounts

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI, BE AMENDED BY REVISING CHAPTER 710: WATER; SECTION 710.030 OF SAID CODE; PROVIDING FOR SERVICE DEPOSITS.....1st Reading

Finance Director Daphne Pevahouse explained that as of right now we are only charging deposits

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to people who have left us with a prior bill and on commercial accounts.

Councilman Workman made a motion to pass Bill No. 2017-851 on first reading; Councilman Stephens seconded.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes

Motion carried.

Public Hearing to Consider the Comprehensive Plan for the City of Neosho, Missouri

Mayor Baker opened the floor for public comment.

Jill Cornett went over the comprehensive plan. This can be found with the City Clerk or online.

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

Resolution Bill No. 2017-03: Neosho Comprehensive Plan

Read in title only by Mr. Hays

A RESOLUTION OF THE CITY OF NEOSHO, MISSOURI, THE 2017 COMPREHENSIVE PLAN FOR THE CITY OF NEOSHO

Councilman Doubek made a motion to pass Resolution Bill No. 2017-03 on first reading; Councilman Davidson seconded.

Roll call vote:

William J.P. Doubek - Yes
Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes

Motion carried.

MIRMA Police Grant

Police Chief David Kennedy asked Council for approval to apply for the MIRMA Emergency Equipment Grant. He plans to purchase tasers with cameras, tire deflation device, and a security

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surveillance system for the police department. MIRMA provides 75% of the cost for these items with the City paying 25%.

Councilman Doubek made a motion to approve Police Chief David Kennedy to apply for the MIRMA grant; Councilman Workman seconded.

Roll call vote:

Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes

Motion carried.

Police LLEBG Grant

Police Chief David Kennedy requested permission from the Council to apply for the LLEBG Grant. This grant will fund up to \$9,999.99 for officer safety equipment. There is no match required for this grant.

Councilman Stephens made a motion to approve Police Chief David Kennedy to apply for the LLEBG grant; Councilman Doubek seconded.

Roll call vote:

Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens –Yes

Motion carried.

Leasing of City Property

Interim City Manager Dana Daniel informed Council he has been in communication with Shane Lake about the city's property adjacent to his business. Mr. Lake has agreed to pay the city \$50/month along with mowing and trimming the property. Once Council agrees to these terms an agreement with Mr. Lake will be drawn up.

Councilman Workman made a motion to approve a \$50/month lease and allow the City Attorney to draw up an agreement for this lease; Councilman Davidson seconded.

Roll call vote:

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Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens –Yes
Tom Workman - Yes

Motion carried.

Easement for Neosho Jr. High

Public Works Director Ryan Long asked Council to approve the right-of-way easement for the new Neosho Junior High School.

Councilman Davidson asked why this wasn't done in the beginning and what happens if the school decided not to grant the easement. Mr. Long agreed the easement should have been done before, but if the easement is not granted the water will be shut off.

Councilman Workman made a motion to approve the right-of-way easement for the Neosho Junior High School; Councilman Stephens seconded.

Roll call vote:

Richard Davidson – Yes
William J.P. Doubek - Yes
Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes

Motion carried.

Amendment to Electric Services Agreement with Empire

Public Works Director Ryan Long asked Council to approve the repair and fixture replacements of street lights at:

- SW Corner of N. Lincoln & Thrasher #761145
- 919 Canyon Dr. #766000
- N. Summit & Smith Ave. #771770
- Brook St. and N. Lincoln #771833

Councilman Stephens made a motion to approve the repairs and fixture replacements for the above mentioned locations; Councilman Workman seconded.

Roll call vote:

William J.P. Doubek - Yes

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Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes

Motion carried.

APPOINTMENTS AND VACANIES

Mayor Baker asked the press for help in filling these positions.

There was one letter of interest received: Garrett Crane would like to serve on the Parks Recreation and Golf Course Board.

Councilman Workman made a motion to approve Garrett Crane to serve on the Parks Recreation and Golf Course Board; Councilman Doubek seconded.

Roll call vote:

Jonathan Stephens –Yes
Tom Workman - Yes
Ben Baker - Yes
Richard Davidson – Yes
William J.P. Doubek - Yes

Motion carried.

REPORT OF CITY OFFICERS

Daphne Pevahouse – Finance Director: June Financials

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

Fire Chief Mike Eads – ISO Rating

Mr. Eads explained that our official rating which comes out 10/1/17 shows us as having a 5/10 split.

Interim City Manager Dana Daniel – Parks Board to Make Plans for Baseball and Soccer Fields.

Mr. Daniel explained to Council that he would like to include the Parks Recreation and Golf Course Board in on a discussion to possibly move the baseball and soccer fields from their current location.

City Clerk Rachel Holcomb – Scenic Park Grand Reopening

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The city will be hosting a grand reopening on Friday, July 28, 2017. There will be free food, ice cream and face painting. There will also be a chance to dunk Mayor Baker and Councilman Workman. The public will be able to give ideas for new murals to be painted on the buildings located in the park, see the new equipment, and enjoy the existing refurbished equipment.

Police Chief David Kennedy – Response to Visitor’s Business and Comprehensive Plan

Chief Kennedy explained to Council that the Neosho Police Department is bound by laws. They were not able to give Ms. Lopez any information regarding her sister because of the Missouri Sunshine Law. Also, there was a felony deportation warrant so the local police did have authority to take her in to custody. He also wanted to make known that the comprehensive plan showed the population of Neosho to have grown by almost 2,000 people and the NPD have fewer officers today than they did back then.

City Attorney Steve Hays – CID Board Investigation

Mr. Hays informed Council that Mr. Darrell Gross now has 3 felony complaints against him. He was summoned, not arrested. The CID Attorney is also working with the Greene County Prosecutor for possible charges.

Closed Meeting

Motion was made by Councilman Davidson and seconded by Councilman Workman 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.

Roll call vote:

Tom Workman – Yes

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek - Yes

Jonathan Stephens –Yes

Motion carried

Mayor Baker closed the meeting at 8:58 p.m.

The meeting reconvened in open session at 9:31 p.m. and Mayor Baker announced there were no votes taken.

ADJOURN

Mayor Baker asked if there was any further business to come before Council, with no response

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he asked for a motion to adjourn the July 18, 2017, Regular Session City Council meeting.

Motion to adjourn by Councilman Stephens and seconded by Councilman Davidson.
Unanimous vote to adjourn.

Mayor Baker adjourned the regular session meeting at 9:31 p.m.

APPROVED:

NEOSHO CITY COUNCIL

Mayor

ATTEST:

City Clerk