

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**June 20, 2017 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Roger Wilson 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 Davidson and seconded by Councilman Workman. Unanimous vote to approve.

**CONSENT AGENDA:**

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

**MINUTES:**

The minutes of June 06, 2017-Open Session-was approved as presented.

The minutes of June 06, 2017-Closed Session-was approved as presented.

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

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

Roll call vote:

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek - Yes

Jonathan Stephens -Yes

Tom Workman - Yes

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Motion carried.

### **PROCLAMATION**

Mayor Baker presented 4 State Search and Rescue, Diamond Fire Department, The Missouri State Highway Patrol, Missouri Water Patrol, Newton County Ambulance, Newton County Central Dispatch Center, Newton County Search and Rescue, and Newton County Sheriff's Office with a plaque recognizing the hard work and dedication during the recent flooding.

### **VISITOR BUSINESS**

There was none.

### **UNFINISHED BUSINESS**

#### **Bill No. 2017-843 for Ordinance No. 17-2017: Amended State Block Funding**

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, AUTHORIZING THE CITY OF NEOSHO TO EXECUTE AN AMENDED AGREEMENT BETWEEN THE CITY OF NEOSHO AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE PURPOSE OF SEALING AND REMARKING RUNWAY 1-19, PARALLEL & CONNECTING TAXIWAYS.....2<sup>nd</sup> and 3<sup>rd</sup> Reading

Bill No. 2017-843 for Ordinance No. 17-2017 was read by title only by Mr. Hays.

Motion to pass Bill No. 2017-843 on second and third readings by Councilman Workman and seconded by Councilman Doubek.

#### Roll call vote:

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

Motion Carried

### **BID**

#### **Water/Wastewater – Rotor Repair**

Ken Brady informed Council that three bids were received:

- D&S Erectors \$34,250.00
- K&B Excavating \$39,387.50
- Steve Adams Construction \$41,432.50

Motion to accept the bid from D&S Erectors for \$34,250.00 by Councilman Stephens; seconded by Councilman Davidson.

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### Roll call vote:

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

Motion Carried

### **Police Department – Air Conditioning**

Police Chief David Kennedy informed Council that three bids were received:

- Precision Heating and Air \$6,580.00
- West Mechanical Services \$7,200.00
- Lyerla Sheet Metal \$8,970.00

Motion to accept the bid from Precision Heating and Air for \$6,580.00 by Councilman Doubek; 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

### **CORRESPONDENCE**

There was none.

### **NEW BUSINESS**

#### **Chamber Update**

Lauri Lyerla provided Council with an update from the Chamber of Commerce.

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

Mayor Baker opened the floor for public comment.

David Sims rose to speak in regards to rezoning lots K, L, M, N, and O in this neighborhood. He

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spoke on behalf of the property owner, Terry Neff. He feels that with this rezoning it will create a buffer with future development

Councilman Davidson said it was nice to see the land owner and surrounding property owners come together and compromise.

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

### **Bill No. 2017-844: Rezoning of Lots N&O 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 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 TRUST.....1<sup>st</sup> Reading

Councilman Workman made a motion to pass Bill No. 2017-844 on first reading; 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.

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

Mayor Baker 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 Baker closed the public hearing.

### **Bill No. 2017-845: 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-2, SECOND DWELLING HOUSE DISTRICT, AS PETITIONED BY NEFF FAMILY TRUST.....1<sup>st</sup> Reading

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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. 2017-845 on first reading; Councilman McCracken seconded.

### Roll call vote:

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek - Yes

Jonathan Stephens –Yes

Tom Workman - Yes

Motion carried.

### **Public Hearing regarding the Rezoning of 626 South Neosho Boulevard**

Mayor Baker opened the floor for public comment.

Dan Long, son of nearby land owner Evelyn Long, explained to Council that if this rezoning is approved it could limit Ms. Long's ability to sell her property in the future. They are worried about any structures built on this property encroaching on their easement.

Debbie Majors defended the rezoning saying it is the only property along the Boulevard that isn't zoned commercial. The property is not big enough to build on; she wants to be able to place a billboard on her property.

Cindy Forbes, real estate agent for the Longs, asked Council if the land is not big enough to build on why rezone it? She believes that if anything is built on the property it is in violation of the easement.

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

### **Bill No. 2017-846: Rezoning of 626 South Neosho Boulevard**

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED PROPERTY, 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.....1<sup>st</sup> Reading

Councilman Davidson made a motion to pass Bill No. 2017-846 on first reading; Councilman Workman seconded.

### Roll call vote:

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

Motion carried.

### **Public Hearing to Consider De-Annexation of AA HWY**

Ken Boyer stood up to speak in agreement that HWY AA should be De-Annexed from the City. He would like to keep his property outside of city limits.

Police Chief Kennedy explained to Council that the police department's resources are not being use efficiently because of HWY AA being in their jurisdiction. It is not safe for the department or for the residents of Neosho for them to be so far outside of the City.

Councilman Davidson agreed with Chief Kennedy. He does not feel that the police officers need to be going to AA.

### **Bill No. 2017-847: De-Annexation of AA HWY**

Read in title only by Mr. Hays

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.....1<sup>st</sup> Reading

Councilman Davidson made a motion to pass Bill No. 2017-846 on first reading; Councilman Stephens seconded.

Roll call vote:

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

Motion carried.

### **ATT Tower Lease Agreement**

Interim City Manager Dana Daniel explained to Council that ATT wants to amend their lease as they are doing with all of their leases.

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City Attorney Steve Hays informed Council that it's unusual that ATT is making this request 3 years before their lease is up. He would like time to be able to find out more about it at the city attorney conference for MML in July. He did acknowledge that based on current legislation ATT is going to be able to start doing things like this without the City's permission.

Councilman Doubek made a motion to postpone this agenda item until after the City Attorney conference; 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.

### **Full Time Animal Control Officer**

Interim City Manager Dana Daniel informed Council that they would like to change the ACO officer from part time to full time. Current revenues will allow for this increase.

Councilman Davidson agreed this was a good thing with all of the dog issues recently. He asked what the City will do in the evenings and weekends.

Mr. Daniel advised that evenings and weekends will still be handled by the police, but the ACO can be on call to help out if needed.

Councilman Stephens made a motion to approve the change from part time to full time for the Animal Control Officer position; Councilman Workman seconded.

### Roll call vote:

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

Motion carried.

### **Mass Depot Water Line**

Interim City Manager explained that there has been a break in a water line on Mass Depot's

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property. It was originally thought to be an unmarked city main but recently found it was part of Mass Depot's fire depression system.

Wes Ogden, Shane Smith, David Pevahouse stood to explain their side of the situation. They are asking the City to reimburse them for the dirt that was ruined as a result of the water. They are planning on starting to lay their foundation on June 28<sup>th</sup> and the dirt will still be too wet to accomplish this.

Discussion followed.

Councilman Davidson suggested that Mass Depot file a claim with the City of Neosho's insurance agent. They will pay the claim if they find the City liable. It was the consensus of the Council that this be sent as a claim to the insurance agent.

### **Interim City Manager Salary**

Interim City Manager Dana Daniel explained to Council that he has been the Interim City Manager now for 6 months and would like them to review his salary.

Mayor Baker thinks it would be well deserved. He feels Mr. Daniel has done an excellent job.

Councilman Davidson agreed saying no one thought it was going to take so long to find a permanent City Manager and he feels a raise in pay would be appropriate.

Mr. Daniel's current salary is \$60,000 including the original \$10,000 raise added when we took the Interim City Manager position.

Councilman Davidson made a motion to add another \$10,000 to Mr. Daniel's salary and to reevaluate during the next budget year; Councilman Doubek seconded.

### Roll call vote:

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

Motion carried.

### **APPOINTMENTS AND VACANIES**

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

### **REPORT OF CITY OFFICERS**

**Daphne Pevahouse – Finance Director: May Financials**



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

### **Ken Brady – Wastewater Department: Alliance May Report**

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

### **Councilman Richard Davidson – TDD Roads**

Councilman Davidson informed Council that he was approached about Lusk Drive north of HWY 60. He was asked if the City was going to do anything about the condition of this road. He informed the citizen that this was a TDD road. This project was approved by the citizen's of Neosho to be added to the TDD project list and was never completed.

Councilman Baker advised he has received several calls and questions about the cracks on Kodiak and Adams Drive. He said he forwards all correspondence to the TDD board.

Councilman Doubek said he receives the same questions.

Councilman Davidson asked for help in getting the messages to the TDD board as his emails are being rejected.

### **Closed Meeting**

Motion was made by Councilman Stephens and seconded by Councilman Doubek 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:

Richard Davidson – Yes

William J.P. Doubek - Yes

Jonathan Stephens –Yes

Tom Workman – Yes

Ben Baker - Yes

Motion carried

Mayor Baker closed the meeting at 8:38 p.m.

The meeting reconvened in open session at 9:03 p.m. and Mayor Baker announced there were no votes taken.

### **ADJOURN**

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Mayor Baker asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the June 20, 2017, Regular Session City Council meeting.

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

Mayor Baker adjourned the regular session meeting at 9:04 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

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**Mayor**

**ATTEST:**

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**City Clerk**