

**MINUTES**  
**NEOSHO CITY COUNCIL**  
**October 03, 2017 - 7:00 p.m.**  
**City Hall – Council Chambers**  
**203 E. Main St., Neosho, MO**

**OPENING PRAYER & PLEDGE OF ALLEGIANCE**

William J.P. Doubek gave the opening prayer and Mayor Baker led the Pledge of Allegiance.

A quorum being present, Mayor Baker called the meeting to order at 7:01 p.m.

**ROLL CALL**

COUNCIL PRESENT:

Ben Baker, Richard Davidson, Jon Stephens, and Tom Workman, William J.P. Doubek

CITY OFFICERS PRESENT:

Steven Hays, City Attorney; Dana Daniel, Interim City Manager; Georgia Holtz, HR Director

**APPROVAL OF AGENDA**

Councilman Doubek made a motion to approve the agenda; Councilman Workman seconded.

Roll call vote:

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

Motion carried.

**CONSENT AGENDA:**

Councilman Stephens made a motion to approve the consent agenda; seconded by Councilman Workman.

Roll call vote:

Richard Davidson – Yes  
William J.P. Doubek - Yes  
Jon Stephens – Yes  
Tom Workman – Yes

## Council Minutes – October 03, 2017

Ben Baker - Yes

Motion carried.

### **MINUTES:**

The minutes of August 15, 2017- Open Session-Amended-was approved as presented.

The minutes of September 19, 2017-Open Session-was approved as presented.

The minutes of September 19, 2017-Closed Session-was approved as presented.

Councilman Doubek made a motion to approve the minutes listed above; Councilman Stephens seconded.

### Roll call vote:

William J.P. Doubek - Yes

Jon Stephens – Yes

Tom Workman – Yes

Ben Baker - Yes

Richard Davidson – Yes

Motion carried.

### **PROCLAMATION**

#### **Employer of the Month - October**

Mayor Baker indicated the Proclamation for Employer of the Month was Newton County Abstract and Title. He stated he did some research on this company and they are the oldest family business in Neosho which started in 1896.

### **VISITOR BUSINESS**

There was none.

### **UNFINISHED BUSINESS**

#### **Bill No. 2017-860 for Ordinance No. 34-2017: Rezoning of 219 West Hill Street**

Bill No. 2017-860 for Ordinance No. 34-2017 was read by title only by Mr. Hays.

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REZONING THE BELOW DESCRIBED PROPERTY, 219 WEST HILL STREET, NEOSHO, NEWTON COUNTY, MISSOURI, FROM DISTRICT R-2, SECOND DWELLING HOUSE DISTRICT, TO R-3, APARTMENT HOUSE DISTRICT, AS PETITIONED BY DEBBIE MAJOR. ....2<sup>nd</sup> and 3<sup>rd</sup> Reading

## Council Minutes – October 03, 2017

Interim City Manager Dana Daniel indicated that Planning & Zoning had made the recommendation to rezone this property at 219 West Hill Street from R-2 to R-3. Mayor Baker asked Council if there was any discussion or questions.

Jon Stephens asked if Planning & Zoning had any thoughts or discussion on what they were going to put on this property. Dana Daniel responded.

Motion to pass Bill No. 2017-860 for Ordinance No. 34-2017 on second and third readings by Councilman Davidson; seconded by Councilman Workman.

### Roll call vote:

Jon Stephens – Yes

Tom Workman – Yes

Ben Baker - Yes

Richard Davidson – Yes

William J.P. Doubek – Yes

Motion Carried

### **BID**

There was none.

### **CORRESPONDENCE**

There was none.

### **NEW BUSINESS**

#### **Bill No. 2017-859: Annexation of 15247 Kodiak Road**

Read in title only by Mr. Hays

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, ANNEXING THE BELOW DESCRIBED PROPERTY LOCATED WITHIN A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 25 NORTH, RANGE 32 WEST, NEWTON COUNTY, MISSOURI ALL OF WHICH IS CONTIGUOUS WITH THE CITY OF NEOSHO, AS PETITIONED BY MOSER PROPERTIES LLC, UNDER ZONING DEISTRIC R-1, FIRST DWELLING HOUSE DISTRICT CLASSIFICATION...1<sup>st</sup> Reading

Dana Daniel indicated this property is west of the Middle School. On August 22, Planning & Zoning committee discussed this annexation. There were no comments from the public.

Mayor Baker recalled there was some discrepancy with this location at a past council meeting. Dana Daniel stated it was a legal issue.

## Council Minutes – October 03, 2017

Councilman Doubek made a motion to pass Bill No. 2017-859 on first reading; Councilman Stephens seconded.

### Roll call vote:

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

Motion carried.

### **Alliance Agreement**

Dana Daniel explained the Alliance Agreement indicating he had confirmed the numbers with the Finance Department. Mayor Baker asked if there were any questions from council and if there was a summary of charges for this agreement. Dana Daniel indicated the agreement was as of 10/1/2017 and the base fee compensation was \$85,493.50 per month among other charges.

Councilman Davidson made a motion to approve the Alliance Agreement and allow the Mayor to execute; Councilman Workman seconded.

### Roll call vote:

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

Motion carried.

### **Neosho Exchange Club**

Dana Daniel indicated this council agenda item was concerning the Neosho Exchange Club wanting the City to partner with them. The Neosho Exchange Club cares for the area around the large flag across from Walmart, MoDOT has the easement to the property. There is no cost to the City. Dave Pagent is here tonight to answer any questions if needed. It would be a worthwhile project for the City to be involved in.

Councilman Stephens made a motion to accept the Neosho Exchange Club agreement; Councilman Workman seconded.

### Roll call vote:

## Council Minutes – October 03, 2017

Richard Davidson – Yes

William J.P. Doubek – Abstained due to being past President of the Exchange Club & involved with the Exchange Club

Jon Stephens – Yes

Tom Workman – Yes

Ben Baker – Yes

Motion carried.

### **Irrevocable Consent for Shady Acres Town & Country Sub-Division**

Dana Daniel explained this property was not contiguous; they wanted water and sewer.

Richard Davidson made some comments concerning an approval of a letter 4-5 years ago across the street on Palm Road regarding a group out of Springfield. If that property had truly been annexed at that time, this property would be already annexed. Dana Daniel indicated we will check on this. Richard Davidson also commented that the request lists the owner as Mark Shade and the deed says Lost Creek Construction. Steve Hays stated on the irrevocable consent, it has been corrected as Lost Creek Construction as the owner. Mayor Baker asked Steve Hays if this request needed to be tabled until we received further information. Steve Hays stated it would not need to be tabled; if this was the case, this property would just be already annexed. Mayor Baker asked if there were any further questions.

Councilman Doubek made a motion to approve the request for the Irrevocable Consent for Shady Acres Town & Country Sub-Division; Councilman Stephens seconded.

#### Roll call vote:

William J.P. Doubek – Yes

Jon Stephens – Yes

Tom Workman – Yes

Ben Baker - Yes

Richard Davidson – Yes

Motion carried.

### **Workforce Housing Development**

Dana Daniel explained this development is just north of the ambulance station and they are supporting the proposed project. It will be two unit, three unit and possible four-plexes. The Workforce Housing Development wants the city to show support of this project. Pete Ramsel is here for any questions involving this project. Mayor Baker indicated this will be a good addition. Richard Davidson asked Mr. Ramsel when they might be hearing from the State and what kind of timeframe they were expecting. Mr. Ramsel responded the applications deadline was December 1, and they hoped to hear from the state regarding approval sometime in March. They were hoping to begin construction in the spring of 2018.

## Council Minutes – October 03, 2017

Councilman Davidson made a motion to authorize the Mayor, City Manager, and City Attorney to sign the resolution and Letters of Support; Councilman Workman seconded.

### Roll call vote:

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

Motion carried.

### **Region M Grant**

Dana Daniel indicated the Region M Grant is for the recycling center; stating the City applies for this grant each year. Mayor Baker asked if there were any questions or any discussion.

Councilman Doubek made a motion to approve the Mayor to sign application documents; Councilman Stephens seconded.

### Roll call vote:

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

Motion carried.

### **Variance Request**

Dana Daniel explained this Variance Request was being brought to council by CSG (Construction Services Group). He explained the City had approved their initial construction plans. After the approval, the Fire Inspector learned from a training class that the fire pump in the construction plans needed to be in an encased room. The Fire Inspector felt it was appropriate to tell CSG of this requirement. CSG wants this variance as plans were initially approved by the City and didn't find out until a later time of this change which adds an additional cost to the project.

Mayor Baker indicated he would abstain from the discussion of this variance request as he is a part-time employee of CSG. Mayor Pro Tem Richard Davidson took over the council discussion(s).

## Council Minutes – October 03, 2017

Discussion ensued regarding this variance request. Tyler Marion came to the podium to speak for CSG. He indicated there is a fire curtain already around this pump and explained the purpose of the pump. He stated it takes 30 feet of space in this building and the Fire Inspector is saying the fire pump needs completely encased in a room with an outer door. Richard Davidson asked Mr. Marion what CSG's expectation of approval was at the onset of this project. Mr. Marion stated they have completed drawings, they were sent to the City on August 3, CSG received approval of the drawings on August 10. On September 20, CSG was notified by the Fire Inspector that he did not realize it was a requirement that the fire pump needed to be completely encased in a room with an outer door. Richard Davidson asked the question that possibly it was a requirement in case the pump shorts out. Mr. Marion explained heat and water will not affect the pump. Richard Davidson stated to Mr. Marion that he wanted to make sure that Mass Depot understood that if the variance is given by the City, this in no way has anything to do with requirements by their insurance company.

Richard Davidson asked the question to the city attorney that in light of there being no Board of Adjustments for the City was why CSG asked for a variance? Steve Hays responded that we do not have a Board of Adjustments so they took it to council. Richard Davidson recalled the City in the past a church had asked for a variance involving some construction changes. Mr. Marion indicated this project does not allow for construction changes. Dana Daniel stated that based on the Fire Inspector's latter findings, we felt it best to have the council decide. Tom Workman asked Steve Hays if this specific requirement was in the code. Steve Hays stated the City had accepted the construction plans. Mike Eads, Fire Chief, indicated our fire inspection goes by the 2009 International Building Code. Steve Hays asked if this was a new regulation; Eads indicated it was not, this was just missed. Richard Davidson asked Mr. Marion if they were requesting a variance because of the cost involved in the change. Mr. Marion indicated the required change would add an additional \$5,000. Richard Davidson asked if they had a temporary occupancy permit, Mr. Marion answered yes. The final occupancy permit would be based on the decision made for this variance request.

Richard Davidson made a motion that in the absence of a Board of Adjustments that the City would direct the Building inspector to give the occupancy permit but understand this has nothing to do with any insurance requirements. Tom Workman seconded the motion.

### Roll call vote:

Ben Baker – Abstained due to being a part time employee of CSG  
Richard Davidson – Yes  
William J.P. Doubek - Yes  
Jon Stephens – Yes  
Tom Workman – Yes

Motion carried.

## **REPORT OF CITY OFFICERS**

### **Dana Daniel – Interim City Manager: Jim Ianke**

Mr. Daniel stated that Alliance employee, Jim Ianke, was retiring and thanked him for his help

**Council Minutes – October 03, 2017**

and good work he’s done for the city. Jim Ianke also spoke to thank the City for the opportunity.

**Dana Daniel – Interim City Manager: Building Permits**

Mr. Daniel distributed an email to the council from John Harrington with a building permits summary from 2012 through 2017. Mayor Baker mentioned we had double the amount of permits than last year. He stated it was great growth for the City of Neosho.

***CLOSED MEETING***

Motion was made by Councilman Stephens 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:

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

Motion carried.

Mayor Baker closed the meeting at 7:36 p.m.

The meeting reconvened in open session at 8:29 p.m. and Mayor Baker announced there was one vote taken.

**ADJOURN**

Mayor Baker asked if there was any further business to come before Council, with no response he asked for a motion to adjourn the October 03, 2017, Regular Session City Council meeting.

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

Mayor Baker adjourned the regular session meeting at 8:29 p.m.

**APPROVED:**

**NEOSHO CITY COUNCIL**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**