

MINUTES
NEOSHO CITY COUNCIL
May 4, 2021 – 7:00 p.m.
Neosho Council Chambers
203 E. Main St., Neosho, MO

OPEN & CALL TO ORDER

Mayor Doubek called the meeting to order at 7 p.m.

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Andrew Sims gave the opening prayer and Mayor Doubek led the Pledge of Allegiance.

ROLL CALL

COUNCIL PRESENT:

Richard Davidson, Tyler DeWitt, William Doubek, Julie Humphrey, Ashton Robinson, and Angela Thomas were present.

COUNCIL ABSENT:

Charles Collinsworth came into the meeting at 7:23 p.m.

CITY OFFICERS PRESENT:

Jordan Paul, City Attorney; David Kennedy, City Manager; Cheyenne Wright, City Clerk. Minutes taken by Clerk.

APPROVAL OF AGENDA & CONSENT AGENDA

Councilman Davidson made a motion to strike number 4 under New Business; Mayor Doubek seconded.

Roll call vote:

Richard Davidson - Yes

Tyler DeWitt – Yes

William Doubek – Yes

Julie Humphrey – Yes

Ashton Robinson - Yes

Angela Thomas – Yes

Motion carried.

APPROVAL OF MEETING MINUTES:

April 20, 2021 Open Session Council Minutes

April 20, 2021 Closed Session Council Minutes

April 22, 2021 Special Session Council Minutes

Councilman Davidson made a motion to approve the April 20, 2021 Open and Closed Session Minutes and the April 22nd, 2021 Special Session Council Minutes; Councilman DeWitt seconded.

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Roll call vote:

Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes

Motion carried.

VISITOR’S BUSINESS

Dakota Cholka addressed Council on Chapter 210 of the City Code and the issues that he is having with his next-door neighbor and their many ducks, turkeys, and chickens. Mr. Cholka would like to see the ordinance be stricter regarding animals in the city limits.

Tom Saffell addressed Council regarding the crime in his area.

UNFINISHED BUSINESS

Bill No. 2021-43: Contract with Westrum Leak Detection for the Leak Survey, 2nd & 3rd Readings

AN ORDINANCE authorizing the City of Neosho to enter into an Agreement with Westrum Leak Detection, Inc., an Iowa Corporation, for the purpose of providing water service leak detection survey services for the not to exceed price of Sixteen Thousand Five Hundred and 00/100 Dollars (\$16,500.00); and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

Bill No. 2021-43 was read in title only by Attorney Paul.

Councilman Davidson made a motion to approve and discuss Bill No. 2021-43: Contract with Westrum Leak Detection for the Leak Survey for 2nd & 3rd Readings; Councilman DeWitt seconded.

There was no discussion

Roll call vote:

Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Richard Davidson – Yes

Motion carried.

Bill No. 2021-44: Backflow Device, 2nd & 3rd Readings

AN ORDINANCE amending Title V Building Code, Chapter 510 Plumbing, Article I Code Adoption, Section 510.015 Additions, Insertions and Changes, by repealing Section 510.015 Additions, Insertions and Changes, and enacting a new Section 510.015 Additions, Insertions, and Changes in lieu thereof.

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Bill No. 2021-44 was read in title only by Attorney Paul.

Councilman DeWitt made a motion to approve and discuss Bill No. 2021-44: Backflow Device for 2nd & 3rd Readings; Councilwoman Robinson seconded.

There was no discussion

Roll call vote:

William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Richard Davidson - Yes
Tyler DeWitt – Yes

Motion carried.

Bill No. 2021-45: Agreement with the VFW MO Post 4142 for the display of the Helicopter, 2nd & 3rd Readings

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with the Veterans of Foreign Wars Dept of MO Post 4142, a Missouri Non-Profit Corporation, for the purpose of displaying Bell UH-1H Iroquois helicopter, serial number 68-15533, at 1412 Waldo Hatler Memorial Dr., Neosho, MO 64850; and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

Bill No. 2021-45 was read in title only by Attorney Paul.

Councilwoman Thomas made a motion to approve and discuss Bill No. 2021-45: Agreement with the VFW MO Post 4142 for the display of the Helicopter for 2nd & 3rd Readings; Councilwoman Robinson seconded.

There was no discussion

Roll call vote:

Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes

Motion carried.

Councilman Collinsworth entered the meeting at 7:23 p.m.

Bill No. 2021-46: Mutual Aid Agreement with MDC Forestry Agreement, 2nd & 3rd Readings

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with the Missouri Department of Conservation for the purpose of preventing and controlling wildfires in Newton County,

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Missouri; and authorizing the Mayor or his designee to execute the same by and on behalf of the City of Neosho.

Bill No. 2021-46 was read in title only by Attorney Paul.

Councilman Collinsworth made a motion to approve and discuss Bill No. 2021-46: Mutual Aid Agreement with MDC Forestry Agreement, 2nd & 3rd Readings; Councilwoman Thomas seconded.

There was no discussion

Roll call vote:

Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinsworth - Yes
Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes

Motion carried.

Bill No. 2021-47: CDBG Hazard Mitigation Storm-water Improvements Grant, 2nd & 3rd Readings

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with the Department of Economic Development, an executive branch agency of the State of Missouri, for the purpose of accepting community development block grant program funding for stormwater improvements in the area of Stratford Place and Park Street; and authorizing the Mayor or his designee to execute the same by and on behalf of the City of Neosho.

Bill No. 2021-47 was read in title only by Attorney Paul.

Councilman Davidson made a motion to approve and discuss Bill No. 2021-47: CDBG Hazard Mitigation Storm-water Improvements Grant, 2nd & 3rd Readings; Councilman Collinsworth seconded.

City Manager Kennedy stated that the Project Description did not have the full description on the project documents. The ordinance needs to be amended to present this new project detail correctly. This would include Freeman and McKinney Street.

Councilman Davidson made a motion to amend Bill No. 2021-47 to change from Stratford Place and Park Street to Stratford Place and Freeman Road; Councilwoman Thomas seconded.

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes

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Motion carried.

Roll Call Vote to Pass Bill No. 2021-47 on 2nd & 3rd Readings with the amendment:

Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinsworth – Yes

Motion carried.

INTRODUCTION OF NEW ORDINANCES

Bill No. 2021-48: Disc Golf, 1st Reading

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with Frank Hebert d/b/a Neosho Disc Golf Tournament for the purpose of promoting the Little Big Show Disc Golf Tournament for the not to exceed price of Four Thousand Seven Hundred Eighty-Six and 00/100 Dollars (\$4,786.00); and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

Bill No. 2021-48 was read in title only by Attorney Paul.

Councilwoman Thomas made a motion to approve and discuss Bill No. 2021-48: Disc Golf, 1st Reading; Councilwoman Humphrey seconded.

Parks and Recreation Director Dalbom addressed Council stating that this went to Council on April 20th and Council asked for this be presented to the Events Board for a recommendation and for staff to investigate the budget for the Hotel/Motel funds. The Events Board met on April 29, 2021, and they voted to recommend Option #2 for the Disc Golf Tournament to be held on July 31st and August 1st.

Councilwoman Robinson asked if staff could present the budget for the Hotel/Motel funds.

Finance Director Pevahouse addressed Council stating that the Holiday Classic this year did not use the funding that was set aside for them. Due to not having that expense, there is \$9,000 left over.

Discussion was held.

Roll call vote:

Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinsworth – Yes
Richard Davidson - Yes

Motion carried.

NEW BUSINESS

Request for Fireworks from Neosho R-5 School District

Battalion Chief Haskett addressed Council stating that the City Code states that the discharge of fireworks is limited to the periods of 7:00 a.m. – 11:00 p.m. from July 1st to July 10th. Members of the Neosho R5 School District is requesting permission to discharge fireworks on May 13, 2021 around 9:00 p.m. for graduation night. Fireworks would be discharged behind and West of the school district’s Administration Building on school district property. Staff is requesting permission for the school district to discharge fireworks outside of the timeframe designated in the ordinance.

Councilman Davidson made a motion to approve the request for discharge of fireworks for May 13, 2021 from the Neosho School District, Councilman DeWitt.

Roll call vote:

- William Doubek – Yes
- Julie Humphrey – Yes
- Ashton Robinson - Yes
- Angela Thomas – Yes
- Charles Collinsworth – Yes
- Richard Davidson - Yes
- Tyler DeWitt – Yes

Motion carried.

Lane & Swift-Discussion of Detention Ponds

City Manager Kennedy addressed Council regarding 430.100 and stormwater detention ponds. The City received an attorney letter from Paul Law Firm representing Larry Lane and Randy Swift regarding Lane & Swift wanting the City of Neosho to accept the detention ponds in the subdivisions they built. City Manager Kennedy stated that he reached out to Attorney David Sims to represent the City in this due to the conflict of interest for City Attorney Paul.

Larry Lane addressed Council stating that he feels this ordinance does in fact say the City will accept the detention ponds. He said that the City’s growth will be stifled if we do not accept these detention ponds.

Attorney David Sims stated that he feels that the misunderstanding starts with the building inspector and Lane & Swift’s feeling of him “accepting” these maps for the City. The Council is the authority to accept or not accept the detention ponds.

Councilman DeWitt asked if the City owns the Meadows Subdivision detention ponds?

Public Works Director Siler stated that the City does not own the Meadows detention ponds.

Councilman Davidson stated that an HOA is something that could be put into place to maintain these ponds. He felt the ordinance could go either way.

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Discussion was held.

Councilman Davidson requested the Council to step back from the issue and bring the issue back to the May 18th Council Meeting.

Neosho School District Waiver of Project Fees

Neosho School District Superintendent, Jim Cummins addressed Council stating that he had prior Council approval for project fees to be waived. He spoke about the City of Neosho's logo being placed on the turf field, as well as the other projects stated in the agreement. These are fees that are not budgeted fees, such as building permitting fees.

Councilman Davidson stated that the City of Carthage waives 50% of fees, Joplin does not waive fees, so some City's do, and some do not.

Councilman Collinsworth stepped out of the meeting at 8:41 p.m.

Councilwoman Robinson asked if we should trade the projects for fees or just pay the fees and do the projects ourselves.

Councilman Collinsworth returned to the meeting at 8:44 p.m.

Councilman Davidson stated that the school should pay fees and that change the ordinance to read that the City would waive 50% of the fees.

Attorney Paul stated that he would bring an agreement to the May 18th Council Meeting, an ordinance stating the 50% reduction in fees and the moving of Hill Street.

Cooperative Agreement with Alliance for Slip Lining

Ken Brady, Alliance Water Resources Manager, explained that the cooperative purchasing agreement is to piggyback from large bids from other Cities to get their pricing. This is a benefit due to larger City's bidding out for more products than what the City of Neosho might bid out. This typically will give them better pricing for the products.

City Manager Kennedy stated that when looking at other communities that are involved in this slip lining cooperative agreement, they either met or exceeded our purchasing policy. We would like to piggyback from Joplin, Monett, or Fulton depending on which one works best for the City of Neosho. If Council approves of this process, then we will bring back bid documents for the Council to approve.

It was by a consensus of the Council, to move forward with the Cooperative Purchasing Agreement for Slip Lining.

Charter and Ordinance Discussion over the removal of Mayor for incapacitation

Councilman Davidson addressed Council stating that there is no authority of any Council Person to remove another Council Person. An elected official can only be removed by a judge regarding the Ordinance of Charter violations.

APPOINTMENTS AND VACANCIES

Airport Industrial Development Board:

Council Representative

Mayor Doubek nominated Councilman Davidson.

Roll call vote:

- Julie Humphrey – Yes
- Ashton Robinson - Yes
- Angela Thomas – Yes
- Charles Collinsworth – Yes
- Richard Davidson - Yes
- Tyler DeWitt – Yes
- William Doubek – Yes

Motion carried.

Events Board:

Council Representative

Mayor Doubek nominated Councilwoman Robinson.

Roll call vote:

- Ashton Robinson - Yes
- Angela Thomas – Yes
- Charles Collinsworth – Yes
- Richard Davidson - Yes
- Tyler DeWitt – Yes
- William Doubek – Yes
- Julie Humphrey – Yes

Motion carried.

Golf Course Board:

Jay Boice has submitted a Letter of Resignation

Councilwoman Thomas made a motion to accept the Letter of Resignation from Jay Boice; Councilman DeWitt seconded.

Roll call vote:

- Angela Thomas – Yes
- Charles Collinsworth – Yes
- Richard Davidson - Yes
- Tyler DeWitt – Yes
- William Doubek – Yes
- Julie Humphrey – Yes
- Ashton Robinson - Yes

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Motion carried.

Letter of Interest from Carmin Allen

Councilwoman Thomas made a motion to accept the Letter of Interest from Carmin Allen; Councilman DeWitt seconded.

Roll call vote:

Charles Collinworth – Yes
Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes

Motion carried.

Council Representative

Mayor Doubek nominated Councilman Davidson.

Roll call vote:

Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinworth – Yes

Motion carried.

Historic District Commission:

Council Representative

Mayor Doubek nominated Councilman Collinworth.

Roll call vote:

Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinworth – Yes
Richard Davidson – Yes

Motion carried.

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IOOF Cemetery Board:

Council Representative

Mayor Doubek nominated Councilman Collinsworth.

Roll call vote:

William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinsworth – Yes
Richard Davidson – Yes
Tyler DeWitt – Yes

Motion carried.

Neosho Newton Council Library Board:

Letter of Resignation from Julie Humphrey

Councilwoman Humphrey recused herself from the vote due to a conflict of interest since she is the one stepping down.

Councilwoman Thomas made a motion to accept the letter of resignation from Julie Humphrey; Councilman DeWitt seconded.

Roll call vote:

Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinsworth – Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
William Doubek – Yes

Motion carried.

Parks Recreation Board:

Council Representative

Mayor Doubek nominated Councilwoman Thomas.

Roll call vote:

Angela Thomas – Yes
Charles Collinsworth – Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes

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Motion carried.

Senior Citizen Committee: *No Vacancies*
Council Representative

Mayor Doubek nominated Councilman Doubek.

Roll call vote:

Charles Collinsworth – Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes

Motion carried.

CLOSED SESSION

There being no further business, Mayor Doubek asked for a motion 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 public governmental body or its representatives and its attorneys.

Section 610.021 (2) RSMo...Leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration, therefore.

Councilman Collinsworth made a motion to go into closed; Councilwoman Thomas seconded.

Roll call vote:

Richard Davidson - Yes
Tyler DeWitt – Yes
William Doubek – Yes
Julie Humphrey – Yes
Ashton Robinson - Yes
Angela Thomas – Yes
Charles Collinsworth – Yes

Motion carried.

Mayor Doubek closed the meeting at 9:13 p.m.

The meeting reconvened in regular session at 9:50 p.m. and announced that no votes were taken.

ADJOURN

Mayor Doubek asked if there was any further business to come before Council, with no response, he asked for a motion to adjourn; a motion was made by Councilman Davidson; seconded by Councilwoman Collinsworth.

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Roll call vote:

- Tyler DeWitt – Yes
- William Doubek – Yes
- Julie Humphrey – Yes
- Ashton Robinson - Yes
- Angela Thomas – Yes
- Charles Collinsworth – Yes
- Richard Davidson - Yes

Motion carried.

Mayor Doubek adjourned the regular session meeting at 9:52 p.m.

APPROVED

ATTEST

NEOSHO CITY COUNCIL

Mayor

City Clerk

DRAFT