

MINUTES
NEOSHO CITY COUNCIL
May 3, 2022 – 7:00 p.m.
Neosho Council Chambers
203 E. Main St., Neosho, MO

OPEN & CALL TO ORDER

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

OPENING PRAYER & PLEDGE OF ALLEGIANCE

David Moore gave the opening prayer and Mayor DeWitt led the Pledge of Allegiance.

ROLL CALL

Mayor DeWitt asked for a motion to approve the absence of Councilwoman Robinson and Councilwoman Thomas. Councilwoman Humphrey made the motion and Councilman Cobb seconded.

Roll Call Vote:

Carl Cobb - Yes
Charles Collinsworth - Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
Julie Humphrey – Yes
Motion carried.

COUNCIL PRESENT:

Carl Cobb, Charles Collinsworth, Richard Davidson, Tyler DeWitt, and Julie Humphrey were present.

COUNCIL ABSENT:

Ashton Robinson, and Angela Thomas

CITY OFFICERS PRESENT:

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

APPROVAL AND CONSENT OF AGENDA

Councilman Collinsworth made a motion to approve and Consent the Agenda to include the following items:

April 19, 2022 Open Session Council Minutes
April 21, 2022 Special Session Council Minutes
April 21, 2022 Closed Session Council Minutes
Bill No. 2022-32: Rezoning for 600 East McKinney
Bill No. 2022-09: Timber Ridge Construction Phase Engineering
Bill No. 2022-31: Holiday Classic Agreement with Branco Enterprises, Inc.
Bill No. 2022-33: Stronghold Data Agreement for Computers for Fire and Police
Councilman Cobb seconded.

Roll Call Vote:

Charles Collinsworth - Yes
Richard Davidson – Yes
Tyler DeWitt – Yes

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Julie Humphrey – Yes
Carl Cobb - Yes
Motion carried.

VISITOR’S BUSINESS

There was no visitor’s business.

PROCLAMATION

Business of the Month of May – Arvest Bank read in its entirety by City Clerk Wright.

Proclamation
Office of the Mayor
City of Neosho

WHEREAS the Neosho City Council wishes to recognize the businesses and employers of our community; and

WHEREAS, Arvest Bank of Neosho recognizes the role of our employers’ contribution to the area’s growth and development, and their support of our economy; and

WHEREAS, Arvest Bank of Neosho has provided quality service in our community since 1999; and

WHEREAS, Arvest Bank of Neosho has fourteen (14) employees who serve the citizens of Neosho; and

WHEREAS, Arvest Bank of Neosho, operating from their location at 739 Harmony Street, continues to be a valued asset in the community of Neosho.

WHEREFORE, I, Tyler DeWitt, Mayor of the City of Neosho, Missouri do hereby proclaim on this third day of May, Two Thousand and Twenty-Two, Arvest Bank of Neosho as the Business/Employer of the Month for May 2022. We wish to recognize them for their commitment to quality and their involvement in the community. Thank you for being a part of our city.

Award of Excellence to Anderson Winslow-Kephart presented by Mayor DeWitt and read in its entirety by City Clerk Wright.

Office of the Mayor
Neosho, Missouri
A PROCLAMATION

WHEREAS Anderson Winslow-Kephart has showed his dedication and commitment to the Boy Scouts of America, his troop, neighbors, and his community; and

WHEREAS Anderson Winslow-Kephart has succeeded in acquiring the highest honor bestowed by the Boy Scouts of America, the Eagle Scout Award; and

WHEREAS Anderson Winslow-Kephart worked closely with city officials to place a duck house in Big Spring Park for his Eagle Project; and

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WHEREAS Anderson Winslow-Kephart has shown his dedication and commitment by serving his community and working alongside the City of Neosho, American Legion, Frank Childress Scout Reserve, CLC pancake breakfast, and other projects; and

WHEREAS, the City of Neosho wants to honor those individuals that show devotion, leadership, love and commitment to their community and to themselves; and

BE IT RESOLVED, by the Mayor of the City of Neosho, Missouri, that many heartfelt thanks are hereby expressed for the commitments exhibited by Anderson Winslow-Kephart.

NOW, THEREFORE, I, Tyler DeWitt, Mayor of the City of Neosho, Missouri, do hereby express our deepest appreciation and gratitude for Anderson Winslow-Kephart of Neosho, MO, for acquiring the Eagle Scout Award from the Boy Scouts of America.

CORRESPONDENCE

Thank you to the City regarding Dangerous Buildings read by City Clerk Wright.

BIDS

City Hall HVAC Replacement

City Manager Kennedy addressed the Council stating that the purpose of this agenda item is to seek Council approval of the purchase of a replacement HVAC system at the City Hall building. There were five bids sent out and three bids were received back.

Satterlee Plumbing, Heating and Air Conditioning	\$13,125.00
Lyerla Heating and Air	\$14,905.00
Precision Heating and Air	\$15,900.00

Staff's recommendation is to approve the bid from Satterlee Plumbing, Heating and Air Conditioning.

Councilman Collinsworth made a motion to approve the bid from Satterlee in the amount of \$13,125.00; Councilman Cobb seconded.

Roll Call Vote:

Richard Davidson – Yes

Tyler DeWitt – Yes

Julie Humphrey – Yes

Carl Cobb - Yes

Charles Collinsworth - Yes

Motion carried.

INTRODUCTION OF NEW ORDINANCES (1st Readings)

Bill No. 2022-34: Amending Section 300.020 Definitions-Motor Vehicle (Golf Carts)

AN ORDINANCE amending Title III Traffic Code, Chapter 300 General Provisions, Section 300.020 Definitions, by temporarily excepting golf carts from the definition of “motor vehicle”; and containing a Sunset clause.

Bill No. 2022-34 was read in title only by Attorney Paul.

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Councilman Cobb made a motion to approve and discuss Bill No. 2022-34: Amending Section 300.020 Definitions-Motor Vehicle (Golf Carts); Councilwoman Humphrey seconded.

Attorney Paul addressed the Council stating that this ordinance to allow golf carts to drive city streets has an expiration of 90 days.

Roll Call Vote:

Tyler DeWitt – Yes

Julie Humphrey – Yes

Carl Cobb - Yes

Charles Collinsworth - Yes

Richard Davidson – Yes

Motion carried.

Bill No. 2022-35: Agreement with Wisper ISP LLC – Antenna Lease

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with Wisper ISP, LLC, a Delaware Limited Liability Company, for the purpose of leasing space for RF devices for the not to exceed price of Twelve Thousand and 00/100 Dollars (\$12,000.00); and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

Bill No. 2022-35 was read in title only by Attorney Paul.

Councilwoman Humphrey made a motion to approve and discuss Bill No. 2022-35: Agreement with Wisper ISP LLC – Antenna Lease; Councilman Collinsworth seconded.

City Manager Kennedy addressed the Council seeking approval of the updated agreement with Wisper ISP, LLC for renting tower space

Roll Call Vote:

Julie Humphrey – Yes

Carl Cobb - Yes

Charles Collinsworth - Yes

Richard Davidson – Yes

Tyler DeWitt – Yes

Motion carried.

Bill No. 2022-36: Newton County Mutual Aid Agreement – Fire Department

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with other local political subdivisions for the purpose of providing mutual assistance in response to fire, medical, and other related emergencies; and authorizing the Mayor or his designee to execute the same by and on behalf of the City of Neosho.

Bill No. 2022-36 was read in title only by Attorney Paul.

Councilman Collinsworth made a motion to approve and discuss Bill No. 2022-36: Newton County Mutual Aid Agreement – Fire Department; Councilman Davidson seconded.

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Fire Chief Houk addressed the Council stating that this agreement is our mutual aid agreement with the neighboring departments of Newton County. The only change is the signature of the new Mayor and the fire chief position changing.

Roll Call Vote:

Carl Cobb - Yes
Charles Collinsworth - Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
Julie Humphrey – Yes
Motion carried.

Bill No. 2022-37: FY22 Budget Amendment

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING THAT THE REVENUES AND EXPENDITURES BUDGET BE AMENDED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.

Bill No. 2022-37 was read in title only by Attorney Paul.

Councilman Davidson made a motion to approve and discuss Bill No. 2022-37: FY22 Budget Amendment; Councilman Cobb seconded.

Finance Director Forest addressed the Council stating that this is a request to amend the budget for ordinances approved by Council since adoption of the original budget. There were also additional costs for heating fuels and equipment.

<u>Fund</u>	<u>Increase (Decrease)</u>
100 General Fund	(\$336,807.34)
120 Police Department	\$180,000.00
124 Shop With A Cop	(\$631.80)
130 Fire Department	\$0.00
180 Parks & Recreation Fund	(\$19,438.29)
195 Auditorium Fund	(\$500.00)
300 Capital Improvement	\$127,443.78
310 Hotel/Motel	\$2,571.32
360 TIF	\$0.00
500 Water/Wastewater Fund	(\$248,694.70)
800 Street Department	(\$500.00)

Roll Call Vote:

Charles Collinsworth - Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
Julie Humphrey – Yes
Carl Cobb - Yes

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Motion carried.

Bill No. 2022-38: Amending Ch 500 Sec 500.050 Section 1608 Snow Loads

AN ORDINANCE amending Chapter 500 Building and Building Regulations, Article II Building Code, Section 500.050 Amendments by changing the amendment to Section 1608 Snow Loads.

Bill No. 2022-38 was read in title only by Attorney Paul.

Councilman Cobb made a motion to approve and discuss Bill No. 2022-38: Amending Ch 500 Sec 500.050 Section 1608 Snow Loads; Councilman Collinsworth seconded.

City Manager Kennedy addressed the Council stating that staff looked into this code. We are currently set at 30Ib. snow load, however our area is marked as a 15Ib. snow load. This was a code that was approved under the umbrella of the 2018 Int Building Code adoption. The ISO rating is not affected if we dropped our snow load to 20Ibs.

Discussion was held.

Councilman Davidson made a motion to amend the snow load from 20Ibs. to 15Ibs.; Councilman Cobb seconded.

Roll Call Vote to Amend Bill No. 2022-38:

Richard Davidson – Yes
Tyler DeWitt – Yes
Julie Humphrey – Yes
Carl Cobb - Yes
Charles Collinsworth - Yes

Motion carried.

Roll Call Vote to approve Bill No. 2022-38 as Amended:

Tyler DeWitt – Yes
Julie Humphrey – Yes
Carl Cobb - Yes
Charles Collinsworth - Yes
Richard Davidson – Yes

Motion carried.

Bill No. 2022-39: Agreement with Daniel and Connie Shea for Airport Access

AN ORDINANCE authorizing the City of Neosho, Missouri, to enter into an Agreement with Daniel and Connie Shea, husband and wife, for the purpose of authorizing residential “through-the-fence” airport access; and authorizing the Mayor to execute the same by and on behalf of the City of Neosho.

Bill No. 2022-39 was read in title only by Attorney Paul.

Councilman Cobb made a motion to approve and discuss Bill No. 2022-39: Agreement with Daniel and Connie Shea for Airport Access; Councilman Collinsworth seconded.

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Daniel Shea addressed the Council asking for this agreement to be made a 30 year instead of only a 5-year agreement and to allow this agreement to be transferable if sold to another individual.

Development Services Director Leavens addressed the council stating that the purpose of this agenda item is to approve the agreement with Daniel and Connie Shea for a through the fence agreement of 5 years. This would allow the Shea's aircraft access to the Hugh Robinson Airport taxiway from property adjacent to airport property.

Council asked if other airport 30-year contracts would allow transferring upon sale of land and if the 30-year contracts are auto renewable.

Discussion was held.

Roll Call Vote:

Julie Humphrey – Yes

Carl Cobb - Yes

Charles Collinsworth - Yes

Richard Davidson – Yes

Tyler DeWitt – Yes

Motion carried.

INTRODUCTION OF NEW RESOLUTIONS

Resolution Bill No. 2022-05: Destruction of City Records

A RESOLUTION OF THE CITY OF NEOSHO, MISSOURI, NOTIFYING THE COUNCIL OF THE DESTRUCTION OF CITY RECORDS

Resolution Bill No. 2022-05 was read in title only by Attorney Paul.

City Clerk Wright addressed the Council and stated that records within the city have met their retention requirements as set forth by the Missouri Secretary of State's office under RSMo 109.230 and City Code Section 110.390.

Councilman Davidson made a motion to approve Resolution Bill No. 2022-05: Destruction of City Records; Councilwoman Humphrey seconded.

Roll Call Vote:

Carl Cobb - Yes

Charles Collinsworth - Yes

Richard Davidson – Yes

Tyler DeWitt – Yes

Julie Humphrey – Yes

Motion carried.

Resolution Bill No. 2022-06: Amended Tax Abatement for LaZBoy

A RESOLUTION approving real property tax abatement for improvements on real property located at 4301 Howard Bush Drive, Neosho, Missouri, within the Neosho/Newton County Enhanced Enterprise Zone; and

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authorizing the City Clerk to provide a copy of this Ordinance to the Director of the Missouri Department of Economic Development.

Resolution Bill No. 2022-06 was read in title only by Attorney Paul.

Attorney Paul addressed the Council stating that the purpose of this agenda item is to extend the period of the tax abatement. The Enhanced Enterprise Zone was created on January 17, 2006 and expires after twenty-five years, which is January 17, 2031. Chapter 135, RSMo. Allows for an abatement granted within the last ten years of the EEZ to extend for up to a total of ten years. Because La-Z-Boy requested the maximum tax abatement term and this is what was discussed during EEZ Board Meeting and Council Meetings, including the associated public hearings, I have prepared an amended resolution that would extend La-Z-Boys abatement for a full ten years, from January 17, 2031 to August 3, 2031.

Councilman Cobb made a motion to approve Resolution Bill No. 2022-06: Amended Tax Abatement for LaZBoy; Councilman Collinsworth seconded.

Roll Call Vote:

Charles Collinsworth - Yes

Richard Davidson – Yes

Tyler DeWitt – Yes

Julie Humphrey – Yes

Carl Cobb - Yes

Motion carried.

Resolution Bill No. 2022-07: Amended Tax Abatement for Marco Group, Inc.

A RESOLUTION approving real property tax abatement for improvements on real property located at 5400 Doniphan Drive, Neosho, Missouri, within the Neosho/Newton County Enhanced Enterprise Zone; and authorizing the City Clerk to provide a copy of this Ordinance to the Director of the Missouri Department of Economic Development.

Resolution Bill No. 2022-07 was read in title only by Attorney Paul.

Attorney Paul addressed the Council stating that the purpose of this agenda item is to extend the period of the tax abatement. The Enhanced Enterprise Zone was created on January 17, 2006 and expires after twenty-five years, which is January 17, 2031. Chapter 135, RSMo. Allows for an abatement granted within the last ten years of the EEZ to extend for up to a total of ten years. Because Marco Group, Inc. requested the maximum tax abatement term and this is what was discussed during EEZ Board Meeting and Council Meetings, including the associated public hearings, I have prepared an amended resolution that would extend Marco Group, Inc. abatement for a full ten years, from January 17, 2031 to August 3, 2031.

Councilwoman Humphrey made a motion to approve Resolution Bill No. 2022-07: Amended Tax Abatement for Marco Group, Inc.; Councilman Cobb seconded.

Roll Call Vote:

Richard Davidson – Abstain (Business owner of Marco Group, Inc.)

Tyler DeWitt – Yes

Julie Humphrey – Yes

Carl Cobb - Yes

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Charles Collinsworth – Abstain (Employee of Marco Group, Inc.)

Motion failed.

NEW BUSINESS

Update from the Chamber of Commerce

Lauri Lyerla gave an update to the Council on the Chamber of Commerce.

Liberty Utility Amendment to the Agreement

Public Works Director Siler addressed the Council stating that the purpose of this agenda item is to request approval of the amendments to the Liberty Utilities agreement.

Councilman Collinsworth made a motion to approve the amendments to the Liberty Utilities agreement as presented; Councilman Cobb seconded.

Roll Call Vote:

Tyler DeWitt – Yes

Julie Humphrey – Yes

Carl Cobb - Yes

Charles Collinsworth - Yes

Richard Davidson – Yes

Motion carried.

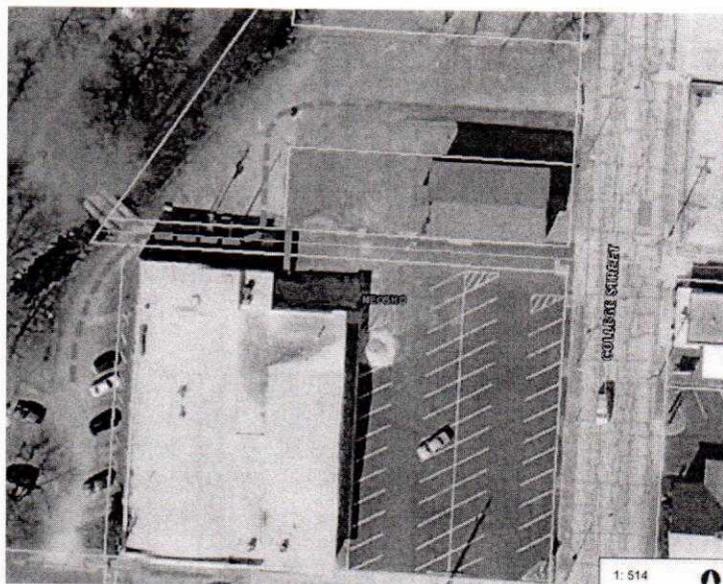
Reroute the Alley Behind the Canopy Church

Public Works Director Siler addressed the Council stating the purpose of this agreement is to request approval of moving the exit of the Big Spring Park parking lot to go on the North side of The Canopy's other building. Jeremy Bridges with the Canopy Church addressed the Traffic Commission on April 18, 2022 seeking approval of rerouting traffic from Big Spring Park. They would like to establish this new route to ensure the safety of their youth groups who will be walking to and from the building they just purchased across the alley from the church. The Traffic Commission unanimously approved to reroute traffic.

Discussion was held.

Councilman Collinsworth left the Chambers at 7:57 p.m. and returned at 7:59 p.m.

Council requested staff to bring an agreement back with the Canopy for ingress/egress through their property.



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REPORT OF CITY OFFICERS

City Manager Kennedy went over TIF Projects with the Council.

City Clerk Wright asked direction for the scheduling of budget sessions.

Councilman Davidson stated that he was appalled at Newton County during the last court hearing over the TIF. Their attorney questioned the integrity of the City of Neosho when they stated that they were unsure where the money went that had already been paid to the City. Councilman Davidson asked the Finance Director where this money went.

Finance Director Forest stated the money was deposited the same day. The County never once contacted City Staff to ask about this.

CLOSED

Mayor DeWitt asked for a motion to go into closed and Councilman Davidson made a motion to go into closed session under 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. Councilman Collinsworth seconded.

Roll Call Vote:

Julie Humphrey – Yes
Carl Cobb - Yes
Charles Collinsworth - Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
Motion carried.

Mayor DeWitt closed the meeting at 8:12 p.m.

The meeting reconvened in regular session at 8:49 p.m. and announced that one vote was taken.

ADJOURN

Mayor DeWitt 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 Cobb; seconded by Councilwoman Humphrey.

Roll Call Vote:

Carl Cobb - Yes
Charles Collinsworth - Yes
Richard Davidson – Yes
Tyler DeWitt – Yes
Julie Humphrey – Yes
Motion carried.

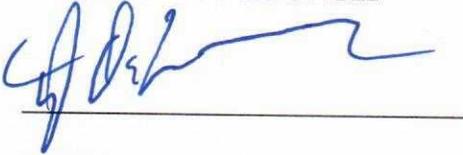
Mayor DeWitt adjourned the regular session meeting at 8:50 p.m.

APPROVED

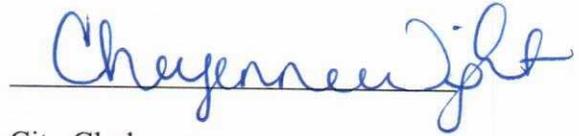
ATTEST

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NEOSHO CITY COUNCIL



Mayor



City Clerk

