

MINUTES
NEOSHO CITY COUNCIL
April 18, 2023 - 7:00 PM
Neosho Council Chambers
203 E. Main St., Neosho, MO

OPENING PRAYER & PLEDGE OF ALLEGIANCE

Frank Ward opened with prayer and Mayor DeWitt led the pledge of allegiance.

CALL TO ORDER

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

ROLL CALL

COUNCIL PRESENT:

Julie Humphrey, Charles Collinsworth, Carl Cobb, Tyler DeWitt, Richard Davidson, Angela Thomas, and Ashton Robinson

COUNCIL ABSENT:

None were absent.

CITY OFFICERS PRESENT:

David Kennedy, City Manager; Jordan Paul, City Attorney; and Cheyenne Wright, City Clerk, minutes taken by clerk.

APPROVAL OF AGENDA

Councilman Cobb made a motion to Approve the Agenda; Councilwoman Humphrey seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

CONSENT AGENDA

Councilwoman Humphrey made a motion to Approve the Consent Agenda; Councilman Cobb seconded.

March 23, 2023 Special Session Council Minutes

April 4, 2023 Open Session Council Minutes

Bill No. 2023-129 FY2023 Budget Amendment

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

April 18, 2023 Council Meeting

UNFINISHED BUSINESS

Bill No. 2023-131: Canvassing the Returns of the Municipal Election for Council Member Position held on Tuesday, April 4, 2023...1st, 2nd, & 3rd Readings...UNDER EMERGENCY MEASURE

THE SAME BEING AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, CANVASSING THE RETURNS OF THE MUNICIPAL ELECTION HELD TUESDAY, APRIL 4, 2023, SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY, CANDIDATES FOR THE OFFICE OF CITY COUNCIL MEMBER FOR WARD 2, WARD 3 AND AT LARGE AND DECLARING THE RESULTS THEREOF UNDER EMERGENCY MEASURE SO AS TO COMPLY WITH PROVISIONS OF THE CITY CHARTER.

Attorney Paul read Bill No. 2023-131 in title only.

Councilman Collinsworth made a motion to Approve and Discuss Bill No. 2023-131; Councilman Cobb seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

Bill No. 2023-132: Canvassing the Returns of the Municipal Election for a tax on recreational marijuana for general revenue held Tuesday, April 4, 2023...1st, 2nd, & 3rd Readings...UNDER EMERGENCY MEASURE

THE SAME BEING AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, CANVASSING THE RETURNS OF THE MUNICIPAL ELECTION HELD TUESDAY, APRIL 4, 2023, SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY, TO IMPOSE AN ADDITIONAL SALES TAX AT A RATE OF THREE PERCENT (3%) ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION AND DECLARING THE RESULTS THEREOF UNDER EMERGENCY MEASURE SO AS TO COMPLY WITH PROVISIONS OF THE CITY CHARTER.

Attorney Paul read Bill No. 2023-131 in title only.

Councilwoman Thomas made a motion to Approve and Discuss Bill No. 2023-132; Councilman Collinsworth seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tyler DeWitt

No: None

Abstain: None

Passed.

PROCLAMATION

Proclamation for Tyler DeWitt

Proclamation for Tyler DeWitt was read in its entirety and presented to Tyler DeWitt by Mayor Pro Tempore, Richard Davidson, and City Manager, David Kennedy.

Proclamation
Office of the Mayor
City of Neosho

WHEREAS, *Tyler DeWitt has served as a Councilman for the City of Neosho since April 2020 and served as Mayor in 2022; and*

WHEREAS, *Tyler DeWitt served the citizens of Neosho with the highest standards of personal ethics and dedication; and*

WHEREAS, *Tyler DeWitt worked with several elected officials to strive to improve the City for the citizens of Neosho; and*

BE IT RESOLVED *that the City Council for the City of Neosho hereby extend their sincere appreciation for his outstanding service to the community.*

NOW, THEREFORE, *I, Richard Davidson, Mayor Pro Tempore of the City of Neosho, Missouri, do hereby honor Tyler DeWitt for his service and dedication to the City of Neosho, Missouri.*

ADJOURN SINE DIE

Councilman Collinsworth made a motion to Adjourn Sine Die; Mayor Pro Tempore Davidson seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson

No: None

Abstain: None

Passed.

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS

The oaths of office for council member were administered to Richard Davidson, Ward 2; Julie Humphrey, Ward 3; and Tom Workman, At Large-General.

The council members took their seats.

April 18, 2023 Council Meeting

RECONVENED SESSION

At 7:09 p.m., City Clerk Wright reconvened the April 18th, 2023 Council Session with the new council seated.

ELECTION OF MAYOR (Conducted by the City Clerk)

The City Clerk then called for nominations for the office of Mayor.

Nomination for Richard Davidson was made by Councilman Collinsworth.

Nomination for Julie Humphrey was made by Councilman Cobb.

City Clerk Wright asked if there were any further nominations for Mayor, hearing none, Wright called for nominations to cease.

Roll Call Vote for Richard Davidson as Mayor:

Carl Cobb - No

Charles Collinsworth - Yes

Richard Davidson - Yes

Julie Humphrey - No

Ashton Robinson - Yes

Angela Thomas - No

Tom Workman - Yes

Motion carried.

Richard Davidson took his seat as Mayor for the City of Neosho and presided over the meeting.

ELECTION OF MAYOR PRO TEMPORE (Conducted by the Mayor)

Mayor Davidson called for nominations for Mayor Pro Tempore.

Councilwoman Thomas nominated Julie Humphrey.

Roll call vote for Julie Humphrey as Mayor Pro Tempore:

Yes: Carl Cobb, Angela Thomas, Julie Humphrey

No: Charles Collinsworth, Richard Davidson, Ashton Robinson, Tom Workman

Abstain: None

Motion Failed.

Councilman Collinsworth nominated Ashton Robinson.

Roll call vote for Ashton Robinson as Mayor Pro Tempore:

Yes: Charles Collinsworth, Richard Davidson, Ashton Robinson, Tom Workman

No: Carl Cobb, Angela Thomas, Julie Humphrey

Abstain: None

Motion passed.

Ashton Robinson was appointed the Mayor Pro Tempore.

April 18, 2023 Council Meeting

VISITOR'S BUSINESS

Teresa Niswonger spoke regarding the water and sewer rate increases. She stated that there was not enough notice to citizens regarding the possible increase in these rates. She would like to see this come up possibly a month later for vote when it has been on the water bill twice.

BIDS

Fairbanks Morse VTSH Pump

Ken Brady, Alliance Water Resources Manager, stated that this is to seek council approval for the repair of a recirculation pump at the Shoal Creek Wastewater Treatment Plant.

Mid America Pumps in the amount of \$83,899.23

The Tridan Group in the amount of \$110,975.00

Letts Van Kirk in the amount of \$99,500.00

Staff recommends approving the bid from Mid America Pumps in the amount of \$83,899.23.

Councilwoman Robinson made a motion to Approve the bid from Mid America Pumps in the amount of \$83,899.23; Councilwoman Humphrey seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Wheeler Street Well

Ken Brady, Alliance Water Resources Manager, addressed the City Council stating that the purpose of this agenda item is to seek council approval for the replacement of the motor and pump at the Wheeler Well.

The pump and/or pump motor has failed at the Wheeler Street well. There were three bids sent out and three bids were received back. Flynn Drilling had the shortest lead time with the availability to start this week. It is staff's recommendation to accept the bid from Flynn Drilling in the amount of \$42,906.00.

Councilman Cobb made a motion to Approve the bid from Flynn Drilling in the amount of \$42,906.00; Councilman Workman seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

NEW BUSINESS

Public Hearing for Bill No. 2023-133: Article I Amending Section 710.180 Water Rates

April 18, 2023 Council Meeting

Public Hearing for Bill No. 2023-133 opened at 7:25 p.m.

Tim Cox 801 South Wood Street, spoke regarding the city's communication on the water/sewer rate increase.

Public Hearing for Bill No. 2023-133 closed at 7:29 p.m.

Public Hearing for Bill No. 2023-134: Article VI Sewer Service Charges Amending Section 705.450

Public Hearing for Bill No. 2023-134 opened at 7:29 p.m.

There was nobody present to speak on Bill No. 2023-134.

Public Hearing for Bill No. 2023-134 closed at 7:30 p.m.

Bill No 2023-133: Article I Amending Section 710.180 Water Rates

AN ORDINANCE amending Section 710.180 "Water Rates – Generally – Classification of Consumers."

Attorney Paul read Bill No. 2023-133 in title only.

Councilwoman Robinson made a motion to Approve and Discuss Bill No. 2023-133; Councilwoman Humphrey seconded.

Finance Director Forest explained that in October of 2017, the water rates were increased to \$4.16 per 1000 gallons up to 100,000 gallons of usage and \$3.07 per 1000 gallons over 100,000 gallons of usage and usage outside the city limits is 1 1/2 the rate. The city has not increased rates for water since 2017. The Public Works Department has been working on repairing and replacing aged lines, as well as, locating and repairing leaks in an effort to reduce the cities' water loss. These repairs must be continued on a regular basis to keep our system running. Until now, we have been absorbing all of the additional costs. The fund balance will not sustain the added expenses. In addition, the City needs to continue with the 20-year repair and replacement schedule. The reserve fund which supports the replacement schedule is in need of an increase to support the repairs and replacement. The increase proposed in the annual reserve is supported by the water rate increase proposed in this ordinance.

Discussion followed.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Bill No. 2023-134: Article VI Sewer Service Charges Amending Section 705.450

AN ORDINANCE amending Section 705.450 "Classification of Users – Monthly Service Charges."

Attorney Paul read Bill No. 2023-134 in title only.

Councilman Collinsworth made a motion to Approve and Discuss Bill No. 2023-134; Councilman Cobb

April 18, 2023 Council Meeting

seconded.

Finance Director Forest explained that in October of 2017, the sewer rates were increased to \$5.64 per 1000 gallons and a base rate of \$7.79 per month. The city has not increased rates for sewer since 2017. The Public Works Department has been working on repairing and replacing aged lines for sewer services. These repairs must be continued on a regular basis to keep our system running. Until now, we have been absorbing all of the additional costs. The fund balance will not sustain the added expenses. In addition, the City needs to continue with the 20-year repair and replacement schedule. The reserve fund which supports the replacement schedule is in need of an increase to support the repairs and replacement. The increase proposed in the annual reserve is supported by the sewer rate increase proposed in this ordinance.

Mayor Davidson went over the numbers in the sewer rate study on expense verses revenue.

Mayor Davidson also stated that this is not the final vote on this ordinance. This is only the first reading and it will come back to council for second and third reading at the next council meeting on May 2, 2023.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Bill No. 2023-135: Amending Section 710.210 Disconnection of Domestic Due to Non-payment of Fire Service Line

AN ORDINANCE amending Section 710.210 "When Water Bills Due and Payable — Penalty, Discontinuance of Service and Forfeiture of Deposit Upon Non-Payment — Turn-On Charge."

Attorney Paul read Bill No. 2023-135 in title only.

Councilman Cobb made a motion to Approve and Discuss Bill No. 2023-135; Councilman Workman seconded.

Finance Director Forest addressed the City Council in regards to amending section 710.210 in order to allow for disconnection of domestic service for non-payment of fire line. There are several businesses which have a separately metered fire line. As it stands, the current recourse for non-payment of that meter is requiring the company to vacate the premises until that account line is paid. This amendment is needed to provide other options in seeking payment of all accounts a company may hold.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Bill No. 2023-136: Pop-up Events (non-city events) Ordinance Modification

AN ORDINANCE amending Section 615.030 "Excluded Persons."

April 18, 2023 Council Meeting

Attorney Paul read Bill No. 2023-136 in title only.

Councilman Collinsworth made a motion to Approve and Discuss Bill No. 2023-136; Councilwoman Robinson seconded.

Development Services Director Leavens addressed the City Council stating that this is the ordinance that the city requested at the last meeting regarding pop-up events at event centers in the city.

Mayor Davidson

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Form 5507 for DOR Regarding Sales Tax for Recreational Use Marijuana

Finance Director Forest addressed the City Council stating that form 5507 is to allow the Department of Revenue to have access to direct deposit the marijuana for recreational use sales tax earned and to appoint a main contact. On April 4, 2023, voters passed the additional 3% sales tax on recreational use marijuana. Form 5507 is required by the Missouri Department of Revenue for direct deposit and a designated contact related to the tax.

Councilwoman Thomas made a motion to to approve Form 5507 for DOR regarding sales tax for recreational use marijuana; Councilwoman Robinson seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Affinipay- Additional Fees for Bill Pay Payments

Finance Director Forest addressed the city council requesting guidance on continuing to accept bank bill pay transactions through Affinipay. As of March 2023, banking bill pay items are being processed in a bank to bank transaction through Affinipay. This new process has additional fees which are currently paid by the City and we are unable to pass on the banks similar to debit card transactions. The fee is 2.95%. The city has the option to disable this feature through Affinipay. This would not change anything for the customer. This would just be for us to change our processes and costs.

Councilman Collinsworth made a motion to disable this feature through Affinipay as presented by staff; Councilman Workman seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

April 18, 2023 Council Meeting

Abstain: None
Passed.

Audit Recap of Fund Balances

Finance Director Forest addressed the City Council and updated them on the fund balances.

Request for Variance of Fireworks Display for Neosho Graduation

Fire Chief Houk stated that this is a variance for the high school graduation fireworks to be held on May 18, 2023.

Councilman Collinsworth made a motion to approve the variance request for fireworks display for Neosho Graduation; Councilman Workman seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

White Avenue Property Request

Development Services Director Leavens addressed the council stating that this couple moved to this property in 1966. They expanded this property, had their family there and took care of this property. They are now working on finalizing their estate and had this property surveyed. The assessor has that they own this property and they have been paying taxes on this property at least since 2015 and most likely further back. This property came from KCRR. Staff would request council transfer this property to this couple that they have been paying taxes on and also transfer the portion of the driveway to the White Avenue Apartment complex.

Attorney Paul stated the code would need to suspend the ordinance, then to bring back a warranty deed and sewer easement.

By a consensus of council to move forward with suspending the ordinance suspension, bringing back the property warranty deeds, suspension and sewer easement.

Liberty Utilities / Bridgepoint Electric Lighting Agreements

City Manager Kennedy stated that these are some additions to the Liberty Utilities Wastewater Filtration to be turned over to LED

Amendment to Electric Service Agreement with Liberty Utilities

Assistant Public Works Director Barrett addressed the City Council stating the amendments to the Liberty Utilities Contract.

Councilwoman Thomas made a motion to approve the amendments to the Liberty Utility Agreements; Councilman Workman seconded.

Roll call vote:

April 18, 2023 Council Meeting

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Open Alcohol Consumption on the Square

Adrianna Henry, representing the Downtown Business Alliance, stated that the proposal is to change the language in our ordinance regarding open consumption. She would like the same wording regarding alcohol in the parks to be the same for the allowance of council approval for the street alcohol ordinance. This is a city ordinance and has no governance from the state. There are, however, additional licensing requirements that businesses serving alcohol will have to get from the state when alcohol is taken out of an establishment that serves alcohol.

Attorney Paul addressed the council, stating that the your alcohol license is only for your establishment. However, to allow someone to leave the business, you have to go to the state and get a picnic license that covers the designated area the council would approve.

Discussion followed.

By a consensus of the council to bring back documents to approve.

Neosho Transportation District

Mayor Davidson stated that the city tax payers paid the tax, the roads have not been maintained. The TDD Board needs to correct the issues with these roads before the citizens of Neosho take over the cost of upkeep on these roads.

Discussion followed.

REPORT OF CITY OFFICERS

City Manager updated Council on the parking lot regarding the Liberty Utility Charging Stations. There are no deed restrictions on this parking lot.

CLOSED SESSION

Councilman Cobb made a motion to Closed under Section 610.021 (1); Councilman Collinsworth seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

Passed.

Mayor Davidson closed the open session Council Meeting at 8:48 p.m.

Council came back into open session at 9:57 p.m. and announced that no votes were taken.

April 18, 2023 Council Meeting

ADJOURN

Mayor Davidson seeing no further business, asked for a motion to adjourn.

Councilman Cobb made a motion to Adjourn; Councilwoman Robinson seconded.

Roll call vote:

Yes: Carl Cobb, Angela Thomas, Charles Collinsworth, Julie Humphrey, Richard Davidson, Ashton Robinson, Tom Workman

No: None

Abstain: None

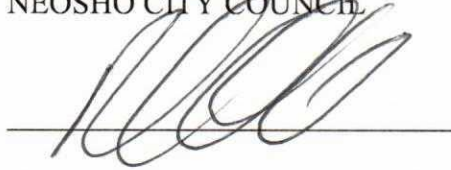
Passed.

Mayor Davidson closed the April 18, 2023 Council Meeting at 9:59 p.m.

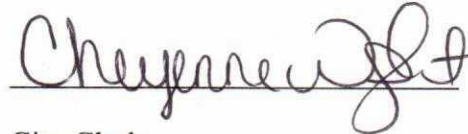
APPROVED

ATTEST

NEOSHO CITY COUNCIL



Mayor



City Clerk

