

MINUTES
REGULAR CITY COUNCIL MINUTES
Monday, August 19, 2013
7:00 p.m.

NOTICE OF MEETING

A regular session of the City Council of Nevada, Missouri was posted pursuant to Section 2-6 and Section 2-7 of the City Code and RSMo., Chapter 610.021 with a tentative agenda on August 16, 2013 at 3:00 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Monday, August 19, 2013 pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

Mayor Barrett called the meeting to order at 7:13 p.m., followed by the Pledge of Allegiance.

INVOCATION

Steve Russ gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Barrett; Christie; Hertzberg; Leonard; Novak

Absent: None

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Bev Baker, City Clerk; Johnna Williams, Planning Manager; Graham Burnley, Chief of Police; Sharon Kegler, Human Resources Director; Dana Redburn, Parks & Recreation Director; Tom Hutchison, Construction Specialist; Shawn Middendorf, Alliance Water Resources; William Thornton, Fire Chief; Mark Mitchell, CIO; Julie Lewis, Executive Assistant; Kristie Modlin, Treasurer; Randy Marti, Administrative Services Director

PROCLAMATIONS

There were none.

APPROVAL OF MINUTES

Councilperson Novak moved to accept the August 6, 2013 regular session City Council minutes as written. Councilperson Hertzberg provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Barrett presented Jeff Post for re-appointment, to the Parks and Recreation Board of Directors.

Councilperson Hertzberg moved to re-appoint Jeff Post to the Parks and Recreation Board for the 3rd - term, expiring June 2016. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Annie Daugherty for appointment, replacing Lori Fast, to the Nevada Public Library Board of Directors.

Councilperson Leonard moved to appoint Annie Daugherty to the Library Board for the 1st - term, expiring June 2016. Councilperson Hertzberg provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Gerald McBeth for appointment, as alternate Public Hearing Officer.

Councilperson Christie moved to appoint Gerald McBeth as alternate Public Hearing Officer. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

Councilperson Novak requested setting term limits for the Boards and Commissions members.

CONSIDERATION OF BIDS

The first bid considered was the building for the Facility Maintenance Department.

Councilperson Novak moved to approve the bid from Sutherlands in the amount of \$8,699. Councilperson Leonard provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard; Novak

Nay: None

Absent: None

Next was consideration of the purchase of a 2001 Vac-Con V390/1000 LHA Jetter truck for Alliance Water Resources Department.

Councilperson Leonard moved to approve the bid from EJ Equipment of \$85,000. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Novak; Barrett

Nay: None

Absent: None

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

Orletta Simrell, 1002 W. Hunter discussed issues with her drive flooding and brush in her neighbor's back yard with both issues already addressed by City staff.

Eddie Ramsey-Mason presented her position on the dog leash law and park. She is not in favor of either.

COMMUNICATIONS AND PETITIONS

Dana Redburn, Director of Parks and Recreation presented a plan for the \$10,000 received from a Trim Grant for the purchase of trees.

OLD BUSINESS

First item to be considered was Bill No.2013-036 levying general and special taxes in the City of Nevada, Missouri, for the Tax year, 2013.

Councilperson Novak moved to place Bill No. 2013-036 on second reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Barrett; Christie

Nay: None

Absent: None

The Mayor declared Bill No. 2013-036 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7905 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next item to be considered was Bill No. 2013-037 authorizing the execution of a governmental cooperative contract with Vernon County and the Vernon County

Assessor pertaining to assessments of real and personal properties within the corporate limits of Nevada, Missouri in conformity with section 70.220 ET. SEQ. RSMo., 2000.

Councilperson Hertzberg moved to place Bill No. 2013-037 on second reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Barrett; Christie; Hertzberg

Nay: None

Absent: None

The Mayor declared Bill No. 2013-037 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7906 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next item to be considered was Bill No. 2013-038 authorizing execution of the release of NID assessment for the following property against Jesus and Lorena Ornelas.

Councilperson Novak moved to place Bill No. 2013-038 on second reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: None

The Mayor declared Bill No. 2013-038 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7907 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next item to be considered was Bill No. 2013-039 approving and authorizing the execution of an engagement letter between the City of Nevada, Missouri and Cunningham, Vogel & Rost, P.C. Legal Counselors to local Government.

Councilperson Leonard moved to place Bill No. 2013-039 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard; Novak

Nay: None

Absent: None

The Mayor declared Bill No. 2013-039 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7908 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next item to be considered was Bill No. 2013-040 amending Chapter 5, Article II "Dogs" of the Nevada, Missouri City Code.

Councilperson Leonard moved to place Bill No. 2013-040 on second reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Novak; Barrett

Nay: None

Absent: None

The Mayor declared Bill No. 2013-040 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7909 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next item to be considered was Bill No. 2013-041 approving transfer of property at 702 North Clay Street, Nevada, Missouri to the Nevada R-V School District.

Councilperson Novak moved to place Bill No. 2013-041 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Barrett; Christie

Nay: None

Absent: None

The Mayor declared Bill No. 2013-041 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7910 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

NEW BUSINESS

Next to be considered was Bill No. 2013-042 amending section 20-23 of the City Code of the City of Nevada, Missouri.

Councilperson Hertzberg moved to place Bill No. 2013-042 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Barrett; Christie; Hertzberg

Nay: None

Absent: None

Then to be considered was Bill No. 2013-043 authorizing the execution of an agreement with the County Commission, Vernon County for 2013 Real Estate and Personal Property Tax billings and collection for the 2013 Tax year.

Councilperson Christie moved to place Bill No. 2013-043 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: None

Next to be considered was Bill No. 2013-044 authorizing an amendment to the current service agreement with Allgeier, Martin & Associates of Joplin, Missouri.

Councilperson Novak moved to place Bill No. 2013-044 on first reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard; Novak

Nay: None

Absent: None

Next to be considered was Bill No. 2013-045 authorizing the City of Nevada, Missouri, to enter into a lease/purchase agreement with U.S. Bancorp Equipment Finance, Inc. for the acquisition of a vac-con v390/1000 LHA combination sewer cleaner for the sewer collection department.

Councilperson Novak moved to place Bill No. 2013-045 on first reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Novak; Barrett

Nay: None

Absent: None

REPORTS

Monthly Department Reports

The following reports were reviewed and are on file in the City Clerk's Office:

- i. Municipal Court Report – July
- ii. Fire Department Report – July
- iii. Animal Control Report – July
- iv. Police Department Report – July
- v. Alliance Water Resources Report – July
- vi. Finance Report - July
 1. Business License Report – July

Boards and Commissions Written Minutes/Reports

There were none.

Mayor's Report

There was none.

City Manager's Report

City Manager, J D Kehrman reported, APAC has started milling the street and working with the City employees. Budget process is in progress for the year of 2014. Work sessions with the City Council will be scheduled in October.

MISCELLANEOUS MATTERS

City Councilperson Christie discussed the "Tour of Nevada" and encouraged the Council to support the event next year. He volunteered to be the Council liaison for the committee.

EXECUTIVE SESSION

The Mayor Requests an Executive Session for Reasons in Accordance with Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining or Promoting of Particular Employees by a Public Governmental Body when personal information about the employee is discussed or recorded and (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor.

Councilperson Leonard moved to go into executive session for reasons in accordance with Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining or Promoting of Particular Employees by a Public Governmental Body when personal information about the employee is discussed or recorded and (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor, after a five-minute recess. The second was provided by Councilperson Hertzberg. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Barrett; Christie

Nay: None

Absent: None

An executive session of the City Council of the City of Nevada, Missouri was held in the City Council Chambers, 120 S. Ash, Nevada, Missouri, beginning at 8:20 p.m.

Present: Barrett; Christie; Hertzberg; Leonard; Novak

Absent: None

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Bev Baker, City Clerk; Kristie Modlin, Treasurer

Discussion was limited to Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining or Promoting of Particular Employees by a Public Governmental Body when personal information about the employee is discussed or recorded and (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor.

Councilperson Christie moved to adjourn the executive session and move back into regular session. The second was provided by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Barrett; Christie; Hertzberg

Nay: None

Absent: None

Executive session adjourned at 8:51 p.m.

ADJOURNMENT

With no further business to come before City Council, Mayor Barrett asked for a motion to adjourn.

Councilperson Novak moved to adjourn the regular session of City Council. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: None

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Bev Baker, City Clerk

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk