

MINUTES
REGULAR SESSION CITY COUNCIL MINUTES
Tuesday, April 15, 2014
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 April 11, 2014 at 1:00 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, April 15, 2014 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 7:00 p.m., followed by the Pledge of Allegiance.

INVOCATION

Bill Platt gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Barrett; Christie; Hertzberg; Leonard

Absent: Novak

Mayor Barrett excused the absence of Councilperson Novak for travel events with her family.

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Bev Baker, City Clerk; Kristie Modlin, Treasurer; Mark Mitchell, CIO; Johnna Williams, Planning Manager; Graham Burnley, Chief of Police; William Thornton, Fire Chief; Dana Redburn, Parks & Recreation Director; Roger Beach, Field Operations Manager; Shawn Middendorf, Alliance Water Resources; Julie Lewis, Executive Assistant.

PROCLAMATIONS

There were none.

APPROVAL OF MINUTES

Councilperson Christie moved to accept the April 1, 2014 regular session City Council minutes as written. Councilperson Hertzberg provided the second. The motion was duly considered and passed unanimously.

Councilperson Leonard moved to accept the April 11, 2014 special session City Council minutes as written. Councilperson Hertzberg provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSION

Mayor Barrett presented Janet Wray for appointment to the Library Board.

Councilperson Christie moved to appoint Janet Wray to the Library Board, completing the term of Kelly Stephens, expiring June 30, 2014. Councilperson Leonard provided the second. The motion was duly considered and unanimously passed.

CONSIDERATION OF BIDS

The bid considered was for 2014 Summer Street Project Improvements – Asphalt – Public Works/Field Operations.

Councilperson Hertzberg moved to approve the bid from APAC for \$290,977.20. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard
Nay: None
Absent: Novak

The next bid to be considered was for 2014 Skid Steer – Public Works/Field Operations. Councilperson Leonard moved to approve the bid from Foley Equipment for 31,870. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Barrett
Nay: None
Absent: Novak

The next bid to be considered was for 2014 Backhoe – Public Works/Field Operations.

Councilperson Christie moved to approve the bid from Foley Equipment for \$85,800.52. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Barrett; Christie

Nay: None

Absent: Novak

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

There were none.

COMMUNICATIONS AND PETITIONS

Mayor Barrett presented the "2013 Revitalization Award" to Czar and Jennifer Zermeno and Sonny and Kathy Butler of Rinehart Jewelry.

OLD BUSINESS

Next to be considered was Bill No 2014-025 amending Section 3-26 sub-section (a) (sales near churches, schools, parks, etc.) of the code of the City of Nevada, Missouri.

Councilperson Hertzberg moved to place Bill No. 2014-025 on second reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Barrett; Christie; Hertzberg

Nay: None

Absent: Novak

The Mayor declared Bill No. 2014-025 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7968 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. 2014-026 canvassing bids and approving the lowest and best bids for construction of the Cottey College water line relocation project for the City of Nevada, Missouri awarding contract, authorizing notice of award and order to proceed, all subject to approval of contract execution and insurance documentation by the city's attorney.

Councilperson Leonard moved to place Bill No. 2014-026 on first reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: Novak

Next to be considered was second reading of Bill No 2014-026 canvassing bids and approving the lowest and best bids for construction of the Cottey College water line relocation project for the City of Nevada, Missouri awarding contract, authorizing notice of award and order to proceed, all subject to approval of contract execution and insurance documentation by the city's attorney.

This measure is an emergency measure because the time required for the project may jeopardize the ability of the college to timely begin work on its new facilities. For said reason, the college has requested and the Mayor and City Manager join in recommending to the council that this matter be handled as an emergency measure to the end that every reasonable courtesy might be tendered to assist the college in this worthwhile project.

Councilperson Christie moved to place Bill No. 2014-026 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Barrett

Nay: None

Absent: Novak

The Mayor declared Bill No. 2014-026 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7969 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next to be considered was Bill No. 2014-027 prohibiting the provisions of section 144.049 RSMo, from exempting sales tax of certain items that occur within the boundaries of the City of Nevada, Missouri during August 1, 2, and 3, 2014.

Councilperson Christie moved to place Bill No. 2014-027 on first reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and failed by the following vote:

Aye: None

Nay: Hertzberg; Leonard; Barrett; Christie

Absent: Novak

Next to be considered was Bill No. 2014-028 authorizing the City Manager, or his designee, to provide as available, space on City property for use by Vernon County Farmers Market.

Councilperson Christie moved to place Bill No. 2014-028 on first reading by title only. Councilperson Leonard provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Barrett; Christie; Hertzberg

Nay: None

Absent: Novak

Next to be considered was Bill No. 2014-029 amending Chapter 11 (Electricity) of the Nevada City Code concerning insurance requirements.

Councilperson Hertzberg moved to place Bill No. 2014-029 on first reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: Novak

Next to be considered was Bill No. 2014-030 amending Chapter 25A-4 (Plumbing and Mechanical) codes of the City of Nevada Municipal Code concerning insurance requirements.

Councilperson Leonard moved to place Bill No. 2014-030 on first reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Barrett

Nay: None

Absent: Novak

Next to be considered was Bill No. 2014-031 amending Chapter 16 (Licenses) of the City of Nevada Municipal Code omitting occupations not authorized to license.

Councilperson Hertzberg moved to place Bill No. 2014-031 on first reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Barrett; Christie

Nay: None

Absent: Novak

Next to be considered was Bill No. 2014-032 amending Chapter 34 (Trailers and Mobile Homes) of the Nevada Municipal Code repealing the license fee requirement.

Councilperson Christie moved to place Bill No. 2014-032 on first reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Barrett; Christie; Hertzberg

Nay: None

Absent: Novak

Next to be considered was Bill No. 2014-033 amending the 2014 Street, Water and Sewer fund budgets.

Councilperson Leonard moved to place Bill No. 2014-033 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

Nay: None

Absent: Novak

Next to be considered was Resolution No. 1396 approving Frank E. Peters Municipal Golf Course application to sell malt liquors and light wines by the drink for consumption on the premises where sold.

Councilperson Christie moved to approve Resolution No. 1396, seconded by Councilperson Hertzberg. The motion was duly considered and passed unanimously.

REPORTS

Monthly Department Reports

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

- i. Municipal Court Report – March
- ii. Fire Department Report – March

- iii. Animal Control Report – March
- iv. Police Department Report – March
- v. Alliance Water Resources Report – March
- vi. Finance Report - March
 - 1. Business License Report – March

Boards and Commissions Written Minutes/Reports

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

- i. Planning Commission – March 11, 2014

Mayor's Report

Mayor Barrett mentioned an invitation from Mr. Platt, to participate in the National Day of Prayer, on Thursday May 1st, at the First Christian Church.

City Manager's Report

City Manager, JD Kehrman reported, the Parks & Recreation staff moved the equipment and supplies into the new clubhouse. Demolition will begin on the old clubhouse.

MISCELLANEOUS MATTERS

There were none.

EXECUTIVE SESSION

The Mayor Requests an Executive Session for Reasons in Accordance with Section 610.021 RSMo., Subparagraph (1) 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 and (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Councilperson Leonard moved to go into executive session for reasons in accordance with Section 610.021 RSMo., Subparagraph (1) 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 and (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded, after a five-minute recess. The second was provided by Councilperson Christie. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Barrett

Nay: None

Absent: Novak

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 7:47p.m.

Present: Barrett; Christie; Hertzberg; Leonard

Absent: Novak

Staff present: JD Kehrman, City Manager

Discussion was limited to Section 610.021 RSMo., Subparagraph (1) 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 and (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

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

Aye: Hertzberg; Leonard; Barrett; Christie

Nay: None

Absent: Novak

Executive session adjourned at 8:40 p.m.

ADJOURNMENT

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

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

Aye: Leonard; Barrett; Christie; Hertzberg

Nay: None

Absent: Novak

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Bev Baker, City Clerk

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk