

MINUTES
REGULAR SESSION CITY COUNCIL MINUTES
Tuesday, May 20, 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 May 16, 2014 at 3:02 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, May 20, 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

Linda Pagel 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; Kristie Modlin, Treasurer; Mark Mitchell, CIO; Johnna Williams, Planning Manager; Graham Burnley, Chief of Police; Kevin Scott, Fire Department; Randy Marti, Administrative Service Director; Sharon Kegler, Human Resources Director; Dana Redburn, Parks & Recreation Director; Tom Hutchinson, Construction Specialist; Shawn Middendorf, Alliance Water Resources; Julie Lewis, Executive Assistant.

PROCLAMATIONS

Mayor Barrett presented a proclamation to the American Legion Auxiliary for Poppy Days 2014.

APPROVAL OF MINUTES

Councilperson Novak moved to accept the May 6, 2014 regular 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 Steve Wheeler for appointment to the Electrical Board.

Councilperson Hertzberg moved to appoint Steve Wheeler for his first term, to the Electrical Board replacing Vic Taylor, with the term expiring February, 2017. Councilperson Christie provided the second. The motion was duly considered and unanimously passed.

CONSIDERATION OF BIDS

The bid considered was for Network equipment – Firewall – IT Department

Councilperson Leonard moved to approve the bid from SMC, Joplin – FortiGate 600C, Inc. for \$11,505.25. Councilperson Novak 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 next bid to be considered was for Network equipment – Switches – IT Department.

Councilperson Novak moved to approve the bid from Missouri Telecom, Monett, MO for \$48,910.25. 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

The next bid to be considered was for Network equipment – VOIP phones – IT Department.

Councilperson Novak moved to approve the bid from InetVision, Nevada, MO for \$8,178. 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 next bid to be considered was for Network equipment – UPS – IT Department.

Councilperson Hertzberg moved to approve the bid from CDWG for \$6,329. 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

The next bid to be considered was for Pipes, valves, hydrants – Alliance.

Councilperson Leonard moved to approve the bid from Blue Springs Ferguson Waterworks for \$16,735.30. 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 next bid to be considered was for 30 reverse osmosis membrane elements - Alliance.

Councilperson Novak moved to approve the bid from Water Surplus.com for \$15,659.65. 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 next bid to be considered was aeration basin mixing pumps (4).

Councilperson Christie moved to approve the bid from JCI Industries for \$98,304. Councilperson Novak provided the second. After discussion, 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

There were none.

COMMUNICATIONS AND PETITIONS

There were none.

OLD BUSINESS

Next to be considered was Bill No 2014-034 authoring the execution of an agreement with APAC-Missouri, Inc. of Springfield, Missouri for the 2014 sales tax street improvements.

Councilperson Novak moved to place Bill No. 2014-034 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. 2014-034 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7976 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 2014-035 budgeting funds for the promotion of Tourism through the Bushwhacker Committee for Bushwhacker Celebration 2014 Gospel Event and approving an agreement with the Bushwhacker Committee therefore.

Councilperson Hertzberg moved to place Bill No. 2014-035 on second reading by title only. Councilperson Leonard 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. 2014-035 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7977 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 2014-036 budgeting funds for the promotion of Tourism through the Bushwhacker Committee for Bushwhacker Celebration 2014 Main Event and approving an agreement with the Bushwhacker Committee therefore.

Councilperson Novak moved to place Bill No. 2014-036 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. 2014-036 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7978 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 2014-037 amending Chapter 6 of the Municipal Code of the City of Nevada, Missouri concerning code updates.

Councilperson Leonard moved to place Bill No. 2014-037 on second reading by title only. Councilperson Novak 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. 2014-037 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7979 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 2014-038 amending Chapter 11 of the Municipal Code of the City of Nevada, Missouri concerning code updates.

Councilperson Hertzberg moved to place Bill No. 2014-038 on second reading by title only. 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

The Mayor declared Bill No. 2014-038 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7980 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 2014-039 amending Chapter 25A of the Municipal Code of the City of Nevada, Missouri concerning code updates.

Councilperson Novak moved to place Bill No. 2014-039 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. 2014-039 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7981 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 2014-040 amending Chapter 12 of the Municipal Code of the City of Nevada, Missouri concerning code updates.

Councilperson Hertzberg moved to place Bill No. 2014-040 on second 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

The Mayor declared Bill No. 2014-040 read a second time, passed, approved and

adopted. The Bill was numbered Ordinance No. 7982 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. 2014-041 accepting a water line easement for the Cottey College waterline replacement project.

Councilperson Novak moved to place Bill No. 2014-041 on first 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

Then, Mayor Barrett discussed the postponement of the public hearing and Bill No. 2014-042 until June 3, 2014, due to the applicants request to delay while the engineer updates the storm water plan.

Next to be considered was Bill No. 2014-043 accepting the bid and enter into a Lease/Purchase agreement with U.S. Bancorp Government Leasing and Finance, Inc. and increase the budget for the acquisition of a skid steer, backhoe and phone system upgrade.

Councilperson Christie moved to place Bill No. 2014-043 on first reading by title only. Councilperson Novak 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. 2014-044 amending the 2014 water and Sewer Fund Budget.

Councilperson Novak moved to place Bill No. 2014-044 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

Mayor Barrett announced Resolution No. 1399 would not come before Council due to the Diana's Club withdrawing their application.

REPORTS

Monthly Department Reports

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

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

Boards and Commissions Written Minutes/Reports

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

- i. NRMCM Board – March 25, 2014
- ii. Planning Commission – April 8, 2014

Mayor's Report

Mayor Barrett thanked and congratulated the Park staff on the ribbon cutting at the Frank E. Peters Clubhouse and mentioned the NRMCM golf tournament was a great success.

City Manager's Report

City Manager, JD Kehrman reported, Vernon County was the most active in the state for the Governors 100 mile challenge. Pulse tempo equipment has been installed at Walton Park as a reward for the Communities active part in the 100 mile challenge. Some site work still needs to be completed. A ribbon cutting is scheduled for June 12, 2014 at 9:00 a.m. and invited everyone to attend.

MISCELLANEOUS MATTERS

Councilperson Novak thanked the City Manager for the updates on the public safety buildings and requested to also receive updates on the time frame of where the project should be.

Councilperson Hertzberg noticed pot holes at the golf course. The City Manager said they would be filled.

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.

Councilperson Christie 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, 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 8:05 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

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

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 8:17 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 8:22 p.m.

Respectfully submitted,

Bev Baker, City Clerk

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk