

**MINUTES**  
**REGULAR CITY COUNCIL MINUTES**  
**Tuesday, December 17, 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 December 13, 2013 at 3:15 p.m.

***CALL TO ORDER***

A regular session of the City Council of Nevada, Missouri was held on Tuesday, December 17, 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 7:02 p.m., followed by the Pledge of Allegiance.

***INVOCATION***

Brian Leonard 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; Shawn Middendorf, Alliance Water Resources; William Thornton, Fire Chief; Kristie Modlin, Treasurer; Tom Hutchinson, Construction Specialist; Jennie Dick, Finance Department Manager; Julie Lewis, Executive Assistant.

***PROCLAMATIONS***

There were none.

***APPROVAL OF MINUTES***

Councilperson Leonard moved to accept the December 3, 2013 regular session City Council minutes as written. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

## ***APPOINTMENTS TO BOARDS AND COMMISSION***

Mayor Barrett presented Ray Dean Scism for re-appointment to the Street and Infrastructure Board.

Councilperson Novak moved to re-appoint Ray Dean Scism to the Street and Infrastructure Board, his second term, expiring September 2016. He may serve one more term as stated in the City of Nevada Code. Councilperson Christie provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented John Haggans for re-appointment to the Street and Infrastructure Board.

Councilperson Christie moved to re-appoint John Haggans to the Street and Infrastructure Board, his third term, expiring September 2016. He may serve one more term as stated in the City of Nevada Code. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

## ***CONSIDERATION OF BIDS***

There were none.

## ***PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK***

There were none.

## ***COMMUNICATIONS AND PETITIONS***

Judy Feuguay discussed information on the Nevada Regional Medical Center.

## ***OLD BUSINESS***

Next to be considered was Bill No 2013-064 accepting the bid and authorizing the execution of a lease agreement with E-Z-Go Division of Textron, Inc., to provide thirty (30) golf cars and two (2) utility vehicles to the Frank E Peters Municipal Golf Course.

Councilperson Novak moved to place Bill No. 2013-064 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Present: Barrett; Christie; Hertzberg; Leonard; Novak

Absent: None

The Mayor declared Bill No. 2013-064 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7932 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 2013-065 accepting the bid and authorizing the execution of a lease agreement for hay land located at Marmaduke Park between the City of Nevada, Missouri and Gary C. Ashby.

Councilperson Leonard moved to place Bill No. 2013-065 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. 2013-065 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7933 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. 2013-066 accepting the bid and authorizing the execution of a lease agreement for hay land located at the old Landfill between the City of Nevada, Missouri and Gary C. Ashby.

Councilperson Novak moved to place Bill No. 2013-066 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. 2013-066 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7934 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. 2013-067 accepting the bid and authorizing the execution of a lease agreement for pasture land located at the Wastewater Treatment Plant between the City of Nevada, Missouri and Gary C. Ashby.

Councilperson Christie moved to place Bill No. 2013-067 on second reading by title only. Councilperson Hertzberg 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. 2013-067 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7935 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. 2013-068 accepting the bid and authorizing the execution of a lease agreement for crop land located at the Landfill between the City of Nevada, Missouri and Dwayne Hardin.

Councilperson Hertzberg moved to place Bill No. 2013-068 on second 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

The Mayor declared Bill No. 2013-068 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7936 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. 2013-069 approving the 2014 fiscal budget of the City of Nevada, Missouri, appropriating from the revenue of the City requisite funds therefor, providing for the adjustments thereof, providing for the salaries of the city employees, approving the five-year capital improvement program, updating the organization chart, and approving the public records, fee schedule.

Councilperson Novak moved to place Bill No. 2013-069 on second reading by title only. 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

The Mayor declared Bill No. 2013-069 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7937 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. 2013-070 declaring the north 20 feet of lot eight (8), block five (5) of Eddlemon's addition excess property, authorizing the sale of said 20 foot strip for the sum of \$2,500, and authorizing and directing that the City Manager execute and deliver a quit claim deed for said tract, any closing, recording and title insurance expenses desired by buyers to be paid by buyers.

Councilperson Christie moved to place Bill No. 2013-070 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; Novak; Barrett

Nay: None

Absent: None

The Mayor declared Bill No. 2013-070 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7938 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. 2013-071 approving and authorizing the execution of a memorandum of agreement between the City of Nevada Missouri and Alliance Water Resources.

Councilperson Leonard moved to place Bill No. 2013-071 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. 2013-071 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7939 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. 2013-072 authorizing Work Order No. 2012-2 under the architectural services master agreement with Williams, Spurgeon, Kuhl & Freshnock, Architects, Inc.

Councilperson Christie moved to place Bill No. 2013-072 on first reading by title only. Councilperson Leonard provided the second. The motion was duly considered and failed by the following vote:

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

Then, Mayor Barrett opened a public hearing regarding the water and sewer charges at 7:35 p.m. With no public comment the public hearing was closed at 7:36 p.m.

Next to be considered was Bill No. 2013-073 amending Chapter 40 of the Nevada City Code pertaining to water service.

Councilperson Novak moved to place Bill No. 2013-073 on first reading by title only. 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

Next to be considered was Bill No. 2013-074 amending Chapter 28 of the Nevada City Code pertaining to sewers and sewage disposal.

Councilperson Leonard moved to place Bill No. 2013-074 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

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

Next to be considered was Bill No. 2013-075 amending the 2013 Fiscal Year Budget.

Councilperson Hertzberg moved to place Bill No. 2013-075 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; 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 – November
- ii. Fire Department Report – November
- iii. Animal Control Report – November
- iv. Police Department Report – November
- v. Alliance Water Resources Report – November
- vi. Finance Report - November
  1. Business License Report – November

### ***Boards and Commissions Written Minutes/Reports***

There were none.

### ***Mayor's Report***

There was none.

### ***City Manager's Report***

City Manager, JD Kehrman thanked everyone for their involvement in the budget process and thanked Council for the 2%cost of living increase for staff.

## **MISCELLANEOUS MATTERS**

Mayor Barrett made a recommendation to close City Hall at noon on Christmas Eve to allow staff time with their families.

Councilperson Leonard moved to close City Hall at noon on Christmas Eve, December 24, 2013. Councilperson Hertzberg provided the second. The motion was duly considered and unanimously passed.

Aye: Hertzberg; Leonard; Novak; Barrett; Christie

Nay: None

Absent: None

## **EXECUTIVE SESSION**

Mayor Barrett requested an executive session 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 Novak 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. Christie The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Barrett; Christie; Hertzberg

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 7:45 p.m.

Present: Barrett; Christie; Hertzberg; Leonard; Novak

Nay: None

Absent: None

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

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 Leonard 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: Novak; Barrett; Christie; Hertzberg; Leonard

Executive session adjourned at 7:53 p.m.

## **ADJOURNMENT**



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

Councilperson Christie 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: Barrett; Christie; Hertzberg; Leonard; Novak

Nay: None

Absent: None

The meeting adjourned at 7:54 p.m.

Respectfully submitted,

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Bev Baker, City Clerk

(seal)  
ATTEST:

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Seth Barrett, Mayor

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Bev Baker, City Clerk