

MINUTES
REGULAR SESSION CITY COUNCIL MINUTES
Tuesday, March 4, 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 February 28, 2014 at 4:30 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, March 4, 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.

Mayor Barrett introduced Michael Hunter and recognized Boy Scout Troop #42. They were attending to earn their Citizenship and Communication badges. The badges are required to become an Eagle Scout.

INVOCATION

Mark Mitchell gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Barrett; Hertzberg; Leonard; Novak

Absent: Christie

Councilperson Christie was excused for business reasons.

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; Randy Marti, Administrative Service Director; Dana Redburn, Parks & Recreation Director; Roger Beach, Field Operations Manager; Shawn Middendorf, Alliance Water Resources; Jennie Dick, Finance Department Manager; Julie Lewis, Executive Assistant.

PROCLAMATIONS

There were none.

APPROVAL OF MINUTES

Councilperson Leonard moved to accept the February 18, 2014 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

There were none.

CONSIDERATION OF BIDS

There were 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 2014-008 annexing a tract of real estate owned by C. E. Fancher and Norma J. Fancher.

Councilperson Hertzberg moved to place Bill No. 2014-008 on second reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Hertzberg; Leonard; Novak

Nay: None

Absent: Christie

The Mayor declared Bill No. 2014-008 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7951 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 2014-009 approving a depository services agreement for governmental entities with US Bank authorizing check signers for the Tour of Nevada Race purse account.

Councilperson Novak moved to place Bill No. 2014-009 on second reading by title only. Councilperson Leonard provided the second. The motion was duly considered and passed by the following vote:

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

The Mayor declared Bill No. 2014-009 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7952 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 2014-010 authorizing the execution of an agreement with the C&C Group of Springfield, Mo. For installation of security systems at the new Police/Court public safety building.

Councilperson Leonard moved to place Bill No. 2014-010 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; Hertzberg
Nay: None
Absent: Christie

The Mayor declared Bill No. 2014-010 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7953 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 2014-011 amending section 2-6 (regular meeting) of the code of the City of Nevada, Missouri

Councilperson Novak moved to place Bill No. 2014-011 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

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

The Mayor declared Bill No. 2014-011 read a second time, passed, approved and

adopted. The Bill was numbered Ordinance No. 7954 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 2014-012 approving a final plat and development agreement of Curtis Business Park.

Councilperson Leonard moved to place Bill No. 2014-012 on second reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Hertzberg; Leonard; Novak

Nay: None

Absent: Christie

The Mayor declared Bill No. 2014-012 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7955 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 2014-013 to enter into a lease/purchase agreement with Arvest Equipment Finance for the acquisition of two grasshopper mowers.

Councilperson Novak moved to place Bill No. 2014-013 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

Nay: None

Absent: Christie

The Mayor declared Bill No. 2014-013 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7956 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. 2014-014 authorizing execution of the utility relocation agreement with Cottey College.

Councilperson Hertzberg moved to place Bill No. 2014-014 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; Hertzberg

Nay: None

Absent: Christie

Next to be considered was Bill No. 2014-014 authorizing execution of the utility relocation agreement with Cottey College.

This ordinance is an emergency ordinance because the time required for the City to bid the contract and award the contract and require the successful bidder to complete the work 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 Leonard moved to place Bill No. 2014-014 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; Hertzberg; Leonard

Nay: None

Absent: Christie

The Mayor declared Bill No. 2014-014 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7957 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. 2014-015 approving a depository services agreement for governmental entities with us Bank authorizing check signers for the Cottey Utility relocation fund account.

Councilperson Hertzberg moved to place Bill No. 2014-015 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Hertzberg; Leonard; Novak

Nay: None

Absent: Christie

Next to be considered was Bill No. 2014-016 authorizing the execution of a letter of engagement with Burch & Associates to provide special advisory services for the City of Nevada, Missouri.

Councilperson Leonard moved to place Bill No. 2014-016 on first 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

Nay: None

Absent: Christie

Next to be considered was Bill No. 2014-017 approving a contract between the Nevada Housing Authority and the City of Nevada, Missouri for additional policing services and amending the budget.

Councilperson Novak moved to place Bill No. 2014-017 on first reading by title only. Councilperson Leonard provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Barrett; Hertzberg

Nay: None

Absent: Christie

Next to be considered was Bill No. 2014-018 approving and authorizing the execution of a usage agreement between the City of Nevada, Missouri and the Western Missouri 9-1-1 Dispatch Center for 9-1-1 and dispatch services.

Councilperson Leonard moved to place Bill No. 2014-018 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; Hertzberg; Leonard

Nay: None

Absent: Christie

Next to be considered was Resolution No. 1393 approving OI Subway LLC, 903 E. Subway, to sell intoxicating liquor in excess of five percent of alcohol by weight, by the drink for consumption on the premises where sold.

Councilperson Novak moved to approve Resolution No. 1393, 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:

Alliance Water Resources Report – Annual

Shawn Middendorf, Alliance Water Resource Manager discussed the Annual report.

Boards and Commissions Written Minutes/Reports

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

NRMC Board – January 28, 2014

Park Board – January 29, 2014

Housing Authority – December 12, 2013

Housing Authority – February 12, 2014

Mayor's Report

There was none.

City Manager's Report

City Manager, JD Kehrman reported, Midwest public risk rates increased. Mr. Kehrman will be appointed to MPR's board of directors. The golf course clubhouse has been inspected and there are a few things to follow up on before opening. Staff is staying on track to have the new clubhouse open for the golf season.

MISCELLANEOUS MATTERS

Councilperson Novak reminded everyone that Mayor Barrett was participating in dancing with the stars and encouraged everyone to attend.

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 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 Hertzberg 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 Novak. The motion was duly considered and passed by the following vote:

Aye: Barrett; Hertzberg; Leonard; Novak

Nay: None

Absent: Christie

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 8:21p.m.

Present: Barrett; Hertzberg; Leonard; Novak

Absent: Christie

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 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 Novak. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Barrett

Nay: None

Absent: Christie

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: Leonard; Novak; Barrett; Hertzberg

Nay: None

Absent: Christie

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Bev Baker, City Clerk

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk