

MINUTES
REGULAR SESSION CITY COUNCIL MINUTES
Tuesday, May 6, 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 2, 2014 at 2:30 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, May 6, 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 7:05 p.m., followed by the Pledge of Allegiance.

INVOCATION

Mike Satterlee 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; William Thornton, Fire Chief; 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 Amber Williamson for the Nevada Police Department in recognition of National Police Week.

APPROVAL OF MINUTES

Councilperson Christie moved to accept the April 15, 2014 regular session City Council minutes as written. Councilperson Hertzberg provided the second. The motion was duly considered and passed unanimously.

Councilperson Novak moved to accept the April 29, 2014 special session City Council minutes as written. Councilperson Leonard provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSION

Mayor Barrett presented Dick Shorten for re-appointment to the Planning Commission.

Councilperson Novak moved to re-appoint Dick Shorten for his second term, to the Planning Commission, with the term expiring November, 2016. Councilperson Christie provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Janet Wray for re-appointment to the Planning Commission.

Councilperson Hertzberg moved to re-appoint Janet Wray for her second term, to the Planning Commission, with the term expiring November, 2017. Councilperson Leonard provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Warren Schooley for re-appointment to the Airport Board.

Councilperson Christie moved to re-appoint Warren Schooley to the Airport Board, with the term expiring January, 2018. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Dean Stutesman for re-appointment to the Electrical Board.

Councilperson Novak moved to re-appoint Dean Stutesman to the Electrical Board, with the term expiring April 2015. Councilperson Hertzberg provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Wes Ogle for appointment to the Electrical Board.

Councilperson Christie moved to appoint Wes Ogle to the Electrical Board, replacing Joe Hammontree, with the term expiring April, 2015. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Jason Bush for appointment to the Plumbing Board.

Councilperson Novak moved to appoint Jason Bush to the Plumbing Board, replacing Jay Taylor, with the term expiring March, 2017. Councilperson Hertzberg provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Lucas Pennington for appointment to the Plumbing Board.

Councilperson Hertzberg moved to appoint Lucas Pennington to the Plumbing Board, replacing Rick McInroy, with the term expiring February, 2017. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Annie Daugherty for a term expiration on June, 2014 for the Library Board.

Councilperson Leonard moved to change the term expiration to June, 2014 for Annie Daugherty on the Library Board. Councilperson Christie provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Thomas Burton for a term expiration on June, 2016 for the Library Board.

Councilperson Novak moved to change the term expiration to June, 2016 for Thomas Burton on the Library Board. Councilperson Christie provided the second. Councilperson Novak amended her motion to correct the name to Thomas Bunton and Councilperson Christie provided the second. The motion was duly considered and unanimously passed.

Mayor Barrett presented Jim Erpenbach for a term expiration on June, 2014 for the Library Board.

Councilperson Novak moved to change the term expiration to June, 2014 for Jim Erpenbach on the Library Board. Councilperson Hertzberg provided the second. The motion was duly considered and unanimously passed.

CONSIDERATION OF BIDS

The bid considered was for Excavation Shoring Equipment – Alliance

Councilperson Leonard moved to approve the bid from Pronal – USA, Inc. for \$7,500. 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 Water tower maintenance – Alliance.

Councilperson Leonard moved to approve the bid from Hogan's Inc. for \$131,075. 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

There were none.

COMMUNICATIONS AND PETITIONS

Carol Branham from the Housing Authority presented the Annual Report and Audit.

OLD BUSINESS

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 Leonard moved to place Bill No. 2014-028 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. 2014-028 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7970 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 2014-029 amending Chapter 11 (Electricity) of the Nevada City Code concerning insurance requirements.

Councilperson Hertzberg moved to place Bill No. 2014-029 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. 2014-029 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7971 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 2014-030 amending Chapter 25A-4 (Plumbing and Mechanical) codes of the City of Nevada Municipal Code concerning insurance requirements.

Councilperson Novak moved to place Bill No. 2014-030 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. 2014-030 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7972 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 2014-031 amending Chapter 16 (Licenses) of the City of Nevada Municipal Code omitting occupations not authorized to license.

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

Councilperson Novak abstained, due to her personal business.

Aye: Barrett; Christie; Hertzberg; Leonard

Abstain: Novak

Nay: None

Absent: None

The Mayor declared Bill No. 2014-031 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7973 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 2014-032 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 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. 2014-032 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7974 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 2014-033 amending the 2014 Street, Water and Sewer fund budgets.

Councilperson Hertzberg moved to place Bill No. 2014-033 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; Christie

Nay: None

Absent: None

The Mayor declared Bill No. 2014-033 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7975 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. 2014-034 authoring the execution of an agreement with APAC-Missouri, Inc. of Springfield, Missouri for the 2014 sales tax street improvements.

Councilperson Christie moved to place Bill No. 2014-034 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

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 Leonard moved to place Bill No. 2014-035 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; Christie; Hertzberg; Leonard

Nay: None

Absent: None

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 first 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

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 Hertzberg moved to place Bill No. 2014-037 on first 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

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 Novak moved to place Bill No. 2014-038 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; Christie

Nay: None

Absent: None

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 Hertzberg moved to place Bill No. 2014-039 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

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 Novak moved to place Bill No. 2014-040 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

Next to be considered was Resolution No. 1398 approving Sharky's Pub and Grub II 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. 1398, seconded by Councilperson Hertzberg. The motion was duly considered and passed unanimously.

REPORTS

Monthly Department Reports

There were none.

Boards and Commissions Written Minutes/Reports

There were none.

Mayor's Report

There was none.

City Manager's Report

City Manager, JD Kehrman reported, he would be happy to answer any questions, however he did not have a report.

MISCELLANEOUS MATTERS

Mayor Barrett extended an invitation for the ribbon cutting to be held at the Golf course Friday, May 9, at 8:15 a.m.

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

Aye: Barrett; Christie; Hertzberg; Leonard; Novak

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 8:03.

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 Novak 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: Christie; Hertzberg; Leonard; Novak; Barrett

Nay: None

Absent: None

Executive session adjourned at 8:25 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: Hertzberg; Leonard; Novak; Barrett; Christie

Nay: None

Absent: None

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Bev Baker, City Clerk

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk