

**MINUTES**  
**REGULAR SESSION CITY COUNCIL MINUTES**  
**120 S. Ash**  
**City Council Chambers**  
**Tuesday, July 18, 2017**  
**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 Friday, July 14, 2017 at 3:30 p.m.

***CALL TO ORDER***

A regular session of the City Council of Nevada, Missouri was held on Tuesday, July 18, 2017 pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

Mayor Leonard called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

***INVOCATION***

Mayor Leonard gave the invocation.

***ROLL CALL***

The following Council members were present for roll call:

Present: Carol Clyde-Gallagher; Blake Hertzberg; Brian Leonard; Jayne Novak; Ryan Watts

Absent: None

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Kristie Modlin, Treasurer; Johnna Williams, Deputy City Clerk; Casey Crain, Chief of Police; William Thornton, Fire Chief; Randy Marti, Administrative Service Director; Sharon Kegler, Human Resources Director; Kevin Crump, Park & Recreation Director; Tom Hutchinson, Field Operations Manager.

***PROCLAMATIONS***

There were none.

***APPROVAL OF MINUTES***

Councilperson Hertzberg moved to accept the July 11, 2017 special session City Council minutes as written. Councilperson Clyde-Gallagher provided the second. The motion was duly considered and passed unanimously.

Councilperson Watts moved to accept the July 11, 2017 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. 2017-032 accepting the bid and authorizing the execution of an agreement with Quality Exteriors of Joplin, Missouri for City Hall window replacement.

Councilperson Novak moved to place Bill No. 2017-032 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Clyde-Gallagher; Hertzberg; Leonard; Novak; Watts

Nay: None

Absent: None

The Mayor declared Bill No. 2017-032 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 8164 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. 2017-033 amending Chapter 42 of the Code of the City of Nevada, Missouri, by approving and adopting a Policy prohibiting smoking and the use of electronic cigarettes (e-cigarettes) in public places.

Councilperson Novak moved to place Bill No. 2017-033 on second reading by title only. Councilperson Hertzberg provided the second.

Jason Fowler, Jasmine Barnett and Amber Pulliam, representing Vapor Maven, spoke in opposition to the smoking ordinance; it would negatively affect their business.

Lance Christie, 182 Country Club Dr., spoke in opposition of the smoking ordinance; City should promote smoke-free businesses, let business owners decide.

Jason Meisenheimer, 1229 E. Austin, Elks Lodge voted to go smoke-free and has caused financial losses. Lodge was going to build smoking room and would like the ordinance to exempt private clubs and organizations.

Aaron Rhodes, representing City of Nevada Employee Relations Committee, concerned that employees would have nowhere to smoke. Would like to allow designated smoking areas with cover.

Mike Thompson, representing Nevada Country Club, members are concerned and would like to request exemptions for private clubs/organizations.

Jamie Williams, 629 W. Arch, spoke in opposition to smoking ordinance, vapor shops need to be able to have customers try products in the store.

Tony Collins, spoke in opposition to ordinance, doesn't want to see right of private business owners taken away.

Don Adams, representing American Legion, they have a separate area for smoking and would like an exemption for private clubs and organizations.

Kelly Ast, Show Me Tobacco Free Vernon County, spoke in favor of the smoking ordinance as it is a progressive healthy policy and public areas should be smoke free.

Bob Waltz, inquired about penalties and how enforcement would work.

Discussion followed. Councilperson Novak made a motion to amend Bill No. 2017-033 by changing Sec. 42-27, 10. All buildings and structures owned or managed by the City of Nevada. This subsection shall not apply to any person in a motor vehicle, not owned or controlled by the City of Nevada. Changing Sec. 42-28 by adding 4. Private Clubs may by majority vote of their governing body elect to be exempt and adding 5. Retail Commercial establishments will be exempt if 75% of the entity's gross income is from the sale of vaping materials or tobacco. Councilperson Watts provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Novak; Watts; Clyde-Gallagher

Nay: None

Absent: None

Councilperson Novak made a motion to place amended Bill No. 2017-033 on first reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Watts; Clyde-Gallagher

Nay: Hertzberg

Absent: None

Next to be considered was Bill No. 2017-034 amending Chapter 2 of the Code of the City of Nevada, Missouri.

Councilperson Watts moved to place Bill No. 2017-034 on second reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Watts; Clyde-Gallagher; Hertzberg; Leonard

Nay: None

Absent: None

The Mayor declared Bill No. 2017-034 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 8165 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. 2017-035 authorizing the execution of a Governmental Cooperative contract with Vernon County and the Vernon County Assessor pertaining to assessments of real and personal properties within the corporate limits of Nevada, Missouri in conformity with RSMO 70.220.

Councilperson Hertzberg moved to place Bill No. 2017-035 on first reading by title only. Councilperson Clyde-Gallagher provided the second. The motion was duly considered and passed by the following vote:

Aye: Watts; Clyde-Gallagher; Hertzberg; Leonard; Novak

Nay: None

Absent: None

Next to be considered was Resolution No. 1490 approving liquor license applications to sell intoxicating liquor in excess of five percent of alcohol by weight, by the drink for consumption on the premises where sold from August 1, 2017 through July 31, 2018.

Councilperson Hertzberg moved to approve Resolution No. 1490, seconded by Councilperson Novak. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1491 approving liquor license applications to sell intoxicating liquor in the original package from August 1, 2017 through July 31, 2018.

Councilperson Watts moved to approve Resolution No. 1491, seconded by Councilperson Clyde-Gallagher. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1492 approving liquor license applications to sell malt liquor in excess of 3.2 percent alcohol by weight and not in excess of five percent by weight or light wines containing not in excess of 14 percent alcohol by weight, by the drink for consumption on premises where sold from August 1, 2017 through July 31, 2018.

Councilperson Clyde-Gallagher moved to approve Resolution No. 1492, seconded by Councilperson Hertzberg. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1493 approving liquor license applications to sell malt liquor in excess of 3.2 percent alcohol by weight, but not in excess of five percent by weight in the original package from August 1, 2017 through July 31, 2018.

Councilperson Novak moved to approve Resolution No. 1493, seconded by Councilperson Watts. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1494 approving Delaney Vineyard & Winery LLC application to manufacture wine or brandy in the City not in excess of eighteen percent for wine, or not in excess of thirty-four percent of alcohol for brandy from August 1, 2017 through July 31, 2018.

Councilperson Novak moved to approve Resolution No. 1494, seconded by Councilperson Clyde-Gallagher. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1495 authorizing a waiver from the provisions of Municipal Code Section 3-26 (a) sale of liquor prohibited near schools, churches, parks in conjunction with the Low and Slow Barbeque Cook Off to be held September 23, 2017 at 510 Centennial Boulevard.

Councilperson Novak moved to approve Resolution No. 1495, seconded by Councilperson Watts. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1496 approving an application submitted by the Benevolent Protective Order of Elks 564 for a temporary permit to sell intoxicating liquor by the drink for consumption on premises where sold on September 23, 2017.

Councilperson Clyde-Gallagher moved to approve Resolution No. 1496, seconded by Councilperson Novak. 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 – June
- ii. Fire Department – June
- iii. Animal Control – June
- iv. Police Department – June
- v. Alliance Water Resources – June
- vi. Finance – May
  1. Business License - May

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

There were none.

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

There was none.

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

City Manager, JD Kehrman reported, that Kaysinger Basin would be submitting a letter of intent to receive USDA grant money to fund an economic development position in Vernon County if this was something the Council was interested in.

## **MISCELLANEOUS MATTERS**

Mayor Leonard stated that the first meeting in August would be moved to Monday, August 14 due to open house at the schools on Tuesday night.

Chief Crain discussed National Night Out and welcomed everyone to join in the event.

Tom Hutchison stated that the street projects should be completed in 2-3 weeks.

**ADJOURNMENT**

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

Councilperson Clyde-Gallagher 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: Clyde-Gallagher; Hertzberg; Leonard; Novak; Watts

Nay: None

Absent: None

The meeting adjourned 8:14 p.m.

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Johnna Williams, Deputy City Clerk

(seal)  
ATTEST:

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Brian L. Leonard, Mayor

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Johnna Williams, Deputy City Clerk