

**MINUTES  
REGULAR SESSION CITY COUNCIL MINUTES  
120 S. Ash  
City Council Chambers  
Tuesday, July 20, 2021  
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 Thursday, July 15, 2021 at 2:40 p.m..

***CALL TO ORDER***

A regular session of the City Council of Nevada, Missouri was held on Tuesday, July 20, 2021, pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

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

***INVOCATION***

Mayor Knox gave the invocation.

***ROLL CALL***

The following Council members were present for roll call:

Present: Richard Brockman, Lyndon Eberhard, Carol Gallagher. George Knox, Kendall Vickers

Absent: None

Staff present: Mark Mitchell, City Manager, Wm. G. McCaffree, City Attorney; Michele Bailey, City Clerk; Daniel Hayes, Police Officer, Troy Denney, Fire Chief, Sharon Baker, HR Director, William Denman, City Treasurer, Johnna Williams, Planning and Zoning

***PROCLAMATIONS***

None

***APPROVAL OF MINUTES***

Councilperson Gallagher moved to accept the July 6, 2021; regular session City Council minutes as written. Councilperson Brockman provided the second. The motion was duly considered and passed unanimously.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

There were no appointments

### **CONSIDERATION OF BIDS**

1. Consideration of Bid from Zach Erwin construction for demolition of dangerous buildings for the not to exceed amount of \$9,800.00.

Councilperson Vickers moved to approve the bid from Zach Erwin for the demolition of dangerous buildings at a not to exceed amount of \$9,800.00. Councilperson Gallagher provided the second. The motion was duly considered and passed by 4/5 vote Councilperson Eberhard opposed.

Note: Councilperson Eberhard opposed due to disagreement on fence removal. Stating: Clean Up property or don't remove the fence.

Approved dangerous building removal. City Manager addressed his concerns noting the city has spent money to abate this property and the fence is not to code, dangerous building onsite and once the fence is removed, the city will have to enforce code for clean up of debris located inside fenced area of one property.

Councilperson Brockman asked if removal of the shed only would resolve the problem. City Manager addressed, stating this will not resolve the problem as the fence and debris will also require removal.

City Attorney stated he and the Municipal Judge agree all should be removed.

2. Next, Consideration of bid from JCI Industries, Lees Summit, Missouri for the Walton Pool Pump for the not to exceed amount of \$12,606.97.

Councilperson Eberhard moved to approve the bid from JCI Industries for the Walton Aquatic Center Pool Pump at a not to exceed amount of \$12,606.97. Councilperson Vickers provided the second. The motion was duly considered and passed unanimously.

Note: Councilperson Brockman asks if we will purchase another pump or rebuild the old pump to have one on hand in case of breakdown.

City Manager addressed his concerns stating the old pump outlived its useful life as it was originally installed in the 1970's. He would look into a replacement pump when reviewing budgets for next year.

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

***None registered***

### ***COMMUNICATIONS AND PETITIONS***

NRMC- Steve Branstetter and Dana White presented to the Council their PowerPoint and concerns. Branstetter reported on current Covid cases and the lack of vaccinations within our county. 75 % are unvaccinated/ Numbers are going up exponentially along with hospitalizations. He also addressed concerns with current Bonds.

Steve Branstetter gave great reviews on Dr. Fox; and stated he is an asset to our community.

NRMC- 2022 BUDGET REPORT- Carmen Pike MFCC and Melissa Cornell BACC – presented the current and projected budgets to the Council.

NRMC-LTC- MOORE-FEW FINANCIALS- Brittany Schenker Business Office Mgr. Addressed budgets, deficits, futures, funds on-hand and current status at the facility. With revenue losses, deaths and rehabilitations, the facility does not stay at full capacity thus reducing the revenues. They addressed the visitation rate for patients is based on the Medicare and Medicaid review of positivity rates in Covid and CMS determines how and when or if visitations are allowable.

49% employees are vaccinated and 87% of patients.

American Health Association predicts many closures of long-term care facilities by the end of 2021 due to loss of funding and reduced admissions.

City Manager – Accessory Dwelling Units (ADU) will address at the next meeting.

***UNFINISHED BUSINESS: None***

### ***OLD BUSINESS***

Second Reading of tabled Bill No. 2021-042 A Special Ordinance of the City of Nevada, Missouri approving a Community Assistance Program with the Missouri Department of Conservation for the Radio Springs Lake and the Izaak Walton Lake

Councilperson Brockman moved to place Bill No. 2021-042 on second reading by title only. Councilperson Vickers provided the second. The motion was duly considered and failed by the following vote:

Aye: Brockman, Eberhard, Gallagher, Knox, Vickers  
Nay:  
Absent:

The Mayor declared Bill No. 2021-042 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8424** and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Second Reading of Bill No. of Bill No. 2021-043 A General Ordinance of the City of Nevada, Missouri repealing section 19-132 of the Code of the City of Nevada, Missouri.

Councilperson Brockman moved to place Bill No. 2021-043 on second reading by title only. Councilperson Vickers provided the second. The motion was duly considered and failed by the following vote:

Aye: Eberhard, Gallagher, Knox, Vickers, Brockman  
Nay:  
Absent:

The Mayor declared Bill No. 2021-043 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8425** and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

**Second** Reading of Bill No. of Bill No. 2021-044 A General Ordinance of the City of Nevada, Missouri amending section 19-146 of the Code of the City of Nevada, Missouri.

Councilperson Vickers moved to place Bill No. 2021-044 on second reading by title only. Councilperson Eberhard provided the second. The motion was duly considered and failed by the following vote:

Aye: Gallagher, Knox, Vickers, Brockman Eberhard  
Nay:  
Absent:

The Mayor declared Bill No. 2021-044 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8426** and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Note: Councilperson Eberhard stated he would like to restrict pedal bikes with gas motors and asked about other bikes.

City Manager stated the council will review the electric bikes once the state legislature has been reviewed.

Second Reading of Bill No. of Bill No. 2021-045 A General Ordinance of the City of Nevada, Missouri amending section 19-187 and 189 of the Code of the City of Nevada, Missouri

Councilperson Eberhard moved to place Bill No. 2021-045 on second reading by title only. Councilperson Brockman provided the second. The motion was duly considered and failed by the following vote:

Aye: Knox, Brockman Eberhard, Gallagher  
Nay:  
Absent: Vickers- due to leaving the chambers

The Mayor declared Bill No. 2021-045 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8427** and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Second Reading of Bill No. of Bill No. 2021-046 A Special Ordinance of the City Council of Nevada, Missouri authorizing the execution of Change Order No. 1 to the agreement with APAC Central Inc

Councilperson Gallagher moved to place Bill No. 2021-046 on second reading by title only. Councilperson Vickers provided the second. The motion was duly considered by passed the following vote:

Aye: Vickers, Brockman, Gallagher, Knox  
Nay: Eberhard  
Absent:

The Mayor declared Bill No. 2021-046 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8428** and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Second Reading of Bill No. of Bill No. 2021-047 A Special Ordinance of the City of Nevada, Missouri authorizing payment for the Nevada Tourism Fund for Marketing, advertising and promotion of the State of Missouri Bicentennial.

Councilperson Eberhard moved to place Bill No. 2021-047 on second reading by title only. Councilperson Gallagher provided the second. The motion was duly considered and failed by the following vote:

Aye: Brockman Eberhard, Gallagher, Knox, Vickers  
Nay:  
Absent:

The Mayor declared Bill No. 2021-047 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8429** 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***

Consideration of Bill No. 2021-048 An Emergency Ordinance of the City of Nevada Missouri authorizing and directing the confirmation of transfer of a tract of real estate to the Nevada Animal Shelter Corporation a Missouri Non-Profit Corporation for use for Construction of an Animal Shelter for the City of Nevada, Missouri.

Councilperson Vickers moved to place Bill No. 2021-048 on First reading by title only. Councilperson Eberhard provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Next, Second Reading of Bill No. 2021-048 An Emergency Ordinance of the City of Nevada Missouri authorizing and directing the confirmation of transfer of a tract of real estate to the Nevada Animal Shelter Corporation a Missouri Non-Profit Corporation for use for Construction of an Animal Shelter for the City of Nevada, Missouri

Councilperson Gallagher moved to place Bill No. 2021-048 on Second reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Aye: Gallagher, Knox, Vickers, Brockman Eberhard,  
Nay:  
Absent:

The Mayor declared Bill No. 2021-048 read a second time, passed, approved, and adopted. The Bill was numbered **Ordinance No. 8430** and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next, Consideration of Bill No. 2021-049 A General Ordinance of the City of Nevada, Missouri adopting Section 28-44(a) if the Code if the City of Nevada, Missouri.

Councilperson Gallagher moved to place Bill No. 2021-049 on First reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Aye: Knox, Vickers, Brockman Eberhard, Gallagher,

Nay:

Absent:

Note: Councilperson Brockman asked who will enforce this ordinance/Code? Police?

Councilperson Brockman believes there should be a fine.

Councilperson Eberhard voiced concerns as to how the city will deal with all of the items when reported.

City Attorney addressed all concerns.

Councilperson Vickers agrees this needs to be enforced.

Councilperson Gallagher asked how we will get the word out to the public

City Manager addressed her concerns.

Public Hearing regarding the Special Use Permit to Robert Jones 1015 S. Adams Nevada, Missouri for sales of Colloidal Silver supplement.

- a. Public Hearing was held regarding a Special Use Permit to Robert Jones of 1015 S. Adams Street Nevada, Missouri for the sales of Colloidal Silver Supplement comments voiced in favor of the grant.

Next, Consideration of Bill No. 2021-050 A Special Ordinance of the City of Nevada, Missouri awarding a Special Use Permit to Robert Jones for the Property located at 1015 S. Adams Nevada, Missouri.

Councilperson Eberhard moved to place Bill No. 2021-050 on First reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Aye: Vickers, Brockman Eberhard, Knox

Nay: Gallagher

Absent:

A Public Hearing was held regarding changes to the Municipal Code regarding Fence Ordinances.

Next, Consideration of Bill No. 2021-051 A General Ordinance of the City of Nevada, Missouri repealing Section 23-24 of the Municipal Code of the City of Nevada, Missouri

Councilperson Vickers moved to place Bill No. 2021-051 on First reading by title only. Councilperson Gallagher provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Aye: Brockman Eberhard, Gallagher, Knox, Vickers

Nay:

Absent:

Next, Consideration of Bill No. 2021-052 A General Ordinance of the City of Nevada, Missouri repealing Section 37-8 of the Municipal Code of the City of Nevada, Missouri concerning fences.

Councilperson Brockman moved to place Bill No. 2021-052 on First reading by title only. Councilperson Gallagher provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Aye: Eberhard, Gallagher, Knox, Vickers, Brockman

Nay:

Absent:

Next, Consideration of Bill No. 2021-053 A General Ordinance of the City of Nevada, Missouri amending Chapter 6 of the Municipal Code of the City of Nevada, Missouri concerning fences.

Councilperson Gallagher moved to place Bill No. 2021-053 on First reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward for second reading and passed by the following vote:

Aye: Gallagher, Knox, Vickers, Brockman, Eberhard

Nay:

Absent:

Note: Council requests identification of a security fence. Grandfather in the current barbed wire clause section (d) or specify what a security fence is, i.e. metal, chainlink, and when barbed wire can be used at the top of a fence. Make sure a security fence is a minimum of 6 feet tall not including the barbed wire.

City Attorney will correct the current ordinance to identify the issues requested.



Next, Consideration of Resolution 1588 – A Resolution of the City of Nevada, Missouri approving Liquor License applications for the period of August 1, 2021, through July 31, 2022.

Councilperson Gallagher moved to accept Resolution 1588 approving Liquor Licenses for the period August 1, 2021 through July 31, 2022. Councilperson Brockman provided the second. The motion was duly considered and passed unanimously.

## ***REPORTS***

### ***Monthly Department Reports***

- i. Fire Report- June 2021
- ii. Court Report- June 2021
- iii. Police Report- June 2021
- iv. Animal Control Officer Report- June 2021
- v. Dangerous Buildings Report- June 2021

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

Planning Commission Minutes-May 11, 2021

### ***Mayor's Report –***

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

City Manager, Mark Mitchell presented his report to the council.

#### ***Treasurer's Report***

City Treasurer, William Denman presented his report to the council.

## ***MISCELLANEOUS MATTERS***

Councilperson Eberhard asked about the Austin Blvd bridge work and closure.

City Manager stated we are now looking at August.

Councilperson Vickers asked if the whole bridge would be closed or only one side.

City Manager stated the whole bridge would be closed and there will be detours.

Councilperson Eberhard asked about trash truck inspections.

City Manager noted that none of the companies had responded and had been notified they had until July 31<sup>st</sup>.

Councilperson Eberhard requested we place Police presence on West Austin Blvd to reduce the truck speed in that area especially with Cottey College reopening soon. City manager will address concerns with the Chief of Police.

Councilperson Brockman asked if we had started a flush valve program. City Manager stated he will review and readdress.

Councilperson Brockman asked how we will enforce regulations on bikes over 50cc and other non-ATV on the streets. City Manager will address with Chief of Police.

Councilperson Gallagher asked if Jefferson Street was on the street repair list, noting it was in need of repair. She also asked about the noise level at the raceway and if there was a code in place stating how late the noise can go on. City Manager stated the raceway was outside of the City limits.

**EXECUTIVE SESSION**

**No Executive Session was held.**

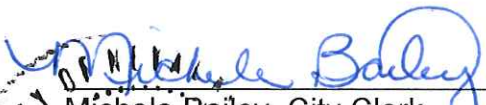
**ADJOURNMENT**


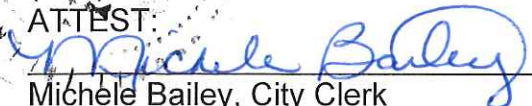
With no further business to come before City Council, Mayor Knox asked for a motion to adjourn.


Councilperson Gallagher moved to adjourn the regular session of City Council. Councilperson Brockman provided the second. The motion was duly considered and passed by the following vote:

- Aye: Knox, Vickers, Brockman, Eberhard, Gallagher
- Nay: None
- Absent:

The meeting adjourned at 8:57 p.m.

  
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Michele Bailey, City Clerk

 (seal)  
ATTEST:  
  
\_\_\_\_\_  
Michele Bailey, City Clerk

  
\_\_\_\_\_  
George Knox, Mayor