

MINUTES
GENERAL SESSION CITY COUNCIL MINUTES
120 S. Ash
City Council Chambers
Tuesday, May 17, 2022
7:00 p.m.

NOTICE OF MEETING

A general 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 May 13, 2022.

CALL TO ORDER

A General Session of the City Council of Nevada, Missouri was held on Tuesday, May 03, 2022, 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 pm followed by the Pledge of Allegiance.

INVOCATION: - Megan Allen

ROLL CALL

The following Council members were present for roll call:

Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles

Absent: 0

Staff present: Mark Mitchell, City Manager, Bill Denman, City Treasurer, Stephanie Martin, City Clerk, William McCafree, City Attorney, Troy Denney, Fire Chief,

PROCLAMATIONS

APPROVAL OF MINUTES

Councilperson Eberhard moved to accept the May 3, 2022, regular session City Council Minutes as written. Councilperson Gallagher provided the second. The motion was duly considered and passed unanimously.

Councilperson Gallagher moved to accept the May 10, 2022, regular session City Council Minutes as written. Councilperson Vickers provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

Councilperson Vickers moved to accept Amy Hertzberg to the Library Board as trustee with a term ending June 30, 2025. Councilperson Miles provided the second. The motion was duly considered and passed unanimously.

Councilperson Vickers moved to accept Clarisse Teepe-Fryrear to the Library Board as trustee with a term ending June 30, 2025. Councilperson Miles provided the second. The motion was duly considered and passed unanimously.

CONSIDERATION OF BIDS:

Consideration of Resolution No. 1639 – A resolution of the City of Nevada, Missouri accepting the bids and authorizing the City Manager to enter into an agreement with Ernsbarger’s Heating and Cooling, Inc., Nevada Missouri for the purchase and installation of a Rheem HVAC/Heatpump unit for the Waste Water office.

Councilperson Eberhard moved to approve Resolution No. 1639 – A resolution of the City of Nevada, Missouri accepting the bids and authorizing the City Manager to enter into an agreement with Ernsbarger’s Heating and Cooling, Inc., Nevada Missouri for the purchase and installation of a Rheem HVAC/Heatpump unit for the Waste Water office. Councilperson Gallagher provided the second. The motion was duly considered and passed unanimously.

Consideration of Resolution No. 1640 – A resolution of the City of Nevada, Missouri authorizing the payment to Dexter Pump Services, Blue Springs, MO for Frank E. Peters Municipal Golf Course Lake Inlet Screen Replacement.

Councilperson Eberhard moved to approve Resolution No. 1640 - A resolution of the City of Nevada, Missouri authorizing the payment to Dexter Pump Services, Blue Springs, MO for Frank E. Peters Municipal Golf Course Lake Inlet Screen Replacement.

Councilperson Vickers provided the second. The motion was duly considered and passed unanimously.

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK:

COMMUNICATIONS AND PETITIONS:

UNFINISHED BUSINESS:

Second reading for Bill No. 2022-038 – An Ordinance amending Chapter 3 of the city code of the City of Nevada, Missouri.

Councilperson Gallagher moved to place Bill No. 2022-038 on second reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward with the second reading and passed by the following vote:

Dr. Gallagher

Mr. Vickers

Mr. Eberhard

Mr. Miles

Mayor Knox

Aye: Gallagher, Vickers, Eberhard, Miles, Knox,

Nay: 0

Absent: 0

OLD BUSINESS:

Second Reading of Bill No. 2022-031 – A Special Ordinance accepting the bid and authorizing the execution of an agreement with Joe Hardin of Professional Lawn Care for the 2022 Mowing Season for Downtown Parking

Councilperson Eberhard moved to place Bill No. 2022-031 on first reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward with the first reading and **failed** by the following vote:

Mr. Vickers

Mr. Eberhard

Mr. Miles

Mayor Knox

Dr. Gallagher

Aye: 0
Nay: Vickers, Eberhard, Miles, Knox, Gallagher
Absent: 0

Second Reading of Bill No. 2022-039 – A Special ordinance of the City of Nevada, Missouri accepting the bid and authorizing the execution of an agreement with Core and Main of Blue Springs, Missouri for installation of a water meter AMI system.

Councilperson Gallagher moved to place Bill No. 2022-039 on first reading by title only. Councilperson Miles provided the second. The motion was duly considered to move forward with the first reading and was **POSTPONED!**

Consideration of Bill No. 2022-040 – A Special Ordinance of the City of Nevada Missouri authorizing the execution of an agreement with Curtis and Sons Auctions for the sale by auction of certain surplus real property.

Councilperson Eberhard moved to place Bill No. 2022-040 on first reading by title only. Councilperson Vickers provided the second. The motion was duly considered to move forward with the first reading and passed by the following vote:

Mr. Miles
Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard

Aye: Miles, Knox, Gallagher, Vickers, Eberhard
Nay: 0
Absent: 0

NEW BUSINESS:

Mayor Knox opened the Public Hearing concerning amending the Comprehensive Plan to extend commercial development along Austin Blvd from Adams Street to Chestnut Street for comment.

Consideration of Bill No. 2022-049 - A Ordinance amending Comprehensive Plan to extend commercial development along Austin Blvd.

Several council members were concerned this action could cause disruption of neighborhood appearance and integrity.

Dr Gallagher motioned to consider Bill No. 2022-049 - A Ordinance amending Comprehensive Plan to extend commercial development along Austin Blvd. There was no second – motioned failed.

Mayor Knox opened the Public Hearing concerning changing the lot width for R-2 zoned properties from 85 feet to 70 feet in width.

Council discussion over the effects of this was had. Ben Vickers answered question and gave clarity on the issue.

Councilperson Eberhard motioned to consider Bill No. 2022-048 - A Ordinance changing the lot width for R-2 zoned properties from 85 feet to 70 feet in width. Councilperson Vickers seconded the motion. Motion was passed by the following vote.

Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles

Aye: Knox, Gallagher, Vickers, Eberhard, Miles
Nay: 0
Absent: 0

Mayor Knox opened the Public Hearing concerning annexing for the new Elementary School behind Walton park.

After council discussion it was decided a annexation plan is needed if it goes through.

Councilperson Eberhard motioned to consider Bill No. 2022-046 – A special ordinance annexing a certain adjacent unincorporated area into the City of Nevada, Missouri. Councilperson Vickers provided the second. The motion was passed by the following votes:

Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles
Mayor Knox

Aye: Gallagher, Vickers, Eberhard, Miles, Knox
Nay: 0
Absent: 0

Consideration of Bill No. 2022-041 – A special ordinance of the City of Nevada, Missouri, prohibiting the provision of Section 144.049 RSMo, from exempting sales tax of certain items that occur within the boundaries of the City of Nevada, Missouri during August 5,6 and 7, 2022.

Councilperson Gallagher motioned to consider Bill No. 2022-041 - A special ordinance of the City of Nevada, Missouri, prohibiting the provision of Section 144.049 RSMo, from exempting sales tax of certain items that occur within the boundaries of the City of Nevada, Missouri during August 5,6 and 7, 2022. Councilperson Vickers provided the second. The motion was duly considered and FAILED based on the following vote:

Mr. Vickers
Mr. Eberhard
Mr. Miles
Mayor Knox
Dr. Gallagher

Aye: 0
Nay: Vickers, Eberhard, Miles, Knox, Gallagher
Absent: 0

Consideration of Bill No. 2022-042 – A general ordinance of the City of Nevada, Missouri, authorizing interruption of water service and or prosecution of customers failing to repair privately owned defective sewer discharge lines which transport wastewater (sewage) to the public collector mains.

Discussion was had and an agreement made that Section 4 be amended.

Councilperson Gallagher motioned to consider Bill No. 2022-042 - A general ordinance of the City of Nevada, Missouri, authorizing interruption of water service and or prosecution of customers failing to repair privately owned defective sewer discharge lines which transport wastewater (sewage) to the public collector mains. Councilperson Eberhard provided the second. Motion was duly considered and passed by the following vote:

Mr. Eberhard
Mr. Miles
Mayor Knox
Dr. Gallagher
Mr. Vickers

Aye: Eberhard, Miles, Knox, Gallagher, Vickers
Nay: 0
Absent: 0

Consideration of Bill No. 2022-043 – A special ordinance of the City of Nevada, Missouri authorizing the execution of an agreement with KimHEC, of St Louis, Missouri, for engineering service.

Councilperson Gallagher motioned to consider Bill No. 2022-043 - A special ordinance of the City of Nevada, Missouri authorizing the execution of an agreement with KimHEC, of St Louis, Missouri, for engineering service. Councilperson Vickers provided the second. Motion was considered and passed by the following vote:

Mr. Miles
Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard

Aye: Miles, Knox, Gallagher, Vickers, Eberhard
Nay: 0
Absent: 0

Consideration of Bill No. 2022-044 – A general ordinance of the City of Nevada, Missouri, amending Section 26-18 of the code of the City of Nevada, Missouri.

Councilperson Gallagher motioned to consider Bill No. 2022-044 - A general ordinance of the City of Nevada, Missouri, amending Section 26-18 of the code of the City of Nevada, Missouri. Councilperson Miles provided a second. The motion was considered and passed by the following vote:

Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles

Aye: Knox, Gallagher, Vickers, Eberhard, Miles
Nay: 0
Absent: 0

Consideration of Bill No. 2022-045 – A general ordinance of the City of Nevada, Missouri amending Section 15-4.104 of the code of the City of Nevada, Missouri.

Councilperson Eberhard motioned to consider Bill No. 2022-045 – A general ordinance of the City of Nevada, Missouri amending Section 15-4.104 of the code of the City of Nevada, Missouri. Councilperson Miles provided the second. The motion was considered and passed by the following vote:

Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles
Mayor Knox

Aye: Gallagher, Vickers, Eberhard, Miles, Knox
Nay: 0
Absent: 0

Consideration of Bill No. 2022-047 – A special ordinance of the City of Nevada, Missouri, authorizing payment from the Nevada, Tourism fund to the Nevada/Vernon County Historic Society for the marketing, advertising, and promotion of the 2022 Bushwhacker Museum and Special Events in 2022.

Councilperson Gallagher motioned to consider Bill No. 2022-047 – A special ordinance of the City of Nevada, Missouri, authorizing payment from the Nevada, Tourism fund to the Nevada/Vernon County Historic Society for the marketing, advertising, and promotion of the 2022 Bushwhacker Museum and Special Events in 2022. Councilperson Eberhard provided the second. The motion was duly considered and passed by the following vote:

Mr. Vickers
Mr. Eberhard
Mr. Miles
Mayor Knox
Dr. Gallagher

Aye: Vickers, Eberhard, Miles, Knox, Gallagher,
Nay: 0
Absent: 0

Consideration of Bill No. 2022-050 – A special ordinance continuing the existing city sales tax for capital improvements in Nevada, Missouri, and providing for such extension to be submitted to the qualified voters of the City.

Councilperson Eberhard motioned to consider Bill No. 2022-050 – A special ordinance continuing the existing city sales tax for capital improvements in Nevada, Missouri, and providing for such extension to be submitted to the qualified voters of the City. Councilperson Gallagher provided the second. The motion was considered and passed by the following vote:

Mr. Eberhard
Mr. Miles
Mayor Knox
Dr. Gallagher
Mr. Vickers

Aye: Eberhard, Miles, Knox, Gallagher, Vickers
Nay: 0
Absent: 0

Consideration of Bill No. 2022-051 – A special ordinance of the City of Nevada, Missouri, imposing a use tax for General Revenue purposes at the rate equal to the total local sales taxes in effect and providing for submission of the proposal to the qualified voters of the City for their approval at the election called and to be held in the city November 8, 2022.

Councilperson Eberhard motioned to consider Bill No. 2022-051 – A special ordinance of the City of Nevada, Missouri, imposing a use tax for General Revenue purposes at the rate equal to the total local sales taxes in effect and providing for submission of the proposal to the qualified voters of the City for their approval at the election called and to be held in the city November 8, 2022. Councilperson Gallagher provided the second. The motion was duly considered and passed by the following vote:

Mr. Miles
Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard

Aye: Miles, Knox, Gallagher, Vickers, Eberhard
Nay: 0
Absent: 0

REPORTS

Monthly Department Reports

- April 2022 Police Report
- April 2022 Animal Control

Boards and Commissions Written Minutes/Reports:

Mayor's Report:

City Manager's Report:
Treasurer's Report:

MISCELLANEOUS MATTERS:

EXECUTIVE SESSION

The City Manager 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. (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 Gallagher moved to go into executive session after a 5 minute recess Councilperson Eberhard seconded.

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

Aye: Knox, Gallagher, Vickers, Eberhard, Miles
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 8:50 pm

Present: Knox, Gallagher, Vickers, Eberhard, Miles
Absent: None

Roll Call:

Mayor Knox
Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles

Aye: Knox, Gallagher, Vickers, Eberhard, Miles, Knox
Nay: 0
Abscent: 0

Councilperson Gallagher moved to adjourn the executive session and move back into regular session. The second was provided by Councilperson Miles. The motion was duly considered and passes by the following vote:

Roll Call:

Dr. Gallagher
Mr. Vickers
Mr. Eberhard
Mr. Miles
Mayor Knox

Aye: Gallagher, Vickers, Eberhard, Miles, Knox
Nay: 0
Absent: 0

Executive Session adjourned at 9:13 pm.

ADJOURNMENT

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

Mr. Vickers
Mr. Eberhard
Mr. Miles
Mayor Knox
Dr. Gallagher

Aye: Vickers, Eberhard, Miles, Knox, Gallagher
Nay: 0
Absent: 0

The meeting adjourned at 9:15 pm.

George Knox, Mayor

(seal)
ATTEST:

Stephanie M. Martin, City Clerk

