

**MINUTES
CITY COUNCIL MEETING
Tuesday, April 19, 2011
7:00 p.m.**

NOTICE OF MEETING

A regular session of the City Council of the City of Nevada, Missouri was posted pursuant to RSMo., Chapter 610.020 with a tentative agenda on the 14th day of April, 2011 at 4:30 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held Tuesday, April 19, 2011 pursuant to Section 2-6 and 2-7 of the City Code of Nevada and Section 3.11 of the City Charter.

Mayor Leonard called the meeting to order at 7:04 p.m., followed by the Pledge of Allegiance.

INVOCATION

Pastor Ralph Clark gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Leonard; Novak; Steward

Absent: McKenzie

Late Arrival: Barrett, arrived at 7:05 p.m.

Mayor Leonard excused Councilperson McKenzie as he was out of town on business.

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Annette Crews, City Clerk; Graham Burnley, Police Chief; Robert Benn, Fire Chief; Sharon Kegler, HR Director; Randy Marti, Administrative Services Director; Tom Hutchison, Construction

Specialist; Shawn Middendorf, Alliance Water Resources; Julie Lewis, Executive Assistant.

PROCLAMATIONS

Mayor Leonard reported that on Friday, April 15, 2011 he signed and presented a Proclamation for National Public Safety Telecommunications Week and another for National Animal Control Officers Week.

APPROVAL OF MINUTES

Councilperson Novak moved to accept the April 5, 2011 regular session City Council minutes as written. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Then, Councilperson Novak moved to accept the April 8, 2011 special session City Council minutes as written. Councilperson Barrett provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Leonard recommended the re-appointment of Wendy Barton to the I.M.P.A.C.T. Tourism Board for a 2nd, 3-year term.

Councilperson Barrett moved to re-appoint Wendy Barton to the I.M.P.A.C.T. Tourism Board for a 2nd, 3-year term. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Then, Mayor Leonard recommended the appointment of Karen Polon to the Park Board for a 1st, 3-year term.

Councilperson Novak moved to appoint Karen Polon to the Park Board for a 1st, 3-year term. The second was provided by Councilperson Barrett. The motion was duly considered and passed unanimously.

CONSIDERATION OF BIDS

There were none.

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

Carol Branham, Nevada Housing Authority Director had registered with the City Clerk to address City Council.

Mayor Leonard recognized Ms. Branham.

Ms. Branham stated that April is Fair Housing Month. She issued an invitation to the Mayor and City Council as well as City Staff to attend the signing of a Fair Housing Month Proclamation at the Vernon County Courthouse on Wednesday, April 20, 2011 at 1:30 p.m. She also invited the Mayor and City Council and City Staff to the Missouri Housing Authority Annual Conference at Lake of the Ozark. She stated that the Nevada Housing Authority would be receiving several awards at the banquet. The conference is May 10, 2011; Ms. Branham stated she would provide details to the Clerk for distribution to the Council members.

COMMUNICATIONS AND PETITIONS

There were none.

OLD BUSINESS

Then, Bill No. 2011-020 Authorizing and Approving Execution of an Agreement Providing for Construction Services Between the City of Nevada and C.D.L. Electric Company of Pittsburg, Kansas was considered.

Councilperson Barrett moved to place Bill No. 2011-020 on second reading by title only. The second was provided by Councilperson Steward. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-020 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7717 and was signed by the Mayor and

attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next, Bill No. 2011-021 Declaring Assets of the City of Nevada as Surplus Property, 1982 Ford C8000 Smeal Pumper Truck was considered.

Councilperson Novak moved to place Bill No. 2011-021 on second reading by title only. Councilperson Steward seconded the motion. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-021 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7718 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Bill No. 2011-022 Releasing and Concluding NID Assessments (As per Ordinance No. 6269) on Lot 14 of Ashland Estates of Stutesman Realty, Inc. was next to be considered.

Councilperson Barrett moved to place Bill No. 2011-022 on second reading by title only, seconded by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; Novak

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-022 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7719 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. 2011-023 Approving a Development Agreement By and Between Alan D. Shepherd and Linda L. Shepherd, Developers and the City of Nevada, Missouri, a Municipal Corporation.

Councilperson Novak moved to place Bill No. 2011-023 on second reading by title only. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; Novak; Steward

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-023 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7720 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

First item of New Business was consideration for approval of a Traveled Portion of Right-of-Way Solicitor's Application for the Cystic Fibrosis Foundation.

Councilperson Novak moved to approve the traveled portion of right-of-way solicitor's application for the Cystic Fibrosis Foundation. The second was provided by Councilperson Barrett. The motion was duly considered and passed unanimously.

Then, Bill No. 2011-024 Authorizing the Execution of Change Order No. 1 to the Boyd Painting Co. L.L.C. Contract for Painting and Sandblasting the Walton Family Aquatic Center pool to Change the Type of Caulking From Sika Flex 1A to Deck-O-Seal Gun Grade Due to Chlorine Content was considered.

Councilperson Barrett moved to place Bill No. 2011-024 on first reading by title only, seconded by Councilperson Steward. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Next to be considered was Bill No. 2011-025 Establishing Rural Fire Membership Fees from July 1, 2011 – June 30, 2012.

Councilperson Steward moved to place Bill No. 2011-025 on first reading by title only. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

Thereupon, Bill No. 2011-026 Prohibiting the Provisions of Section 144.049 RSMo., From Exempting Sales Tax of Certain Items That Occur Within the Boundaries of the City of Nevada During August 5, 6, & 7, 2011 (Opting out of the Back to School Sales Tax Holiday) was considered.

Councilperson Novak moved to place Bill No. 2011-026 on first reading by title only. The motion did not receive a second. Therefore, Mayor Leonard moved on to the next item on the agenda.

Resolution No. 1321 Authorizing Sponsorship of a Grant Application on Behalf of the Council on Families in Crisis to the Missouri Department of Social Service/Division of Family Services in an Attempt to Secure Funding Through the Emergency Shelter Grant Program was considered.

Councilperson Steward moved to approve Resolution No. 1321, second provided by Councilperson Barrett. The motion was duly considered and passed unanimously.

Then a Proclamation Request for the 2011 Arson Awareness Week, requested by the Nevada Fire Department was considered.

Councilperson Novak moved to approve the Proclamation Request for the 2011 Arson Awareness Week. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Next to be considered was Proclamation Request for National Nursing Home Week requested by Moore-Few Care Center.

Councilperson Novak moved to approve the Proclamation Request for National Nursing Home week, second provided by Councilperson Steward. The motion was duly considered and passed unanimously.

Thereupon, a Proclamation Request for National Hospital Week, requested by Nevada Regional Medical Center was considered.

Councilperson Barrett moved to approve the Proclamation Request for National Hospital Week. The second was provided by Councilperson Novak. The motion was duly considered and passed unanimously.

REPORTS

Monthly Department Reports

Shawn Middendorf, Alliance Water Resources, reviewed the Alliance written report with City Council members.

There were no other oral reports.

The following Department Reports were reviewed and are on file in the City Clerk's office:

Alliance Water Resources; Animal Control; Business License; Finance; Fire; Municipal Court; Police.

Boards and Commissions Written Minutes/Boards

The following Boards and Commissions written minutes/reports were reviewed and are on file in the City Clerk's office:

Nevada Public Library Board Minutes – March 24, 2011

Mayor's Report

Mayor Leonard reported that he attended the Crime Victims Rights Walk on Thursday, April 14, 2011.

City Manager's Report

Mr. Kehrman presented a written report, see attached.

MISCELLANEOUS MATTERS

Councilperson Novak commented on the Old State Hospital grounds, regarding stumps and brush piles that need attending.

Mayor Leonard asked Council members to consider moving the second Council meeting in May to a later start time or to a different day, due to the fact he had a personal conflict that evening.

Councilperson Novak moved to change the City Council meeting date from May 17th to May 18th. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Then Mr. Kehrman requested a Special Work Session be scheduled for Water/Sewer Billing procedures review.

Councilperson Novak moved to hold a Special Work Session on May 18th at 6:00 p.m., Councilperson Barrett provided the second. The motion was duly considered and passed unanimously.

EXECUTIVE SESSION

Councilperson Novak motioned to move into Executive Session for reasons in accordance with Section 610.021 RSMo., Subparagraph (3) hiring, firing, disciplining or promoting of particular employees by a public governmental body after a 5-minute recess. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; Novak; Steward

Nay: None

Absent: McKenzie

An Executive Session of the City Council of the City of Nevada, Missouri was held in the City Council Chambers, 120 S. Ash, Nevada, on April 19, 2011 beginning at 7:59 p.m.

Present: Barrett; Leonard; Novak; Steward

Absent: McKenzie

Staff present: JD Kehrman, City Manager.

Discussion was limited to Section 610.021 RSMo., Subparagraph (3) hiring, firing, disciplining or promoting of particular employees by a public governmental body. No decisions were made or voted on.

Councilperson Steward 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: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Executive session adjourned at 8:45 p.m.

ADJOURNMENT

With no further business to come before City Council, Councilperson Novak moved to adjourn the regular session of City Council. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Annette S. Crews, City Clerk

(seal)
ATTEST:

Brian L. Leonard, Mayor

Annette S. Crews, City Clerk