

MINUTES
CITY COUNCIL MINUTES
Tuesday, August 7, 2012
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 August 2, 2012 at 12:30 p.m.

The tentative agenda was updated on August 2, 2012 at 2:45 p.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, August 7, 2012 pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

Mayor Pro-Tem Barrett called the meeting to order at 7:03 p.m., followed by the Pledge of Allegiance.

INVOCATION

Pastor Tom Pyle gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Barrett; McKenzie; Novak

Absent: Leonard

Mayor Pro-Tem Barrett stated that Mayor Leonard would be arriving late as he was presenting a Proclamation at National Night Out.

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Annette Crews, City Clerk; Mike Wade, Treasurer; Casey Crain, Police Captain; Ben Douglas, Animal Control Officer; Sharon Kegler, HR Director; Mark Mitchell, CIO; Dana Redburn, Parks & Recreation Director; Julie Lewis, Executive Assistant; Roger Beach, Field Operations Manager; Gary Johnson, Alliance Water Resources; William Thornton, Interim Fire Chief.

PROCLAMATIONS

There were none.

APPROVAL OF MINUTES

Councilperson Novak moved to accept the July 17, 2012 regular session City Council minutes as written. Councilperson McKenzie provided the second. The motion was duly considered and passed unanimously.

Then, Councilperson Novak moved to accept the July 27, 2012 special session City Council minutes as written. Councilperson McKenzie provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The appointment of Kathy Leimkuehler to the Library Board for her first term, expiring 2015 was considered.

Councilperson McKenzie moved to approve the appointment of Kathy Leimkuehler to the Library for her first term, to expire in 2015. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

Then, the appointment of Sarah Swearingen to the Library Board for her first term, expiring in 2015 was considered.

Councilperson McKenzie moved to approve the appointment of Sarah Swearingen to the Library Board for her first term to expire in 2015. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

Next for consideration was the appointment of Nellie Jo Boyd to the Housing Authority Board as the Resident Commissioner for her first term to expire in 2016.

Councilperson McKenzie moved to approve the appointment of Nellie Jo Boyd to the Housing Authority Board as the Resident Commissioner for her first term, expiring in 2016. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

Mayor Leonard arrived at 7:09 p.m.

Then Mayor Leonard recommended the re-appointment of Monte Curtis to the Airport Board for a second term, expiring 2016.

Councilperson Novak moved to approve the re-appointment of Monte Curtis to the Airport Board for a second term, expiring 2016. Councilperson McKenzie provided the second. The motion was duly considered and passed unanimously.

Next, Mayor Leonard recommended the re-appointment of Scott Buerge to the Airport Board for a third term, expiring 2016.

Councilperson McKenzie moved to approve the re-appointment of Scott Buerge to the Airport Board for a third term, expiring 2016. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

Then, Mayor Leonard recommended the re-appointment of Mike Farran to the Airport Board for a second term, expiring 2016.

Councilperson Novak moved to approve the re-appointment of Mike Farran to the Airport Board for a second term, expiring 2016. Councilperson McKenzie provided the second. The motion was duly considered and passed unanimously.

CONSIDERATION OF BIDS

Bids for variable frequency drives for high service pumps were considered.

Councilperson Novak moved to accept the bid from AutomationDirect.com for the purchase of three variable frequency drives for high service pumps at the Water Treatment Plant at a cost of \$8,710. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Barrett

Nay: None

Absent: None

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

Mr. Bob Wallace of 1228 W. Hickory, Nevada, Missouri was recognized by Mayor Leonard to address City Council regarding dogs at large.

Mr. Wallace stated that there was an issue of dogs running at large in his neighborhood and there had been attacks on people as well as on other animals. He was very complimentary of the Nevada Police Department and Animal Control Officer, Ben Douglas. Mr. Wallace stated he would like to see City Council put a law in place regarding dogs running at large/dangerous dogs, something more strict than Nevada currently has, being pro-active regarding this issue.

Mayor Leonard thanked Mr. Wallace for expressing his concerns.

COMMUNICATIONS AND PETITIONS

Then, Mr. Kehrman introduced Ben Douglas, Animal Control Officer.

Officer Douglas gave a power point presentation regarding all of the improvements that have recently been made to the animal shelter. Call volumes and special areas of concern were discussed. He reviewed animal bite statistics and discussed the good relationship the Animal Control Department has with Vernon County People for Pets.

Officer Douglas gave his opinions of what he would like to see added to the City Code regarding animal control. Some of his suggestions were: dangerous dog ordinance, hold the owner more accountable, supports a leash law, would like license fees increased for intact male and female dogs, increase some of the violation fine fees.

There was some Council discussion regarding the need for additional legislation regarding this issue.

Mayor Leonard stated that he would meet with the City Clerk and City Manager to set up a Special City Council work session to start the process of new legislation regarding this issue. Mayor Leonard stated that he would like to have the City Prosecutor and Municipal Judge included in the work session.

OLD BUSINESS

First item of Old Business was the approval of disbursement of Tourism Fund Budget Line Items.

Councilperson Barrett moved to approve the disbursement of Tourism Funds for the Missouri Travel Council membership, \$150; attendance at the Governor's Conference on Tourism, approximately \$500; the Cottey Picnic, \$2,000; and Champion Diamonds, \$6,000. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Barrett; Leonard

Nay: None

Absent: None

Next, Bill No. 2012-051 accepting the utility easement as granted by the Nevada R-5 School District for Fiber Optic Cable was considered.

Councilperson Novak moved to place Bill No. 2012-051 on second reading by title only. The second was provided by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Novak; Barrett; Leonard; McKenzie

Nay: None

Absent: None

The Mayor declared Bill No. 2012-051 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7839 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Then, Bill No. 2012-052 providing for the holding of a primary (if needed) and special election within the City of Nevada, Missouri, to fill the vacancy occasioned by the resignation of Sherry Steward, for her unexpired term and providing for other matters incidental to said election was considered.

Councilperson Barrett moved to place Bill No. 2012-052 on second reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

The Mayor declared Bill No. 2012-052 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7838 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 to be considered was Bill No. 2012-053 amending Article III of Chapter 34 of the Code of the City of Nevada, Missouri.

Councilperson Barrett moved to place Bill No. 2012-053 on first reading by title only. Councilperson Novak provided the second.

There was Council discussion.

Councilperson Novak amended the motion on the table by inserting in Bill No. 2012-053 the length of stay to read as "for a period up to 120 days". Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Barrett

Nay: None

Absent: None

Then Mayor Leonard called for a vote on Bill No. 2012-053 as amended. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Barrett; Leonard

Nay: None

Absent: None

Next was consideration of Bill No. 2012-054 authorizing the execution of an agreement with Sprouls Construction Company for the construction of the Safe School Sidewalk Enhancement project.

Councilperson Barrett moved to place Bill No. 2012-054 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Barrett; Leonard; McKenzie

Nay: None

Absent: None

A public hearing regarding the levying of General and Special taxes in the City of Nevada, Missouri for the tax year 2012 was next on the agenda.

Mr. Kehrman explained that the 2012 tax levy ceilings for the City of Nevada were the same as in 2011 at \$0.6778 for General fund and \$0.2000 for the Library Fund.

Mayor Leonard opened the public hearing at 8:11 p.m. With no public comment, Mayor Leonard closed the public hearing at 8:12 p.m.

Then Bill No. 2012-055 levying General and Special taxes in the City of Nevada, Missouri for the tax year 2012 was considered.

Councilperson Novak moved to place Bill No. 2012-055 on first reading by title only. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Next was consideration of Bill No. 2012-056 approving a t-stall hangar lease agreement with Cole Reed for hangar space at the Nevada Municipal Airport.

Councilperson Novak moved to place Bill No. 2012-056 on first reading by title only. The second was provided by Councilperson McKenzie. The motion was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Barrett

Nay: None

Absent: None

Consideration of Resolution No. 1352 approving Cherry's Sports Pub & Grill annual liquor license 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 14, 2012 through July 31, 2013 was next on the agenda.

Councilperson McKenzie moved to approve Resolution No. 1352, 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:

Finance Report – June
Sales Tax Chart

Boards and Commissions Written Minutes/Reports

The following minutes/reports were reviewed and are on file in the City Clerk's Office:

Park Board Minutes – June 27, 2012

Airport Board Minutes – November 18, 2012

Mayor's Report

There was none.

City Manager's Report

Mr. Kehrman reported that he had met with the County Assessor, the Nevada R-5 School District Superintendent and other interested parties regarding the 3-M tax assessment. He stated there may be a tax hearing regarding the issue, this will be determined soon.

Then Mr. Kehrman asked Roger Beach, Field Operations Manager to give an update on the street project.

Mr. Beach stated that APAC was in town and Cedar Street had been asphalted. He explained APAC would be out of town on Wednesday, August 8, 2012, but would return on Thursday, August 9, 2012. He informed Council that city crews would be working Friday and Saturday in hopes to complete asphaltting the streets this weekend.

MISCELLANEOUS MATTERS

Mayor Leonard read a short biography of Dr. Ben Mendenhall, past Council member and Mayor. Dr. Mendenhall passed away Sunday, August 5, 2012. Mayor Leonard asked Tom Pyle to say a prayer for Dr. Mendenhall and there was a moment of silence in honor of Dr. Mendenhall.

Then Mayor Leonard explained that the August 21st City Council meeting needed to be moved due to the school holding Meet the Parents Night on Tuesday, August 21st and he and Councilperson Novak would both be in attendance there.

Mayor Leonard moved to re-schedule the second City Council meeting in August to August 20, 2012. The motion was seconded by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Barrett; Leonard

Nay: None

Absent: None

Councilperson Novak asked Mr. Kehrman to speak to the school district regarding the construction of the new sidewalks on Hickory Street, asking the schools to encourage students to use the sidewalk on Ashland Street during the construction period.

EXECUTIVE SESSION

Mayor Leonard requested an executive session in accordance with Section 610.021 RSMo., Sub paragraph (1) a legal cause of action involving the City and confidential or privileged communications between the governing body or its representatives and its attorney and subparagraph (3) hiring, firing, disciplining or

promoting of particular employees by the City when “personal information” (relating to performance or merit of individual employees) is to be discussed or recorded.

Councilperson Novak moved to go into executive session for reasons in accordance with Section 610.021 RSMo., Subparagraph (1) a legal cause of action involving the City and confidential or privileged communications between the governing body or its representatives and its attorney and subparagraph (3) hiring, firing, disciplining or promoting of particular employees by the City when “personal information” (relating to performance or merit of individual employees) is to be discussed or recorded, after a five-minute recess. The second was provided by Councilperson Barrett, was duly considered and passed by the following vote:

Aye: Novak; Barrett; Leonard; McKenzie

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 8:35 p.m.

Present: Barrett; Leonard; McKenzie; Novak

Absent: None

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Annette Crews, City Clerk.

Discussion was limited to Section 610.021 RSMo., Subparagraph (1) a legal cause of action involving the City and confidential or privileged communications between the governing body or its representatives and its attorney and Subparagraph (3) hiring, firing, disciplining or promoting of particular employees by the City when “personal information” (relating to performance or merit of individual employees) is to be discussed or recorded. No decisions were made or voted on.

Mayor Leonard excused Wm. G. McCaffree, City Attorney and Annette Crews, City Clerk at 8:48 p.m.

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

Aye: Leonard; McKenzie; Novak; Barrett

Nay: None

Absent: None

Executive session adjourned at 9:45 p.m.

ADJOURNMENT

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

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

Aye: McKenzie; Novak; Barrett; Leonard

Nay: None

Absent: None

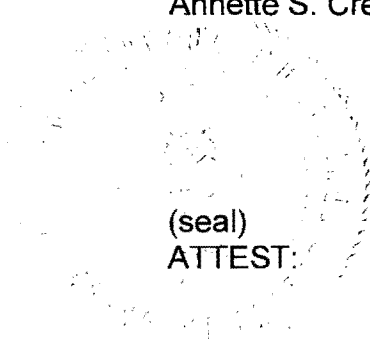
The meeting adjourned at 9:47 p.m.

Respectfully submitted,

By reason of the resignation of City Clerk Annette Crews after these minutes were written but before the submission for approval by the Mayor, these minutes are approved by the Mayor and may be certified by the Deputy City Clerk without submittal signature.

Annette S. Crews, City Clerk

(seal)
ATTEST:


Brian L. Leonard

Brian L. Leonard, Mayor

Johnna Williams

Johnna Williams, Deputy City Clerk