

MINUTES
REGULAR CITY COUNCIL MINUTES
Tuesday, July 9, 2013
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 July 3, 2013 at 9:30 a.m.

CALL TO ORDER

A regular session of the City Council of Nevada, Missouri was held on Tuesday, July 9, 2013 pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

Mayor Barrett called the meeting to order at 7:02 p.m., followed by the Pledge of Allegiance.

INVOCATION

Bill Platt gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Barrett; Christie; Hertzberg; Leonard

Absent: Novak

Councilperson Novak was out of town and unable to attend.

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Bev Baker, City Clerk; Johnna Williams, Planning Manager; Graham Burnley, Chief of Police; Sharon Kegler, Human Resources Director; Dana Redburn, Parks & Recreation Director; Randy Marti, Administrative Service Director; Roger Beach, Field Operations Manager; Shawn Middendorf, Alliance Water Resources; William Thornton, Fire Chief; Kristie Modlin, Finance Manager; Julie Lewis, Executive Assistant.

PROCLAMATIONS

Mayor Barrett presented the Proclamation for 2013 Citizen of the Year from Nevada Rotary Club to Candice A. Moore.

APPROVAL OF MINUTES

Councilperson Christie moved to accept the June 18, 2013 regular session City Council minutes as written. Councilperson Hertzberg provided the second. The motion was duly considered and passed unanimously.

Councilperson Leonard moved to accept the June 25, 2013 special work session City Council minutes as written. Councilperson Christie provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were none.

CONSIDERATION OF BIDS

There were none.

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

There were none.

COMMUNICATIONS AND PETITIONS

Troutt Beeman and Company PC, Dana McIntire presented the audit review for the year ending December 31, 2012. There were no material deficiencies and the City received a clean report.

Alliance Water Resources, Shawn Middendorf, discussed options for the purchase of a Jetter truck.

OLD BUSINESS

First item to be considered was Bill No.2013-029 amending the zoning district map at 120 S. Ash and Earp Park, South ½ of block 19 in original Town and South ½ of block 13 and fraction 2 in Howells addition, by changing the zoning from R-3 Apartment House District to C-3 Commercial District.

Councilperson Leonard moved to place Bill No. 2013-029 on second reading by title only. Councilperson Hertzberg provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: Novak

The Mayor declared Bill No. 2013-029 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7898 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next, was consideration of Bill No. 2013-030 amending section 5-26(c) of the city code of the City of Nevada, Missouri.

Councilperson Christie moved to place Bill No. 2013-030 on second reading by title only. Councilperson Leonard provided the second. Ms. Paige Ellis, 335 North Main, discussed being opposed to the proposed leash law and would like to see a compromise to have designated times and areas for dogs to run in the parks. Ms. Annie Daughtery, 1206 Willow Circle, expressed her concern for safety and was in favor of the leash law, and owners need to be responsible for their dogs.. The motion was duly considered and passed by the following vote:

Aye: Christie; Hertzberg; Leonard; Barrett

Nay: None

Absent: Novak

The Mayor declared Bill No. 2013-030 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7899 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. 2013-031 authorizing and approving execution of an agreement providing for professional services between the City of Nevada, Missouri, and Allgeier, Martin & Associates, Inc. of Joplin, Missouri for sidewalk improvements.

Councilperson Hertzberg moved to place Bill No. 2013-031 on first reading by title only. Councilperson Christie provided the second. The motion was duly considered and passed by the following vote:

Aye: Hertzberg; Leonard; Barrett; Christie

Nay: None

Absent: Novak

Next to be considered was Resolution No. 1371 approving Annual Liquor Licenses 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, 2013 through July 31, 2014.

Councilperson Leonard moved to approve Resolution No. 1371, seconded by Councilperson Hertzberg. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1372 approving Liquor Licenses to sell intoxicating liquor in the original package from August 1, 2013 through July 31, 2014.

Councilperson Christie moved to approve Resolution No. 1372, seconded by Councilperson Leonard. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1373 approving Annual Liquor Licenses 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, 2013 through July 31, 2014.

Councilperson Hertzberg moved to approve Resolution No. 1374, seconded by Councilperson Christie. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1374 approving Annual Liquor Licenses 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, 2013, through July 31, 2014.

Councilperson Leonard moved to approve Resolution No. 1373, seconded by Councilperson Christie. The motion was duly considered and passed unanimously.

Next to be considered was Resolution No. 1375 approving Annual Liquor License 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, 2013 through July 31, 2014.

Councilperson Christie moved to approve Resolution No. 1375, seconded by Councilperson Leonard. The motion was duly considered and passed unanimously.

REPORTS

Monthly Department Reports

There were none.

Boards and Commissions Written Minutes/Reports

There were none.

Mayor's Report

Mayor Seth Barrett invited everyone to the First Annual "Tour of Nevada" on July 13th & 14th.

City Manager's Report

City Manager, J D Kehrman reminded Council members of the Cerner luncheon at noon on Thursday, July 11th. He also discussed the pump at the golf course that isn't working and park staff is using the backup plan to keep the greens in good condition.

MISCELLANEOUS MATTERS

Councilperson Leonard recommends a leash law city wide. He witnessed a neighbor's cat being killed by three dogs. The dogs went up on the neighbor's porch and attacked the cat. City Manager, J D Kehrman discussed looking at having more astringent fines and leash laws. The City Manager and City Attorney will bring a recommendation to the next council meeting.

EXECUTIVE SESSION

Mayor Barrett requested an executive session in accordance with Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining or Promoting of Particular Employees by a Public Governmental Body when Personal Information About the Employee is Discussed or Recorded and Subparagraph (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Councilperson Leonard moved to go 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 when personal information about the employee is discussed or recorded and Subparagraph (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore and 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, after a five-minute recess. The second was provided by Councilperson Hertzberg. The motion was duly considered and passed by the following vote:

Aye: Leonard; Barrett; Christie; Hertzberg

Nay: None

Absent: Novak

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 7:54 p.m.

Present: Barrett; Christie; Hertzberg; Leonard

Absent: Novak

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Bev Baker, City Clerk; Sharon Kegler, Human Resources Director

- a. Discussion was limited to Section 610.021 RSMo., Subparagraph (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded and Subparagraph (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. and 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.

City Manager, JD Kehrman provided information on several pending issues.

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

Aye: Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: Novak

Executive session adjourned at 8:41 p.m.

ADJOURNMENT

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

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

Aye: Barrett; Christie; Hertzberg; Leonard

Nay: None

Absent: Novak

The meeting adjourned at 8:44 p.m.

Respectfully submitted,

Bev Baker, City Clerk

(seal)
ATTEST:

Seth Barrett, Mayor

Bev Baker, City Clerk