

**MINUTES
CITY COUNCIL MEETING
Tuesday, April 17, 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 April 13, 2012 at 9:30 a.m.

CALL TO ORDER

A regular session of the Nevada City Council was held Tuesday, April 17, 2012 pursuant to Section 2-6 and 2-7 of the City Code and Section 3.11 of the City Charter.

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

INVOCATION

Pastor Mark Mitchell gave the invocation.

ROLL CALL

The following Council members were present for roll call:

Present: Barrett; Leonard; McKenzie; Novak; Steward

Absent: None

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Johnna Williams, Deputy City Clerk; Mike Wade, Treasurer; Kristie Modlin, Finance Manager; Graham Burnley, Police Chief; Sharon Kegler, HR Director; Mark Mitchell, CIO; Dana Redburn, Parks & Recreation Director; Julie Lewis, Executive Assistant; Tom Hutchison, Field Operations Street Specialist; Shawn Middendorf, Alliance Water Resources; William Thornton, Interim Fire Chief; Cindy Dye, Municipal Court Administrator; Randy Marti, Administrative Services Director.

PROCLAMATIONS

There were none.

APPROVAL OF MINUTES

Councilperson Steward moved to accept the April 3, 2012 Regular Session City Council Minutes as written. Councilperson Barrett provided the second. The motion was duly considered and unanimously passed.

Councilperson Novak moved to accept the April 6, 2012 Special Session City Council Minutes as written. Councilperson Steward provided the second. The motion was duly considered and unanimously passed.

Councilperson Steward moved to accept the April 10, 2012 Special Session City Council Minutes as written. Councilperson McKenzie provided the second. The motion was duly considered and unanimously passed.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were none.

CONSIDERATION OF BIDS

Bids for street banners and attachment brackets were considered.

Councilperson Barrett moved to accept the bid from CDL/Wilhite Signs of Nevada, Missouri for \$19,955. Councilperson McKenzie provided the second. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

There was none.

COMMUNICATIONS AND PETITIONS

There was none.

OLD BUSINESS

First to be considered was Bill No. 2012-028 Authorizing the Execution of an Agreement with the Missouri Department of Natural Resources and with Allgeier, Martin and Associates for Engineering Services for a Study of the Municipal Water System.

Councilperson Steward moved to place Bill No. 2012-028 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; Steward

Nay: None

Absent: None

The Mayor declared Bill No. 2012-028 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7818 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. 2012-029 Authorizing the Execution of an Agreement with APAC-Missouri, Inc. of Springfield, Missouri for the 2012 Sales Tax Street Improvements was considered.

Councilperson Novak moved to place Bill No. 2012-029 on second reading by title only. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

The Mayor declared Bill No. 2012-029 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7819 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 American Red Cross to be held May 5, 2012.

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

Then, Bill No. 2012-030 Authorizing the Execution of Change Order No. 1 to the Joplin Industrial Electric Contract for Installation of Emergency Backup Generators was considered.

Councilperson Steward moved to place Bill No. 2012-030 on first reading by title only. The second was provided by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Leonard; Steward; Barrett

Nay: None

Absent: None

Next to be considered was Bill No. 2012-031 Amending Chapter 2 of the Nevada Code, Article 1, Section 2-2.

Councilperson Barrett moved to place Bill No. 2012-031 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

Next a public Hearing regarding Right-of-way Easements for the Elm Street Sewer Improvements Project was held.

Mayor Leonard opened the public hearing at 7:14 p.m. There was no public comment. The public hearing was closed at 7:15 p.m.

Then, Bill No. 2012-032 Accepting the Right-of-Way Easements for the Elm Street Sewer Improvements Project was considered.

Councilperson Barrett moved to place Bill No. 2012-032 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: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

Mayor Leonard opened a public hearing regarding a request for a zoning classification change from R-1 Single Family to R-3 Apartment House at Lots 31 through 39 of the Eastview Heights Addition at 7:16 p.m. With no public comment the public hearing was closed at 7:17 p.m.

Next, Bill No. 2012-033 Amending the Zoning District Map at Lots 31 through 39 in the Eastview Heights Addition by changing the zoning from R-1 Single Family Dwelling District to R-3 Apartment House District was considered.

Councilperson Steward moved to place Bill No. 2012-033 on first reading by title only, seconded by Councilperson Novak. Discussion was held. Councilperson Steward and Councilperson Novak withdrew their motions.

Councilperson Barrett made a motion to send the request to rezone Lots 31 through 39 of Eastview Heights Addition from R-1 Single Family to R-3 Apartment House back to the Planning Commission for further consideration. The second was provided by Councilperson Steward.

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

Aye: Stewart; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Then, Mayor Leonard opened a public hearing regarding a request for a zoning classification change from R-1 Single Family to C-3 Commercial at Lots 13 through 30, Lots 40 through 59 and Lots 69 through 83 of the Eastview Heights Addition at 7:32 p.m. With no public comment the public hearing was closed at 7:33 p.m.

Next to be considered was Bill No. 2012-034 Amending the Zoning District Map at Lots 13 through 30, Lots 40 through 59 and Lots 69 through 83 of the Eastview Heights Addition by changing the zoning from R-1 Single Family Dwelling District to C-3 Commercial District.

Councilperson Barrett moved to place Bill No. 2012-034 on first reading by title only. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward

Nay: None

Absent: None

Then, Mayor Leonard opened a public hearing regarding a request for a zoning classification change from R-1 Single Family to R-2 Two Family at Lot 6 of the Meadow Lane Addition at 7:35 p.m. With no public comment the public hearing was closed at 7:36 p.m.

Next was Bill No. 2012-035 Amending the Zoning District Map at Lot 6 in the Meadow Lane Addition by changing the zoning from R-1 Single Family Dwelling district to R-2 Two Family Dwelling District was considered.

Councilperson Barrett moved to place Bill No. 2012-035 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and failed by the following vote:

Aye: None

Nay: Leonard; McKenzie; Novak; Steward; Barrett

Absent: None

Then, Mayor Leonard opened a public hearing regarding a request for a zoning classification change from R-1 Single Family to R-3 Apartment House at the West Half of Lot 1 of the Meadow Lane Addition at 7:37 p.m. With no public comment the public hearing was closed at 7:38 p.m.

Next to be considered was Bill No. 2012-036 Amending the Zoning District Map at the West Half of Lot 1 in the Meadow Lane Addition by changing the zoning from R-1 Single Family Dwelling District to R-3 Apartment House District.

Councilperson Steward moved to place Bill No. 2012-036 on first reading by title only. Councilperson Barrett provided the second. The motion was duly considered and failed by the following vote:

Aye: None

Nay: McKenzie; Novak; Steward; Barrett; Leonard

Absent: None

Then, Bill No. 2012-037 Approving an Investment Policy for the City of Nevada, Missouri was considered.

Councilperson Novak moved to place Bill No. 2012-037 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; McKenzie

Nay: None

Absent: None

Next to be considered was Bill no. 2012-038 Authorizing a new employment contract with John (JD) Kehrman and extending of the period of Agreement.

Councilperson Novak moved to place Bill No. 2012-038 on first reading by title only. The second was provided by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

REPORTS

Monthly Department Reports

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

Alliance Water Resources Report – March

1. Water Loss Detail

Animal Control Report – March

Finance Report – March

Fire Report – March

Municipal Court Report – March

Police Report - March

Boards and Commissions Written Minutes/Reports

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

NRMC Board Minutes – February 28, 2012

Planning Commission Minutes – March 13, 2012

Mayor's Report

Mayor Leonard reminded everyone that Tuesday, April 24, 2012 is the Crime Victims Walk.

City Manager's Report

There was none.

MISCELLANEOUS MATTERS

Councilperson McKenzie asked questions concerning zoning issues.

EXECUTIVE SESSION

Mayor Leonard stated there was a need for 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.

Councilperson Steward moved to adjourn into 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, after a five-minute recess. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward
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 on April 17, 2012 beginning at 7:59 p.m.

Present: Barrett; Leonard; McKenzie; Novak; Steward
Absent: None

Staff present: JD Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Johnna Williams, Deputy City Clerk.

Discussion was limited to Section 610.021 RSMo., Subparagraph (1) legal action, causes of action or litigation involving a public governmental body. No decisions were made or votes taken.

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; Steward; Barrett
Nay: None
Absent: None

Executive session adjourned at 9:38 p.m.

ADJOURNMENT

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

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

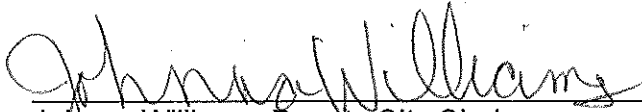
Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

Mayor Leonard adjourned the meeting at 9:39 p.m.

Respectfully submitted,


Johnna Williams, Deputy City Clerk

(seal)
ATTEST:


Annette Crews, City Clerk


Brian L. Leonard, Mayor