

**MINUTES  
CITY COUNCIL MEETING  
Tuesday, May 15, 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 May, 10, 2012 at 4:00 p.m.

***CALL TO ORDER***

A regular session of the Nevada City Council was held on Tuesday, May 15, 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 7:01 p.m., followed by the Pledge of Allegiance.

***INVOCATION***

Pastor Jared Miller 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; Annette Crews, City Clerk; Mike Wade, Treasurer; Casey Crain, Police Captain; Sharon Kegler, HR Director; Mark Mitchell, CIO; Dana Redburn, Parks & Recreation Director; Julie Lewis, Executive Assistant; Tom Hutchison, Field Operations Construction Specialist; Shawn Middendorf, Alliance Water Resources; Randy Marti, Administrative Services Director.

***AMENDING AGENDA***

Mayor Leonard asked for a motion to amend the May 15, 2012 City Council agenda, by adding a Resolution as "Item e" under New Business. The Resolution would consider the approval for the City to apply for a grant through HUD for additional funds to be used by the Council on Families in Crisis, Moss House.

Councilperson Novak moved to amend the May 15, 2012 agenda by adding Resolution No. 1345 as "Item e" under New Business. 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

### ***PROCLAMATIONS***

Mayor Leonard started the evening by reading a proclamation for the American Legion Auxiliary Poppy Days. Mayor Leonard presented the proclamation to representatives of the American Legion Auxiliary that was in attendance.

Next, Mayor Leonard read a proclamation for National Police Week; it was presented to Sgt. Steve Bastow and several other Nevada Police Officers in attendance.

Then a proclamation for EMS week was read and presented to the Vernon County Ambulance District by Mayor Leonard.

Next, Mayor Leonard read and presented to the Nevada Regional Technical Center's DECA Chapter a proclamation for DECA Recognition Day.

### ***APPROVAL OF MINUTES***

Councilperson Steward moved to accept the May 1, 2012 Special City Council minutes as written. Councilperson Barrett provided the second. The motion was duly considered and passed unanimously.

Then, Councilperson Novak moved to accept the May 1, 2012 Regular City Council minutes as written. Councilperson Steward 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 was none.

## **COMMUNICATIONS AND PETITIONS**

There was none.

## **OLD BUSINESS**

First item for consideration was Bill No. 2012-039 authorizing the City of Nevada, Missouri to enter into a lease/purchase agreement with Great Southern Bank for the acquisition of a John Deere mini-excavator.

Councilperson Steward moved to place Bill No. 2012-039 on second reading by title only, Councilperson Barrett 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. 2012-039 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7826 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next item to be considered was Bill No. 2012-040 authorizing the execution of an agreement with American Fidelity Assurance Company.

Councilperson Steward moved to place Bill No. 2012-040 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: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

The Mayor declared Bill No. 2012-040 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7827 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 under New Business was the discussion of the Tourism Fund.

Mayor Leonard turned the discussion over to Mr. Kehrman. He introduced Mike Wade, City Treasurer.

Mr. Wade recommended that a mission statement be established to define the direction the Tourism Ad-Hoc Committee would like to take, also that procedures be established for the use of funds. He discussed the need for service agreements with the various organizations that Tourism funds would be given to for events in the community. He informed City Council that the Tourism fund should always maintain a reserve balance, and explained the importance of a reserve balance. And lastly, Mr. Wade suggested a brainstorming session with the various stakeholders within the community regarding the use of the Tourism funds.

Then, Mr. Kehrman discussed the appropriate oversight of the Tourism grant funds. He reiterated the need for service agreements when public funds are being used; he explained this would need to be considered on a case by case basis.

There was some Council discussion. Mayor Leonard suggested that Mr. Kehrman schedule a Special Council meeting with the Ad-Hoc Tourism Committee to discuss a mission statement and the direction they want to take. Mr. Kehrman will contact the Ad-Hoc Committee and inform the City Council of a time.

Next was consideration of an approval of a Traveled Portion of Right-of-Way Solicitors Application for the American Cancer Society.

Councilperson Steward moved to approve the Traveled Portion of Right-of-Way Solicitors Application for the American Cancer Society. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

Then, Bill No. 2012-041 authorizing the execution of an agreement with Crockett Construction of Lamar, Missouri was considered.

Councilperson Barrett moved to place Bill No. 2012-041 on first reading by title only. The second was provided by Councilperson Steward. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

Thereupon, Bill No. 2012-042 authorizing the execution of a master agreement with Williams, Spurgeon, Kuhl, & Freshnock Architects, Inc. was considered.

Councilperson Novak moved to place Bill No. 2012-042 in first reading by title only. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Then, Resolution No. 1345 authorizing sponsorship of an application on behalf of the Council on Families in Crisis for the Homeless Prevention and Rapid Re-Housing Grant was considered.

Councilperson Steward moved to approve Resolution No. 1345, seconded by Councilperson Novak. The motion was duly considered and passed unanimously.

## **REPORTS**

### ***Monthly Department Reports***

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

Alliance Water Resources – April  
Animal Control Report – April  
Fire Report – April  
Municipal Court Report – April  
Police Report – April

### ***Boards and Commissions Written Minutes/Reports***

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

Library Board Minutes – April 26, 2012  
Planning Commission – April 10, 2012

### ***Mayor's Report***

Mayor Leonard stated that he had attended Nevada Regional Medical Center's 75<sup>th</sup> Anniversary celebration on May 7<sup>th</sup>.

### ***City Manager's Report***

Mr. Kehrman informed Council members that Police Chief Burnley was not in attendance at the Council meeting, because he was at the Lake of the Ozarks attending an award ceremony where Officer David Henley was to receive Peace Officer of the Year from the Missouri Housing Authority. This is the fourth year in a row that a Nevada Police Officer has received this award.

Next, Mr. Kehrman stated that he had researched a request from Joann Cash that had been presented to City Council at the May 1, 2012 City Council meeting. He reminded Council members that Ms. Cash had requested the waiving of business license fees for itinerant merchants that would be setting up on her property and were not required to have a Missouri State Sales Tax due to the vendor's age, specific items sold and annual income from sales. Mr. Kehrman informed Council members that this would be inconsistent with our existing businesses and the extra amount of staff time that would be spent on following up with the vendors to make sure they were maintaining the amount of annual income to be tax exempt was prohibitive. He also explained the concerns of the staff that established businesses within the community would not have a favorable reaction to waiving the license fees to vendors that might be in competition with them.

Mr. Kehrman informed Council members, if there was no objection from Council, he would draft a letter to Ms. Cash informing the City would not be waiving the licensing fees for vendors.

### ***MISCELLANEOUS MATTERS***

Mayor Leonard asked for an update on the street repairs from AT&T boring.

Randy Marti stated that he spoke with Apperson Construction and the owner stated he would have a crew in town on May 16<sup>th</sup> to start the repairs.

Council person Novak asked for update on dogs at large.

Mr. Kehrman stated a letter had been received from citizens on South Cedar Street regarding their mail not being delivered due to dogs running at large. He informed Council that he had spoken with Chief Burnley and Animal Control Officer Douglas was working that area more. Mr. Kehrman stated he would ask Officer Douglas to contact the Post Office regarding the mail delivery.

### ***EXECUTIVE SESSION***

Mr. Kehrman 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, Nevada, Missouri, May 15, 2012 beginning at 7:43 p.m.

Council members present were:

Present: Barrett; Leonard; McKenzie; Novak; Steward

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) legal actions, causes of action or litigation involving a public governmental body. No decisions were made or votes taken.

Mayor Leonard excused Councilperson McKenzie from the meeting due to being called to work at 8:30 p.m.

Councilperson Barrett moved to adjourn the executive session and move back into regular session. 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

Executive session adjourned at 8:43 p.m.

**ADJOURNMENT**

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

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

Aye: Novak; Steward; Barrett; Leonard

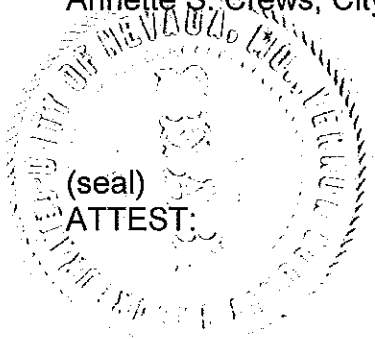
Nay: None

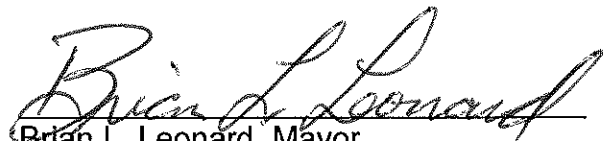
Absent: McKenzie

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

  
Annette S. Crews, City Clerk



  
Brian L. Leonard, Mayor

  
Annette S. Crews, City Clerk