

MINUTES
CITY COUNCIL MEETING
July 6, 2010
7:00 p.m.

NOTICE OF MEETING AND AGENDA

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 2nd day of July, 2010, at 3:19 p.m.

CALL TO ORDER

A regular session of the City Council of the City of Nevada, Missouri was held Tuesday, July 6, 2010 pursuant to Sections 2-6, 2-7 & 2-8 of the City Code of the City of Nevada, Missouri and Section 3.11 of the City Charter.

Mayor Novak called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance.

INVOCATION

Pastor Tom Pyle gave the invocation.

ROLL CALL

The following Council Members were present at roll call:

Present: Barrett; Leonard; McKenzie; Novak; Steward

Absent: None

Staff present: J.D. Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Annette Crews, City Clerk; Kristie Modlin, Finance Department Manager; Randy Marti, Administrative Services Director; Casey Crain, Acting Police Chief; Joe Charles, Public Works; Robin McHugh, Parks & Recreation Director; Kevin Scott, Fire Department; Sharon Kegler, HR; Dana Boultinghouse, Finance Department; Julie Lewis, Executive Assistant.

PROCLAMATIONS

Mayor Novak presented the Vernon County Youth Task Force word of the month, "Patriotism", Devotion to One's Country.

APPROVAL OF MINUTES

The June 15, 2010 regular session City Council minutes were approved in conformity with Section 3.11 of the City Charter.

Councilperson McKenzie moved to accept the minutes as written, seconded by Councilperson Barrett. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments.

CONSIDERATION OF BIDS

There were no bids.

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

Lee Day, 127 E. Cherry, Nevada, Missouri addressed City Council regarding liquor sales on and around the square.

COMMUNICATIONS AND PETITIONS

State Representative Barney Fisher addressed City Council with an update on the Nevada Habilitation Center.

Next, Carol Branham, Nevada Housing Authority Director presented the annual Housing Report.

UNFINISHED BUSINESS

Resolution No. 1287, Waiving the Residency Requirement for the City Clerk was considered.

Councilperson Leonard moved to approve Resolution No. 1287, the motion was seconded by Councilperson McKenzie. The Resolution was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

OLD BUSINESS

Thereupon, Bill No. 2010-034, A Special Ordinance Amending the Zoning District Map at 300 S. Tower from R-1 Single Family to R-3 Apartment House was considered.

Councilperson Steward moved to place Bill No. 2010-034 on second reading by title only. Councilperson McKenzie provided the second. The Bill was placed on second reading, read by title only, duly considered and passed by the following vote:

Aye: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

The Mayor declared Bill No. 2010-034 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7655 and was signed by the Mayor and attested and signed by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

NEW BUSINESS

Then, Bill No. 2010-035 A General Ordinance Enacting and Ratifying Provisions Relating to Weeds and Trash Amending Article II, Chapter 27 of the Code of the City of Nevada, Missouri was considered.

Councilperson Barrett moved to place Bill No. 2010-035 on first reading, by title only, the motion was seconded by Councilperson McKenzie. The Bill was placed on first reading, read by title only, duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

Next, Bill No. 2010-036 A General Ordinance Amending Article XIII, Library Board, Section 2-57 of the City Code of Nevada, Missouri was considered.

Councilperson Leonard moved to place Bill No. 2010-036 on first reading, by title only. Councilperson Steward provided the second. The Bill was placed on first reading, read by title only, duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Thereupon, Bill No. 2010-037 A Special Ordinance Rescinding Ordinance No. 7633 Due to an Incorrect Expiration Date Within the Contract was considered.

Councilperson Barrett moved to place Bill No. 2010-037 on first reading, by title only, the second was provided by Councilperson Leonard. The Bill was placed on first reading, read by title only, duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward

Nay: None

Absent: None

Next, Bill No. 2010-038 A Special Ordinance Rescinding Ordinance No. 7627 Regarding Transfer of Global Software License was considered.

Councilperson Steward moved to place Bill No. 2010-038 on first reading, by title only. Councilperson Barrett provided the second. The Bill was placed on first reading, read by title only, duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

Then, Bill No. 2010-039 A General Ordinance Amending Chapter 29, Section 29-10 (f) of the Code of the City of Nevada, Missouri was considered.

Councilperson Barrett moved to place Bill No. 2010-039 on first reading by title only. The second was provided by Councilperson Leonard. The Bill was placed on first reading, read by title only, duly considered and passed by the following vote:

Aye: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

Next, Resolution No. 1289 Approving Annual Liquor License Applications to Sell Malt Liquor in the Original Package was considered.

Councilperson Barrett moved to consider Resolution No. 1289 for approval, Councilperson Leonard provided the second. The Resolution was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

Thereupon, Resolution No. 1290 Approving Annual Liquor License Applications to Sell Malt Liquor by the Drink for Consumption on the Premises Where Sold was considered.

Councilperson Leonard moved to consider Resolution No. 1290, the second was provided by Councilperson McKenzie. The Resolution was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Next, Resolution No. 1291 Approving Annual Liquor License Applications to Sell Intoxicating Liquor in the Original Package was considered.

Councilperson Steward moved to consider Resolution No. 1291, Councilperson Barrett provided the second. The Resolution was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward

Nay: None

Absent: None

Then, Resolution No. 1292 Approving Annual Liquor License Applications to Sell Intoxicating Liquor by the Drink for Consumption on the Premises Where Sold was considered.

Councilperson Leonard moved to consider Resolution No. 1292. The second was provided by Councilperson Barrett. The Resolution was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

Next, Resolution No. 1293 Approving a Ninety Day Liquor License for Intoxicating Liquor by the Drink for Consumption on the Premises Where Sold for Iguana Azul was considered.

Councilperson Barrett moved to consider Resolution No. 1293, the second was provided by Councilperson Leonard. The Resolution was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

Consideration of Resolution No. 1294 Approving a Liquor License for Tim's Convenience Store to Sell Intoxicating Liquor in the Original Package was next.

Councilperson Barrett moved to consider Resolution No. 1294, Councilperson McKenzie provided the second.

There was discussion regarding the limited number of Intoxicating Liquor in the Original Package license available. After discussion, Mr. McCaffree, City Attorney stated the City Code could be amended to increase the number of Intoxicating Liquor in the Original Package license, but currently all of the licenses are taken. The City Council has taken Mr. McCaffree's suggestion under consideration.

Resolution No. 1294 was duly considered and failed by the following vote:

Aye: None

Nay: Novak; Steward; Barrett; Leonard; McKenzie

Absent: None

Next was consideration of Resolution No. 1295 Amending Resolution No. 1288, Cherry Street Grill Liquor License.

Councilperson Barrett moved to postpone indefinitely Resolution No. 1295, the motion was seconded by Councilperson Leonard. The motion to postpone indefinitely was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Consideration of Resolution No. 1296 Approving a Liquor License for Cherry Street Grill to Sell Malt Liquor by the Drink for Consumption on the Premises Where Sold was next.

Councilperson Barrett moved to consider Resolution No. 1296, Councilperson Leonard provided the second.

There was discussion. Mr. McCaffree, City Attorney pointed out that the City Code stated an intoxicating liquor by the drink for consumption where sold was the only license that coincided with the state required resort/restaurant liquor license. A resort/restaurant is required for businesses to have liquor sales on and/or within one block of the square.

Councilperson McKenzie moved to table Resolution No. 1296, the motion was seconded by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward

Nay: None

Absent: None

REPORTS

There were no written Departmental reports.

Boards and Commission Written Minutes/Reports

The following Board minutes were reviewed and are on file in the City Clerk's office: Tourism Board – June 8, 2010; Library Board – June 24, 2010.

Mayor's Report

There was none.

City Manager's Report

Mr. Kehrman distributed a written report and reviewed the report with City Councilmembers. City Manager Kehrman's report is attached.

MISCELLANEOUS MATTERS

There were none.

ADJOURNMENT

Mayor Novak asked if there was any further business to come before Council, with no response she asked for a motion to adjourn.

Councilperson Leonard moved to adjourn the July 6, 2010 Regular Session City Council meeting, Councilperson McKenzie provided the second. The motion was duly considered and unanimously passed by the following vote:

Aye: Leonard; McKenzie; Novak; Steward; Barrett

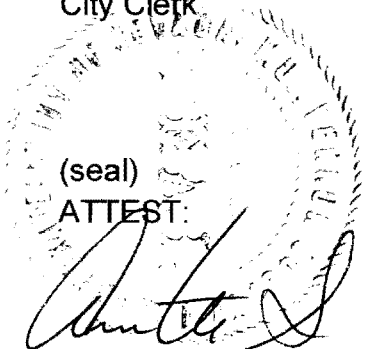
Nay: None

Absent: None

The meeting adjourned at 8:33 p.m.

Respectfully submitted,

Annette Crews,
City Clerk



Annette S. Crews, City Clerk

A handwritten signature in cursive that reads 'Jayne Novak'. Below the signature is a horizontal line, and underneath the line, the text 'Jayne Novak, Mayor' is printed.

Jayne Novak, Mayor

07/06/10

City Managers Report to Council

Items of interest June 15th 2010 to July 6th, 2010:

Enclosed please find copy of a draft ordinance restricting the use of tobacco products on city owned property. Council may wish to provide input regarding restriction of lighted tobacco products around playgrounds, bleachers, etc.

A spreadsheet summarizing the current status of the City's investments has been provided for your review. The bottom half of the sheet reflects the one million dollars that had previously been held in a CD at Heritage State Bank. The term of these CD's has been staggered to allow for an ongoing turnover and availability of funds to the City. These \$200k distributions keep each deposit under the amount insured by the FDIC, thereby widening the pool of local entities willing to submit rates as it eliminates the need for the institution to pledge funds beyond what is covered by the Fed. This approach also ensures that local lending institutions who support our community share in the opportunity to handle the investment of public funds.

Also included with this report are draft materials that will be finalized this week for the public information campaign associated with our ½ cent transportation sales tax renewal. The enclosed Fact Sheet has been distributed to targeted areas to coincide with the distribution of absentee ballots. The public education/information campaign will become more intense during the last half of July in preparation for the August 3rd election. Comments and critique of these materials from Council would be most appreciated.

Preliminary discussions with Camp Clark regarding a possible extension of the municipal sanitary sewer have been positive. Action items from our recent meeting include: contact with MoDOT regarding permits for work on the state right-of-way at U.S. Route 71, exchange of minimum standards for effluent and appurtenance design, defining limitations and opportunities for funding, and the identification of personnel to act as primary contacts representing each party. These negotiations will continue and design alternatives will be discussed with any landowners who may be affected by the project.

A number of policy initiatives remain under development at City Hall. Additionally, organizational changes intended to make City government more accessible to the public are underway. The draft report I mentioned at our last meeting regarding my first 100 days in office has broadened to include these efforts as well as identification of emerging issues. I have determined that a more traditional mid-term report encompassing all the aforementioned items will be of greater use to the Council, City staff and the public. Final copy is pending.