

MINUTES
CITY COUNCIL MEETING
August 16, 2010
7:00 p.m.

NOTICE OF MEETING AND AGENDA

A special 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 12th day of August, 2010 at 4:45 p.m.

CALL TO ORDER

A special session of the City Council of the City of Nevada, Missouri was held Monday, August 16, 2010 pursuant to Section 2-7 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 7:00 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; Randy Marti, Administrative Services Director; Sharon Kegler, HR Director; Kristie Modlin, Finance Department Manager; Joe Charles, Public Works Director; Richard Brockman, Code Enforcement Officer; Robert Benn, Fire Chief; Casey Crain, Interim Police Chief; Julie Lewis, Executive Assistant; Ryan Renwick, Interim Parks & Recreation Director.

PROCLAMATIONS

There were no Proclamations.

APPROVAL OF MINUTES

The July 30, 2010 special session City Council minutes were approved in conformity with Section 3.11 of the City Charter.

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

The August 3, 2010 regular session City Council minutes were approved in conformity with Section 3.11 of the City Charter.

Councilperson Steward moved to accept the minutes as written. The second was provided by Councilperson McKenzie. The motion was duly considered and passed unanimously.

The August 10, 2010 special session minutes were approved in conformity with Section 3.11 of the City Charter.

Councilperson McKenzie moved to accept the minutes as written. Councilperson Barrett provided the second. The motion was duly considered and unanimously passed.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Next, Mayor Novak recommended Bill Denman for an appointment to the Board of Adjustment.

Councilperson Leonard moved to appoint Bill Denman to the Board of Adjustment for a first-term, expiring August, 2015. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Then, Mayor Novak recommended Dr. Ben Mendenhall to be re-appointed to the Street and Infrastructure Board, Dr. Mendenhall's term would expire September, 2013.

Councilperson McKenzie moved to re-appoint Dr. Ben Mendenhall to the Street and Infrastructure Board, the motion was seconded by Councilperson Barrett. The motion was duly considered and passed with a majority vote.

Thereupon, Mayor Novak recommended Barbara Labitska for an appointment to the Library Board.

Councilperson Steward moved to appoint Barbara Labitska to the Library Board for a first-term, expiring August, 2013. The motion was seconded by Councilperson Barrett. The motion was duly considered and passed unanimously.

CONSIDERATION OF BIDS

There were no bids.

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

Mayor Novak recognized Mr. Lee Day, 127 E. Cherry, Nevada, Missouri. Mr. Day deferred his comments to Item 10. c. on the agenda.

Then, Mayor Novak recognized Mr. Lyndon Eberhard, 18906 East Hwy. 54, Nevada, Missouri.

Mr. Eberhard addressed City Council regarding property owned by him located at 924 East Hickory.

COMMUNICATIONS AND PETITIONS

Mayor Novak introduced Representative Barney Fisher. Rep. Fisher presented the Nevada Fire Department with a Missouri House of Representatives Resolution, honoring the Nevada Fire Department's 125th Anniversary.

Next, Mayor Novak introduced Cyndee Byous, DSWA CPA Firm. Ms. Byous presented the 2009 City Audit to City Council.

Then, City Manager Kehrman reviewed correspondence from Mr. Lee Day, Cherry Street Grill regarding license to sell alcohol on or one block off of the square. Mr. Day, 127 E. Cherry, addressed City Council regarding his liquor license situation.

Councilperson Barrett moved not to make any changes to Chapter 3, Alcoholic Beverages, of the City Code regarding liquor sales on and one block off of the square. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

OLD BUSINESS

Bill No. 2010-044 A Special Ordinance Adopting and Reenacting Bill No. 1991-15, Ordinance No. 3665, Codified as Section 2-121 of the Code of the City of Nevada, Missouri, Regarding Financial Disclosure was considered.

Councilperson Leonard moved to place Bill No. 2010-044 on second reading by title only, seconded by Councilperson McKenzie. The Bill was placed on second reading, read by title only, duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

The Mayor declared Bill No. 2010-044 read a second time, passed, approved, and adopted. The Bill was numbered Ordinance No. 7665 and was signed by the Mayor and attested and signed by the City Clerk. The Mayor directed said Ordinance to be engrossed upon the corporate records.

Next, Bill No. 2010-045 A Special Ordinance of the City of Nevada, Missouri Approving A Settlement Agreement with T-Mobile was considered.

Councilperson Barrett moved to place Bill No. 2010-045 on second reading by title only. Councilperson Steward provided the second. The Bill was placed on second reading, read by title only, duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

The Mayor declared Bill No. 2010-045 read a second time, passed, approved, and adopted. The Bill was Ordinance No. 7666 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

City Manager Kehrman introduced the Public Hearing for the Proposed Tax Rates for the Tax Year 2010.

Mayor Novak opened the public hearing at 7:51 p.m. With no public comment, the public hearing was closed at 7:52 p.m.

Next, Bill No. 2010-046 A Special Ordinance Levying General and Special Taxes in the City of Nevada, Missouri for the tax year 2010 was considered.

Councilperson Barrett moved to place Bill No. 2010-046 on first reading by title only, Councilperson McKenzie seconded the motion. 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

Then, Bill No. 2010-047 A Special Ordinance of the City of Nevada Adopting the Nevada Development Assistance Program and Authorizing the City Manager to Make Preliminary Determinations Regarding Eligibility to Provide Financial Incentives.

Councilperson Barrett moved to place Bill No. 2010-047 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: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

Thereupon, Bill No. 2010-048 A Special Ordinance Authorizing a Contract with the State of Missouri Family Support Division for Emergency Shelter Grant Funds in the Amount of \$23,003 was considered.

Councilperson Steward moved to place Bill No. 2010-048 on first reading, by title only. Councilperson McKenzie 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, was consideration of Bill No. 2010-049 A Special Ordinance Authorizing a Contract with Council on Families in Crisis for Reimbursement of Emergency Shelter Grant Funds.

Councilperson Barrett moved to place Bill No. 2010-049 on first reading, by title only, the motion was seconded by Councilperson Steward. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

Consideration of Bill No. 2010-050 A Special Ordinance Authorizing the Execution of a Governmental Cooperative Contract with Vernon County and the Vernon County Assessor was next on the agenda.

Councilperson Leonard moved to place Bill No. 2010-050 on first read, by title only. The motion was seconded by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Then, Resolution No. 1299 Adopting the Nevada Revitalization Award Recognizing Property Owners for Improvements was considered.

Councilperson Steward moved to approve Resolution No. 1299, Councilperson McKenzie provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward

Nay: None

Absent: None

Next, Resolution 1300 Approving Liquor License to Sell Intoxicating Liquor in the Original Package for Tim's Convenience Store was considered.

Councilperson Leonard moved to approve Resolution No. 1300, the motion was seconded by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

Thereupon, Resolution No. 1301 Approving Travel Expenses for Councilperson Sherry Steward, City Manager J.D. Kehrman and City Clerk Annette Crews to attend the MML Annual Conference.

Councilperson Steward abstained and left the room.

Councilperson Barrett moved to approve Resolution No. 1301, seconded by Councilperson McKenzie. The motion was duly considered and passed by the following vote:

Aye: McKenzie; Novak; Barrett; Leonard

Nay: None

Absent: None

Abstain: Steward

REPORTS

Monthly Department Reports

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

Business License; Fire; Municipal Court; Finance; Animal Control; Police.

Boards and Commissions Written Minutes/Reports

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

Airport Board – July 30, 2010.

Mayor's Report

Mayor Novak inquired about the CGI community video; the virtual tour of the Frank E. Peters Municipal Golf Course; red flag postings repeat offenders; brush pile at the YMCA.

Mayor Novak announced the Vernon County Youth Task Force, Live Out Loud, Back to School Pool Party and asked Mayor Pro-Tem Leonard to report on the American Legion 100th Anniversary event that was held and thanked Julie Lewis and Capt. Casey Crain for their help with the event.

Mayor Pro-Tem Leonard reported that the American Legion's 100th Anniversary event was a great success. There were many dignitaries in attendance, and a good turn-out overall.

City Manager's Report

Written report was distributed to Council members and is attached.

MISCELLANEOUS MATTERS

There were no miscellaneous matters to be discussed.

EXECUTIVE SESSION

The City Manager requested an executive session for reasons in accordance with Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining of Particular Employees.

Councilperson Steward made a motion to move into Executive Session for reasons in accordance with Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining of Particular Employees, after a five-minute recess. Councilperson McKenzie provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

City Council moved into Executive Session at 8:43 p.m. Staff present: J.D. Kehrman, City Manager; Wm. G. McCaffree, City Attorney; Annette Crews, City Clerk; Sharon Kegler, HR Director.

Discussion was limited to Section 610.021 RSMo., Subparagraph (3) Hiring, Firing, Disciplining of Particular Employees. No decisions were made or votes taken while in Executive Session.

Councilperson Barrett made a motion to move out of executive session and back into regular session. The second was provided by Councilperson Steward. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Executive session ended at 9:11 p.m.

Councilperson Steward moved to direct the City Manager to seek additional candidates for the Treasurer position. The second was provided by Councilperson McKenzie. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; McKenzie; Novak; Steward

Nay: None

Absent: None

With no further business to come before City Council, Councilperson Leonard moved to adjourn the regular session City Council meeting. Council person McKenzie provided the second. The motion was duly considered and passed by the following vote:

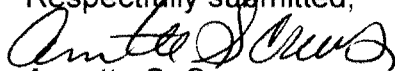
Aye: Leonard; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

The meeting adjourned at 9:15 p.m.

Respectfully submitted,



Annette S. Crews,
City Clerk

(seal)

ATTEST:



Annette S. Crews, City Clerk



Brian Leonard, Mayor Pro-Tem