

**MINUTES**  
**CITY COUNCIL MEETING**  
**Tuesday, September 20, 2011**  
**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 September 16, 2011 at 3:30 p.m. A revised tentative agenda was posted on September 20, 2011 at 4:45 p.m.

***CALL TO ORDER***

A regular session of the City Council of Nevada, Missouri was held Tuesday, September 20, 2011 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 Lawrence Wilson gave the invocation.

***ROLL CALL***

The following Council members were present for roll call:

Present:       Barrett; Leonard; Novak; Steward

Absent:       McKenzie

Staff present:       JD Kehrman, City Manager; Annette Crews, City Clerk; Wm. G. McCaffree, City Attorney; Graham Burnley, Police Chief; Robert Benn, Fire Chief; Randy Marti, Administrative Services Director; Sharon Kegler, HR Director, Mark Mitchell, IT Director; Johnna Williams, Planning Director; Tom Hutchison, Construction Specialist; Kristie Modlin, Finance Department Manager.

## ***PROCLAMATIONS***

Mayor Leonard read the Methodist Heritage Week-End Proclamation, proclaiming October 1 – 2, 2011 as “Methodist Heritage Week-End” in honor of the 170<sup>th</sup> anniversary of the first Methodist Camp Meeting in Vernon County. Pastor Ralph Clark and Cindy Johnson were present to accept the proclamation.

## ***APPROVAL OF MINUTES***

Councilperson Steward moved to accept the September 6, 2011 regular City Council minutes as written. Councilperson Novak provided the second. The motion was duly considered and passed unanimously.

## ***APPOINTMENTS TO BOARDS AND COMMISSIONS***

Mr. Kehrman presented a list of prospective Board members for the Industrial Development Authority and the Nevada Redevelopment Corporation for consideration by City Council to be appointed to the Board. The prospective Board members are:

Linda Barnes; Deanna Giessel; John Flynn; Jeff Tweeten; Clem McFarland; Aimee Meyer; Deborah Asberry.

Councilperson Barrett moved to approve the appointments as Board members of the Industrial Development Authority and the Nevada Redevelopment Corporation. Councilperson Novak provided the second. The motion was duly considered and unanimously passed.

## ***CONSIDERATION OF BIDS***

There were none.

## ***PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK***

Mayor Leonard recognized Carol Branham, 304 S. Washington, Nevada, Missouri.

Ms. Branham, Executive Director of the Nevada Housing Authority reported on Senate Bill FY-2012 T-HUD. Ms. Branham circulated a letter of support regarding HUD budget cuts. She asked Council members to support the need for continued government

funding by signing-on the letter that would be sent to U S Senator Claire McCaskill and U S Senator Roy Blunt.

### **COMMUNICATIONS AND PETITIONS**

There were none.

### **OLD BUSINESS**

First, Bill No. 2011-047 amending Chapter 25A, Section 25A-14 of the Nevada City Code pertaining to fuel standards was considered.

Councilperson Barrett moved to place Bill No. 2011-047 on second reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-047 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7743 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Then, Bill No. 2011-048 amending Chapter 26 by repealing and replacing Section 26-16 and re-numbering Section 26-17 and Section 26-18 of the Municipal Code of the City of Nevada, Missouri was considered.

Councilperson Novak moved to place Bill No. 2011-048 on second 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

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-048 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7744 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**

Mayor Leonard opened a public hearing regarding right-of-way easements as granted by the East View Heights property owners for sewer improvements. The public hearing opened at 7:14 p.m.

With no public participation, the hearing was closed at 7:15 p.m.

Then Bill No. 2011-049 accepting the right-of-way easements as granted by the East View Heights property owners for sewer improvements was considered.

Councilperson Barrett moved to place Bill No. 2011-49 on first reading by title only. 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

Thereupon Mayor Leonard opened a public hearing at 7:17 p.m. regarding right-of-way easements as granted by the Meadow Lane property owners for sewer improvements.

With no public participation, the public hearing was closed at 7:18 p.m.

Then, Bill No. 2011-050 accepting the right-of-way easements as granted by the Meadow Lane property owners for sewer improvements was considered.

Councilperson Novak moved to place Bill No. 2011-050 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; Novak

Nay: None

Absent: McKenzie

Next for consideration was Bill No. 2011-051 providing for holding of a primary and general election within the City of Nevada, Missouri and fixing the polling place, appointing judges of said election, and providing for other matters incidental to said election.

Councilperson Barrett moved to place Bill No. 2011-051 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: Barrett; Leonard; Novak; Steward

Nay: None

Absent: McKenzie

Then, Bill No. 2011-052 amending Chapter 20, Article 1, Section 20-9 of the Nevada City Code by adding Administrative Search Warrants was considered.

Councilperson Steward moved to place Bill No. 2011-052 on first reading by title only. Councilperson Barrett provided the second.

Attorney Betsy Blake, Williams & Campo, P.C. was available to answer questions regarding administrative warrants.

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

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Thereupon, Bill No. 2011-053 amending Chapter 6, Article III, Section 37 of the Nevada City Code pertaining to the right of entry was considered.

Councilperson Barrett moved to place Bill No. 2011-053 on first reading by title only. The second was provided by Councilperson Novak.

Carol Branham asked if businesses would be included regarding the right of entry. Mr. Kehrman stated that businesses would be included.

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

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

Bill No. 2011-054 amending Chapter 21, Article II, Section 11 of the Nevada City Code pertaining to right of entry on premises to abate nuisances was considered.

Councilperson Novak moved to place Bill No. 2011-054 on first reading by title only. The second was provided by Councilperson Barrett.

Councilperson Steward requested to be excused for five-minutes; Mayor Leonard excused Councilperson Steward at 7:33 p.m.

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

Aye: Novak; Barrett; Leonard

Nay: None

Absent: McKenzie; Steward

Then Bill No. 2011-055 amending Chapter 21, Article II, Section 14 (g) of the Nevada City Code pertaining to damaged or disable vehicles or other junk not to remain on street or private property was considered.

Councilperson Barrett moved to place Bill No. 2011-055 on first reading by title only. Councilperson Novak provided the second. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; Novak

Nay: None

Absent: McKenzie; Steward

Bill No. 2011-056 amending Chapter 27, Article II, Section 7.4 of the Nevada City Code pertaining to removal of weeds or trash by the City; costs assessed by Special Tax Bill was next to be considered.

Councilperson Novak moved to place Bill No. 2011-056 on first reading by title only. Councilperson Barrett provided the second.

Councilperson Steward returned to Chambers at 7:36 p.m.

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

Aye: Barrett; Leonard; Novak; Steward

Nay: None

Absent: McKenzie

Next to be considered was Bill No. 2011-057 amending Chapter 37, Article I, Section 14 of the Nevada City Code by adding subsection (d) pertaining to Violations; Penalties.

Councilperson Steward moved to place Bill No. 2011-057 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: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Then Bill No. 2011-058 authorizing a contract with the State of Missouri Family Support Division for Emergency Shelter Grant funds and authorizing the City Manager to execute any and all documents associated with these appropriations and to be considered and Emergency Ordinance due to time constraints was considered.

Councilperson Steward moved to place Bill No. 2011-058 on first reading by title only and to be considered as an emergency ordinance. The second was provided by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

Next to be considered was Bill No. 2011-058 authorizing a contract with the State of Missouri Family Support Division for Emergency Shelter Grant funds and authorizing the City Manager to execute any and all documents associated with the appropriations and to be considered an Emergency Ordinance due to time constraints.

Councilperson Novak moved to place Bill No. 2011-058 on second reading by title only and to be considered as an emergency ordinance. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-058 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7745 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed on the corporate records.

Bill No. 2011-059 amending Chapter 20, Article I, Section 1 (e) of the Nevada City Code by adding Subsection (6) pertaining to the Powers, Duties and Privileges of the Municipal Judge was considered.

Councilperson Novak moved to place Bill No. 2011-059 on first reading 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; Novak



Nay: None

Absent: McKenzie

Thereupon, Resolution No. 1333 approving liquor license for Dollar General Store's #2815 and #8332 to sell malt liquor in excess of 3.2 percent alcohol by weight, but not in excess of 5 percent by weight in the original package from September 13, 2011 through July 31, 2012 was considered.

Councilperson Steward moved to approve Resolution No. 1333, with a second provided by Councilperson Barrett. 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; Animal Control; Business License; Finance; Fire; Municipal Court; Police.

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

There were none.

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

There was none given.

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

Mr. Kehrman stated that on the Alliance Water Resources report this month showed the flow numbers and that by the end of the year water loss should be included in the report to City Council.

## **MISCELLANEOUS MATTERS**

Ms. Novak inquired about a meeting held with the County and Mark Mitchell, IT Director regarding the phone system.

Mr. Kehrman explained that Mr. Mitchell is discussing a possible change in the phone system currently being used by the County and the City.

### ***EXECUTIVE SESSION***

Mr. Kehrman requested an 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.

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

Aye: Barrett; Leonard; Novak; Steward

Nay: None

Absent: McKenzie

An executive session of the City Council of the City of Nevada, Missouri was held in the City Council Chambers, 120 S. Ash, on September 20, 2011 beginning at 7:54 p.m.

Present: Barrett; Leonard; Novak; Steward

Absent: McKenzie

Staff present: JD Kehrman, City Manager; Annette Crews, City Clerk.

Discussion was limited to Section 610.021 RSMo., Subparagraph (3) hiring, firing, disciplining or promoting of particular employees by a public governmental body. No decisions were made or voted on.

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

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Executive session adjourned at 8:22 p.m.

### **ADJOURNMENT**

Ms. Novak inquired about the progress of the Haunted House on Washington Street. There was some discussion.

With no further business to come before City Council, a motion was made by Councilperson Novak to adjourn the regular session of the Nevada City Council. The motion was seconded by Councilperson Steward. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Annette S. Crews, City Clerk



Brian L. Leonard, Mayor

A handwritten signature in cursive script, reading "Annette S. Crews". The signature is written in black ink and is positioned above a horizontal line.

Annette S. Crews, City Clerk