

MINUTES
CITY COUNCIL MEETING
October 4, 2011
7:00 p.m.

NOTICE OF MEETING

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 29th day of September, 2011 at 4:30 p.m.

CALL TO ORDER

A regular session of the City Council of the City of Nevada, Missouri was held Tuesday, October 4, 2011 pursuant to Section 2-6 and 2-7 of the City Code of the City of Nevada, Missouri and Section 3.11 of the City Charter.

Mayor Leonard called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

INVOCATION

Pastor Roger Beach 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; Robert Benn, Fire Chief; Dana Redburn, Parks & Recreations Director; Kristie Modlin, Finance Department Manager; Shawn Middendorf, Alliance Water Resources; Graham Burnley, Police Chief; Roger Beach, Field Operations Manager; Sharon Kegler, HR Director; Randy Marti, Administrative Services Director; Julie Lewis, Executive Assistant; Mark Mitchell, Chief Information Officer.

PROCLAMATIONS

Mayor Leonard presented the 2011 Fire Prevention Week to the Nevada Fire Department.

Next, Mayor Leonard read the Vernon County Youth Task Force Word of the Month, Responsibility.

APPROVAL OF MINUTES

Councilperson Steward moved to accept the September 20, 2011 Regular Session City Council minutes as written. Councilperson McKenzie provided the second. The motion was duly considered and passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Leonard recommended Jack Bastow for re-appointment to the Infrastructure Board.

Councilperson Barrett moved to re-appoint Jack Bastow to the Infrastructure Board, his term expiring 2014. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Then Mayor Leonard recommended Bob Coonrod for re-appointment to the Infrastructure Board.

Councilperson Novak moved to re-appoint Bob Coonrod to the Infrastructure Board, his term would expire 2014. The second was provided by Councilperson McKenzie. The motion was duly considered and passed unanimously.

CONSIDERATION OF BIDS

Then the purchase of a firewall replacement was considered.

Councilperson McKenzie moved to accept the bid from C & C Group for a SonicWall NSA 4500 Appliance, a two-year Security Suite Bundle, 10 users SSL VPN Remote Access, with installation & configuration in the amount of \$7,750.00. 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

PUBLIC PARTICIPATION FROM THOSE REGISTERED WITH THE CITY CLERK

Harvey Akins, Rural Route 2, Nevada, Missouri addressed City Council regarding the Administrative Warrants that were to be considered later. Mr. Akins cautioned City Council to be sure to follow the United States Constitution regarding citizen's right to privacy.

COMMUNICATIONS AND PETITIONS

There were none.

OLD BUSINESS

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 Novak moved to place Bill No. 2011-049 on second reading by title only, seconded 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. 2011-049 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7746 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. 2011-050 accepting the right-of-way easements as granted by the Meadow Lane property owners for sewer improvements was considered.

Councilperson Steward moved to place Bill No. 2011-050 on second reading by title only. The second was provided by Councilperson Novak. The motion was duly considered and passed by the following vote:

- Aye: Novak; Steward; Barrett; Leonard; McKenzie
- Nay: None
- Absent: None

The Mayor declared Bill No. 2011-050 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7747 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. 2011-051 providing for the 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 was considered.

Councilperson Barrett moved to place Bill No. 2011-051 on second reading by title only. 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

The Mayor declared Bill No. 2011-051 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7748 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

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

Councilperson Steward moved to place Bill No. 2011-052 on second reading by title only, seconded by Councilperson Barrett.

Mayor Leonard recognized Harvey Akins, Rural Route 2, Nevada, Missouri, for public comment. Mr. Akins once again cautioned City Council to adhere to the United States Constitution regarding personal rights.

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. 2011-052 read a second time, passed, approved, and adopted. The Bill was numbered Ordinance No. 7749 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. 2011-053 amending Chapter 6, Article III, Section 37 of the Nevada City Code pertaining to the right of entry was considered.

Councilperson McKenzie moved to place Bill No. 2011-053 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

Aye: None

The Mayor declared Bill No. 2011-053 read a second time passed, approved and adopted. The Bill was numbered Ordinance No. 7750 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Thereupon, 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 Steward moved to place Bill No. 2011-054 on second reading by title only. The motion was seconded 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. 2011-054 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7751 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

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

Councilperson Barrett moved to place Bill No. 2011-055 on second reading by title only. The motion was seconded by Councilperson Steward.

Mayor Leonard recognized Myron Damon during public comment. Mr. Damon asked if this Ordinance would pertain to businesses as well.

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

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

The Mayor declared Bill No. 2011-055 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7752 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. 2011-056 amending Chapter 27, Article II, Section 7.4 of the Nevada City Code pertaining to removal of weeds or trash by City; costs assessed by Special Tax Bill was considered.

Councilperson Steward moved to place Bill No. 2011-056 on second reading by title only. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

The Mayor declared Bill No. 2011-056 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7753 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

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 McKenzie moved to place Bill No. 2011-057 on second reading by title only. Councilperson Barrett 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. 2011-057 read a second time passed, approved and adopted. The Bill was numbered Ordinance No. 7754 and was signed by the Mayor and attested by the City Clerk. The Mayor directed said Ordinance be engrossed upon the corporate records.

Next to be considered was 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.

Councilperson Barrett moved to place Bill No. 2011-059 on second reading by title only. The motion was seconded by Councilperson Novak. 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. 2011-059 read a second time passed, approved and adopted. The Bill was numbered Ordinance No. 7755 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 to be considered was Bill No. 2011-060 authorizing the execution of an Intergovernmental Agreement with the Western Missouri 9-1-1 Board of Directors in Vernon County, Missouri of shared MULES service.

Councilperson Novak moved to place Bill No. 2011-060 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: McKenzie; Novak; Steward; Barrett; Leonard

Nay: None

Absent: None

Next, Bill No. 2011-061 authorizing the execution of Change Order No. 1 to the CDL Electric contract for Highway 71 and K Highway lighting improvements was considered.

Councilperson McKenzie moved to place Bill No. 2011-061 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

Thereupon, Bill No. 2011-062 approving a settlement agreement and mutual release concerning a farm lease with Jim and Ronda Hardin was considered.

Councilperson Steward moved to place Bill No. 2011-062 on first reading by title only. The second was provided by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; McKenzie; Novak

Nay: None

Absent: None

Next to be considered was Resolution No. 1334 approving a liquor license to sell intoxicating liquor in excess of five percent of alcohol by weight, by the drink for consumption on the premises where sold from September 13, 2011 through July 31, 2012.

Councilperson Steward moved to consider Resolution No. 1334 for approval. Councilperson Barrett provided the second.

Mayor Leonard asked for public comment. Mr. Harvey Akins addressed Council regarding the issuance of liquor license in general throughout the City of Nevada.

The motion was duly considered and passed unanimously.

REPORTS

Monthly Department Reports – Given at the second regular meeting of each month.

Boards and Commissions Written Minutes/Reports

The following minutes are on file in the City Clerk's office for review:

Library Board Minutes – September 22, 2011

NRMC Board of Directors Minutes – August 30, 2011

Mayor's Report

There was none given.

City Manager's Report

Mr. Kehrman reminded Council members of the Fire Department Open House to be held Saturday, October 8th from 9 a.m. – 1 p.m.

He informed City Council that preparations were underway for Budget work sessions.

Then he asked Chief Burnley to address Council members about the award of the COPS hiring grant.

MISCELLANEOUS MATTERS

Councilperson Novak asked about the hours at the compost site.

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; 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 October 4, 2011 beginning at 7:50 p.m.

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 (3) hiring, firing, disciplining or promoting of particular employees by a public governmental body. No decisions were made or voted on.

Councilperson Novak moved to adjourn the executive session and move back into regular session. The second was provided by Councilperson Barrett. 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 8:01 p.m.

Councilperson Novak moved to approve the designation of Mark Mitchell as Acting City Manager in the temporary absence or disability of the manager. 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

ADJOURNMENT

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

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

Absent: None

The meeting adjourned at 8:02 p.m.

Respectfully submitted,



Annette S. Crews, City Clerk



Brian L. Leonard, Mayor



Annette S. Crews, City Clerk