

**MINUTES**  
**CITY COUNCIL MEETING**  
**Tuesday, December 6, 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 2-7 of the City Code and RSMo., Chapter 610.021 with a tentative agenda on December 2, 2011 at 5:44 p.m.

***CALL TO ORDER***

A regular session of the City Council of Nevada, Missouri was held Tuesday, December 6, 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 7:00 p.m. followed by the Pledge of Allegiance.

***INVOCATION***

Pastor Mark Mitchell gave the invocation.

***ROLL CALL***

The following Council members were present for roll call:

Present: Barrett; Leonard; Novak; Steward

Absent: McKenzie

Mayor Leonard stated that Councilperson McKenzie was working and would be arriving late.

Staff present: JD Kehrman, City Manager; Annette Crews, City Clerk; Wm. G. McCaffree, City Attorney; Casey Crain, Police Captain, Sharon Kegler, HR Director; Mark Mitchell, CIO; Tom Hutchison, Construction Specialist; Kristie Modlin, Finance Department Manager; Dana Redburn, Parks & Recreation Director; Roger Beach, Field

Operations Director; Robert Benn, Fire Chief; Julie Lewis, Executive Assistant; Shawn Middendorf, Alliance Water Resources; Gary Johnson, Alliance Water Resources.

### ***PROCLAMATIONS***

Mayor Leonard presented the Vernon County Youth Task Force Word of the Month for December – Compassion.

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

Councilperson Novak moved to accept the November 15, 2011 regular session City Council minutes as written. Councilperson Steward provided the second. The motion was duly considered and passed unanimously.

Then, Councilperson Barrett moved to accept the November 21, 2011 special work session City Council minutes as written, second provided by Councilperson Novak. The motion was duly considered and passed unanimously.

Next, Councilperson Steward moved to accept the November 29, 2011 special work session City Council minutes as written. The second was provided by Councilperson Novak. The motion was duly considered and passed unanimously.

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

Mayor Leonard presented a recommendation from the NRMC Board of Directors to re-appoint Glenn Rogers for a 3<sup>rd</sup> Term to the NRMC Board of Directors.

Councilperson Barrett moved to appoint Glenn Rogers to the NRMC Board of Directors for a 3<sup>rd</sup> Term. Councilperson Steward provided the second.

There was some discussion.

The motion was duly considered and passed by majority show of hands, with Councilperson Novak opposing the appointment.

Next, Mayor Leonard presented a recommendation from the NRMC Board of Directors to re-appoint Steve Russ for a 2<sup>nd</sup> Term to the NRMC Board of Directors.

Councilperson Steward moved to appoint Steve Russ to the NRMCM Board of Directors for a 2<sup>nd</sup> Term. Councilperson Barrett provided the second. The motion was duly considered and passed unanimously.

Thereupon, Mayor Leonard presented a recommendation from the NRMCM Board of Directors to re-appoint Dr. William Turner for a 3<sup>rd</sup> Term to the NRMCM Board of Directors.

Councilperson Barrett moved to appoint Dr. William Turner to the NRMCM Board of Directors for a 3<sup>rd</sup> Term. Councilperson Steward provided the second. The motion was duly considered and passed by majority show of hands, with Councilperson Novak opposing the appointment.

Mayor Leonard stated that he would like City Council to review all Boards and Commissions in January and February, 2012 regarding term limits, as some Boards have no term-limits, while others have very long term-limits.

### ***CONSIDERATION OF BIDS***

Mr. Kehrman introduced the crane service expenditure from the Street Department.

Councilperson Novak moved to accept the expenditure for \$5,018 from Ozark Crane Service of Joplin, Missouri. Councilperson Steward provided the second. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Introduced next was the bids for Fitness Equipment to be purchased with Loss Control funds.

Councilperson Steward moved to accept the bid from Fitness Resource Group at a cost of \$9,700 for fitness equipment. The second was provided by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard;

Nay: None

Absent: McKenzie

Then was the consideration of materials for sewer improvements on the Elm Street project for Field Operations.

Councilperson Steward moved to approve an expenditure "not-to-exceed" \$20,000 for materials to be used on the Elm Street Sewer Improvements project, seconded by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

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

There were none.

#### ***COMMUNICATIONS AND PETITIONS***

Mayor Leonard presented a memo of recommendation from the Tourism Board to Council members. The Tourism Board was sending a unanimous recommendation to City Council to hire a full-time employee for the Tourism Office and would like the employee to be housed in City Hall and under the supervision of the City Manager, to be considered a city employee.

There was discussion. Mayor Leonard directed Mr. Kehrman to relay to the Tourism Board to leave the position vacant and as is. Mayor Leonard would like to have a joint meeting with City Council and the Tourism Board after the first of the year to review the Board's goals and vision, at which time the position would be discussed. There was no opposition from the other Council members.

Next, Mayor Leonard explained that the Missouri Police Chief's Association would be awarding Sgt. Richard Burdick and Officer David Henley with the MPCA Medal of Honor for rescuing a little girl from a fire at Elmwood Apartments earlier in the year. He informed City Council that Chief Burnley, City Manager Kehrman, Councilperson

McKenzie and himself would be attending the award dinner in Jefferson City on December 8<sup>th</sup>.

### **OLD BUSINESS**

First item to be considered was Bill No. 2011-069 authorizing the execution of a letter of engagement with Burch & Associates to provide special advisory services to the City of Nevada, Missouri.

Councilperson Barrett moved to place Bill No. 2011-069 on second reading by title only, second provided by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; Novak

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-069 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7765 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. 2011-070 approving the application for Federal financial assistance on behalf of the City of Nevada, Missouri and authorizing the Mayor and City Manager to execute any and all documents resulting from such application for any grant between the City of Nevada and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of Federal funds to be expended for Commission approved transit projects was considered.

Councilperson Novak moved to place Bill No. 2011-070 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; Novak; Steward

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-070 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7766 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. 2011-072 approval to terminate an intergovernmental cooperative agreement for communication services between the City of Nevada, Missouri and Vernon County, Missouri was considered.

Councilperson Barrett moved to place Bill No. 2011-072 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: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

The Mayor declared Bill No. 2011-072 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7767 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. 2011-073 approving a lease with Union Pacific Railroad for property for storage use.

Councilperson Novak moved to place Bill No. 2011-073 on second reading by title only, 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 Mayor declared Bill No. 2011-073 read a second time, passed, approved and adopted. The Bill was numbered Ordinance No. 7768 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 of New Business to be considered was Bill No. 2011-074 authorizing the execution of an agreement with Allgeier, Martin & Associates, Inc. for miscellaneous engineering services.

Councilperson Barrett moved to place Bill No. 2011-074 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

Nay: None

Absent: McKenzie

Then, Bill No. 2011-075 approving and authorizing the execution of a usage agreement between the City of Nevada, Missouri and the Western Missouri 9-1-1 Dispatch Center for 9-1-1 and dispatch services was considered.

Councilperson Novak moved to place Bill No. 2011-075 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 to be considered was Bill No. 2011-076 releasing and concluding NID assessments (as per Ordinance 6269) on Lot 15 of Ashland Estates of Stutesman Realty, Inc.

Councilperson Barrett moved to place Bill No. 2011-076 on first reading by title only. 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

Thereupon, Bill No. 2011-077 releasing and concluding NID assessments (as per Ordinance 6269) on Lot 8 of Ashland Estates of Stutesman Realty, Inc. was considered.

Councilperson Novak moved to place Bill No. 2011-077 on first reading by title only, seconded by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Next item on the agenda was a public hearing regarding the 2012 Annual Fiscal Budget of the City of Nevada, Missouri.

Mayor Leonard opened the public hearing at 7:29 p.m.

There was no public comment or discussion.

Mayor Leonard closed the public hearing at 7:30 p.m.

Then Bill No. 2011-078 approving the 2012 fiscal budget of the City of Nevada, Missouri, appropriating from the revenue of the City requisite funds therefore, providing for the adjustments thereof, providing for the salaries of the City employees, approving the organization chart, and approving the public records fee schedule was considered.

Councilperson Novak moved to place Bill No. 2011-078 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: Novak; Steward; Barrett; Leonard



Nay: None

Absent; McKenzie

Next was consideration of Bill No. 2011-079 authorizing the execution of a land lease agreement with Dr. Rick Kellenberger for property located at the Nevada Municipal Airport.

Councilperson Steward moved to place Bill No. 2011-079 on first reading by title only, seconded by Councilperson Barrett. The motion was duly considered and passed by the following vote:

Aye: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

Consideration of Bill No. 2011-080 authorizing signers for the First National Bank Neighborhood Improvement District bond account was next on the agenda.

Councilperson Steward moved to place Bill No. 2011-080 on first reading by title only. Councilperson Barrett provided the second. The motion was duly considered and passed by the following vote:

Aye: Steward; Barrett; Leonard; Novak

Nay: None

Absent: McKenzie

Bill No. 2011-081 approving the City Manager, City Clerk, Administrative Services Director and Account Clerk II as authorized signatories for City investment accounts was next to be considered.

Councilperson Barrett moved to place Bill No. 2011-081 on first reading by title only. The motion was seconded by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Barrett; Leonard; Novak; Steward

Nay: None

Absent: McKenzie

Next, Bill No. 2011-082 approving a depository services agreement for governmental entities with Great Southern Bank authorizing check signers for the following accounts: Reg Revolving Fund and Nevada Telecommunity Development was considered.

Councilperson Steward moved to place Bill No. 2011-082 on first reading by title only, seconded by Councilperson Novak. The motion was duly considered and passed by the following vote:

Aye: Leonard; Novak; Steward; Barrett

Nay: None

Absent: McKenzie

Bill No. 2011-083 approving a depository services agreement for governmental entities with US Bank authorizing check signers for the Municipal Court clearing account was next to be considered.

Councilperson Novak moved to place Bill No. 2011-083 on first reading by title only. 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

Thereupon Bill No. 2011-084 approving a depository services agreement for governmental entities with US Bank authorizing check signers for the following accounts: General Operations; Money Market; Payroll Clearing; Payroll Clearing-Flex; Flexible Benefit; and Community Development Block Grant was considered.

Councilperson Barrett moved to place Bill No. 2011-084 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: Novak; Steward; Barrett; Leonard

Nay: None

Absent: McKenzie

The last item to be considered was Bill No. 2011-085 approving and authorizing the execution of a Memorandum of Agreement between the City of Nevada, Missouri and Alliance Water Resources.

Councilperson Novak moved to place Bill No. 2011-085 on 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; Novak

Nay: None

Absent: McKenzie

## **REPORTS**

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

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

Finance Report

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

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

Park Board Minutes, October 26, 2011 – November 16, 2011; Board of Adjustment Minutes, August 26, 2010; NRMC Board of Directors Minutes, October 25, 2011.

***Mayor's Report***

Mayor Leonard reported that he attended the Fallen Hero's opening ceremony, the Christmas Parade. He took the opportunity to "thank" the Parks Department for their hard work on the Fallen Hero's exhibit.

***City Manager's Report***

Mr. Kehrman reported that staff had worked very hard to get the budget prepared so that it could be presented to City Council in a timely manner this year. He informed City Council that he would be updating them soon regarding the credit rating of the City.

***MISCELLANEOUS MATTERS***

Councilperson Steward complemented Mayor Leonard for his presentation at the Fallen Hero's exhibit.

***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 and (3) hiring, firing, disciplining or promotion of particular employees by a public governmental body.

Councilperson Novak made a motion to move 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 and (3) hiring, firing, disciplining or promotion 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

Councilperson McKenzie arrived at 7:50 p.m.

An executive session of the City Council of the City of Nevada, Missouri was held in the City Council Chambers, 120 S. Ash, on December 6, 2011 beginning at 7:52 p.m.

Present: Barrett; Leonard; McKenzie; Novak; Steward

Absent: None

Staff present: JD Kehrman, City Manager; Annette Crews, City Clerk; Wm. G. McCaffree, City Attorney; Sharon Kegler, HR Director and Matt Gest, Attorney.

Discussion was limited to Section 610.021 RSMo., Subparagraph (1) legal actions, causes of action or litigation involving a public governmental body and (3) hiring, firing, disciplining or promotion of particular employees by a public governmental body. No decisions were made or votes taken.

Councilperson McKenzie 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; McKenzie; Novak; Steward; Barrett

Nay: None

Absent: None

Executive session adjourned at 8:40 p.m.

Mayor Leonard asked if there was any further business to come before City Council.

Mr. Kehrman stated that Bill No. 2011-086 authorizing the City Manager to expend funds in the amount of \$8,947.00 for supplemental legal service needed to be considered.

Councilperson Novak moved to place Bill No. 2011-086 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

**ADJOURNMENT**

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

Aye: Novak; Steward; Barrett; Leonard; McKenzie

Nay: None

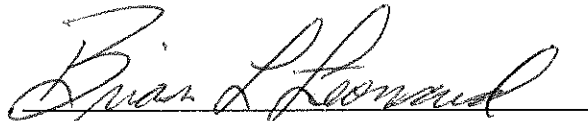
Absent: None


The meeting adjourned at 8:44 p.m.

Respectfully submitted,

  
Annette S. Crews, City Clerk



  
Brian L. Leonard, Mayor

  
Annette S. Crews, City Clerk