

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
SEPTEMBER 19, 2005

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, September 19, 2005 in the Council Chambers of the Hall of Waters Building. The Meeting was called to order by Mayor R. D. "Sonny" Parker.

The opening prayer was given by Councilman Chad Taylor.

The Pledge of Allegiance was led by Mayor Parker.

Roll Call of Members: Present: Mayor Parker, Mayor Pro-Tem Fousek,
Councilwoman Fines,
Councilman Hartman and Councilman Taylor

Absent: None

VISITORS: (Tape A12-1017).

Ms. Susan Theroff, owner of a Broadway Shop "Scandinavian Country", appeared before the Council to inform them of a growing problem of young people using profanity, fighting, etc. in front of shops on Broadway. She stated she was embarrassed by these young people and their actions during their recent "sidewalk" sale. Their verbal abuse is scaring off customers. The City has done a good job re-constructing Broadway and these people are ruining their business. They call the Police but nothing gets done.

Susan's Father stated he has never seen these people before...where are they working, do they have jobs, do they have a place to live and are they here just for food stamps?

Ron Prewitt, owner of Ray's Lunch on Broadway, stated that all business owners on Broadway is trying to solve this problem. On Friday evening, down in front of the funeral home, two guys were actually fighting...this was the most disrespectful thing he has ever seen. His waitress at Ray's Lunch is 19 years old and attends William Jewell College. When she leaves work these young people follow her and scare her...they tell her they know her and know where she lives. Ron would like to know how to resolve this problem. He feels they are also dealing in drugs. Ron does not blame the Police Department.

Jim Nelson, 110 Highland Park, owner of "English Gardens", stated he does blame the Police Department...the Police run them off but when they come back no one from the Police Department is there.

Capt. Simmons of the Police Department stated the Police cannot arrest someone without seeing them commit a violation. Shop owners need to sign a violation against someone and appear in court against them in order to have anything done.

The City Manager stated that the Police Department put on actual patrols after Ron Prewitt addressed the last Council Meeting. All concerned have to figure this problem out.

Jim Nelson suggested the area around the Hall of Waters be closed at night like East Valley Park. Merchants have been threatened with windows being broken.

Councilman Hartman suggested that spotters be placed in upstairs windows to actually

witness the violations and do something about it.

Ron Prewitt suggested the City needs to review its Ordinances.

Susan's Father suggested signs be erected "Do not walk on Grass or Sit on Wall".

Mayor Parker suggested Susan Theroff and Jim Nelson meet with the City Manager and himself to review Ordinances.

Councilman Taylor stated that when a meeting is held he wants to attend.

Councilwoman Fines asked if the problem was better when the Police Department had bike patrols and she was informed that it was.

Mayor Pro-Tem Fousek stated that Ordinances should state that if juveniles cause trouble then parents are responsible and parents should come to court. He further stated that a large part of the problem is kids wander around by themselves and parents are not accountable.

Capt. Simmons stated that if someone breaks the curfew, they are warned two times and the third time, the parents have to come to court.

Mayor Parker stated business owners, the City Manager and members of the Council will review Ordinances and see what can be done.

MINUTES OF REGULAR MEETING, SEPT. 6, WORK SESSION, SEPT. 6, AND
MINUTES OF THE SPECIAL MEETING, SEPT. 8, 2005: (Tape A1018-1073)

Councilman Taylor made a motion to approve the Minutes of the Regular Council Meeting held on September 6, 2005. Motion was seconded by Councilman Hartman.

Roll Call of Votes: Ayes: Hartman, Taylor, Fines, Fousek, Parker

Nays: None, motion carried.

Minutes of Regular Meeting on Sept. 6, 2005 passed and approved Sept. 19, 2005.

Councilman Hartman made a motion to approve the Minutes of the Work Session held on September 6, 2005. Motion was seconded by Councilwoman Fines.

Roll Call of Votes: Ayes: Taylor, Fines, Hartman, Fousek, Parker

Nays: None, motion carried.

Minutes of Work Session on Sept. 6, 2005 passed and approved Sept. 19, 2005.

Councilwoman Fines made a motion to approve the Minutes of the Special Council Meeting held on September 8, 2005. Motion was seconded by Councilman Hartman.

Roll Call of Votes: Ayes: Fines, Hartman, Taylor, Fousek, Parker

Nays: None, motion carried.

Minutes of Special Council Meeting on Sept. 8, 2005 passed and approved Sept. 19, 2005.

NOTE: At this time, Mayor Pro-Tem Fousek recognized Patrick Stock, 115 S. Myrtle, a Boy Scout in the audience. Patrick was taking notes of the Council Meeting in order to qualify for a badge.

CONSIDERATION OF AGENDA: (Tape A1075-1140)

Councilman Hartman made a motion to approve the Agenda, as printed. Motion was seconded by Councilman Taylor.

Roll Call of Votes: Ayes: Taylor, Fines, Hartman, Fousek, Parker

Nays: None, motion carried.

Agenda, as printed, passed and approved September 19, 2005.

APPLEBEE'S LIQUOR LICENSE APPLICATION: (Tape A1141-1178)

Capt. Simmons stated there was nothing in Applebee's investigation which would preclude them from obtaining a liquor license.

Mayor Pro-Tem Fousek made a motion to approve a request by Gourmet Systems, Inc., dba Applebee's Neighborhood Grill & Bar for a Liquor by the Drink and Sunday Sales liquor license, located at 2301 Vintage Court, Excelsior Springs, MO., 64024. Mr. Michael S. O'Dea will be the Managing Officer of the licenses. Motion was seconded by Councilman Hartman.

Roll Call of Votes: Ayes: Fines, Hartman, Taylor, Fousek, Parker

Nays: None, motion carried.

Liquor license for Applebee's passed and approved September 19, 2005.

RESOLUTION #711, FLEXIBLE BENEFITS PLAN AMENDMENT: (Tape A1179-1234)

Debbie Kimsey, Assistant City Manager, briefed the Council on this Resolution.

Councilman Hartman made a motion to approve Resolution #711, adopting Amendment #003 for the City of Excelsior Springs Flexible Benefits Plan. Motion was seconded by Mayor Pro-Tem Fousek.

Roll Call of Votes: Ayes: Hartman, Taylor, Fines, Fousek, Parker

Nays: None, motion carried.

Resolution #711 passed and approved September 19, 2005.

RESOLUTION #712, CAPITAL IMPROVEMENTS PROJECTS: (Tape A1235-1500)

Councilman Hartman made a motion to approve Resolution #712, approving the use of the Capital Improvements Sales Tax to repair the roofs of the Hall of Waters and the Fire Station. Motion was seconded by Mayor Pro-Tem Fousek.

Roll Call of Votes: Ayes: Taylor, Fines, Hartman, Fousek, Parker

Nays: None, motion carried.

Resolution #712 passed and approved September 19, 2005.

ORDINANCE #05-9-7, DELINQUENT PERSONAL PROPERTY TAXES: (Tape A1501-B012).

Steve Marriott, Finance Director, informed the Council that all means had been exhausted (even turning off water accounts when possible) to collect these taxes and that they would be turned over to a collection agency.

Councilman Hartman made a motion to approve Ordinance #05-9-7, allowing the Finance Director to write off delinquent Personal Property taxes. Motion was seconded by Councilwoman Fines.

Roll Call of Votes: Ayes: Fines, Hartman, Taylor, Fousek, Parker

Nays: None, motion carried.

Ordinance #05-9-7 passed and approved September 19, 2005.

ORDINANCE #05-9-8, APPROVE BUDGET AMENDMENTS: (Tape B013-B52).

The City Manager stated this Ordinance is done at the end of the fiscal year to bring the budget in line with actual expenses.

Mayor Pro-Tem Fousek made a motion to approve Ordinance #05-9-8, approving budget amendments. Motion was seconded by Councilman Hartman.

Roll Call of Votes: Ayes: Hartman, Taylor, Fines, Fousek, Parker

Nays: None, motion carried.

Ordinance #05-9-8 passed and approved September 19, 2005.

ORDINANCE #05-9-9, ADOPTION OF CITY BUDGET: (Tape B53-B362).

Councilman Hartman made a motion to approve Ordinance #05-9-9, adopting the Budget for the period October 1, 2005 through September 30, 2006. Motion was seconded by Councilwoman Fines.

Roll Call of Votes: Ayes: Taylor, Fines, Hartman, Parker

Nays: Fousek. Motion carried.

Ordinance #05-9-9 passed and approved September 19, 2005.

APPROPRIATIONS ORDINANCE #05-9-10: (Tape B363-B398).

Councilwoman Fines made a motion to approve Appropriations Ordinance #05-9-10, in the amount of \$352,884.79. Motion was seconded by Councilman Hartman.

Roll Call of Votes: Ayes: Fines, Hartman, Taylor, Fousek, Parker

Nays: None, motion carried.

Appropriations Ordinance #05-9-10 passed and approved September 19, 2005.

REMARKS: (Tape B399-B687)

City Manager Hennen:

1. The City needs to do a "Letter of Support" on behalf of the Oaks.
2. The City needs to work with Capt. Simmons to put some teeth in our Ordinances to bring these violations to the prosecutor.
3. Appreciates everyone's input on the budget.

Councilwoman Fines:

1. To address the downtown problem, she suggests putting back the bike patrols.

Councilman Taylor:

1. Wants to be here when the meeting takes place with business owners, the Council, the City Manager and the Police Department. The City needs to do something about this problem and thinks a lot of it is due to low income housing. We need this meeting and we need to fix the problem.

Councilman Hartman:

1. Would like to echo his concern for the downtown area...the downtown image has changed dramatically.
2. Brought the Council up to date on activities planned for the 125th anniversary. Passed out information regarding the 125th anniversary dinner (note: a copy of this info is attached and becomes a part of these Minutes).

Mayor Pro-Tem Fousek:

1. Is happy with the budget process but doesn't believe in a deficit budget. He wishes events had taken another course and is afraid this will be a problem down the road.
2. In regard to the problems downtown...there is whole different group coming into town. He does agree that Ordinances should be looked at to solve the problem.

Mayor Parker:

1. Feels the same regarding the downtown area...this needs to be cleaned up.

With no further business at hand, the Mayor called for a motion to adjourn the Regular Council Meeting and go into closed session.

Mayor Pro-Tem Fousek made a motion to close the Regular Council Meeting, take a short break and go into Closed Session pursuant to Missouri Statutes Section 610.021 (1) Legal. Motion was seconded by Councilwoman Fines.

Roll Call of Votes: Ayes: Fines, Hartman, Taylor, Fousek, Parker

Nays: None, motion carried.

The Regular Council Meeting was adjourned at 7:12 PM.

ATTEST:

R. D. "SONNY" PARKER, MAYOR

FRANCES SMITH, CITY CLERK