

REGULAR COUNCIL MEETING  
CITY OF EXCELSIOR SPRINGS  
EXCELSIOR SPRINGS, MISSOURI  
OCTOBER 3, 2005

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, October 3, 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:

There were no visitors at this meeting.

MINUTES OF REGULAR COUNCIL MEETING OF SEPTEMBER 19, 2005: (Tape A3-13)

Councilman Hartman made a motion to approve the Minutes of the Regular Council Meeting held on September 19, 2005. Motion was seconded by Councilman Taylor.

Roll Call of Votes: Ayes: Hartman, Taylor, Fines, Fousek, Parker  
Nays: None, motion carried.

Minutes of September 19, 2005 passed and approved October 3, 2005.

CONSIDERATION OF AGENDA: (Tape A14-22)

Councilwoman Fines made a motion to approve the Agenda which includes a motion to go into closed session at the end of the regular session. Motion was seconded by Councilman Hartman.

Roll Call of Votes: Ayes: Taylor, Fines, Hartman, Fousek, Parker  
Nays: None, motion carried.

Agenda passed and approved October 3, 2005.

PROCLAMATION FOR KNIGHTS OF COLUMBUS: (Tape A23-61)

Mayor Parker read aloud a Proclamation naming October 7, 8 and 9, 2005 as a Drive for Mentally Retarded Weekend. This Proclamation was then presented to Richard and Bill Zegers, representatives of the Knights of Columbus. Bill Zegers then thanked the City and the Council for their support in this matter.

WYMAN SCHOOL PROJECT: (Tape A62-B314)

Mr. Jimmy Dumas addressed the Council in regard to a zoning change application for the Wyman School from local business to R-3. Mr. Dumas' plan is to put 28 condos in this building and construct a fourth floor to accommodate this many condos.. He stated that on July 19, 2005 his application was denied by the Planning and Zoning Board due to a lack of parking. Mr. Dumas states that the property now complies with this requirement. It will contain 66 parking spaces and will include one and two bedroom condos. It will not be a section eight for low income...it will be upscale condos. What he asks from the Council is to approve something which was previously denied by Planning and Zoning because all problems have been addressed. The issue of the rock wall breaking down...this wall is not on his property but he is willing to take a look at repairing this wall.

Mayor Parker asked if anyone in the audience wished to ask questions. A property owner downtown stated the downtown is unique and the city needs a spark from something like this.

Denice Reese, who recently purchased the Roosevelt School, stated the Council doesn't realize what a "diamond in the rough" the city has here. She stated Wyman School would be the best place for condos and thinks it would be a wonderful idea.

Kent Smith, Y Highway, stated the plan was very well thought out and ownership of property is paramount to the City.

Ron Prewitt, owner of Rays Lunch, stated this is a great idea and would like to see this project go in. He asked the Council that if they deny this project, what will they do with the building.

Shawna Mull, owner of Ambassador Signs, welcomed Mr. Dumas with a handshake and asked the Council how they could turn their back on the project.

Mayor Pro-Tem Fousek asked if these two reasons were the only reasons the Planning and Zoning turned the request down. He further stated that he has difficulty over-ruling any Planning and Zoning ruling.

Councilwoman Fines stated she was at the Planning and Zoning meeting as a Council Representative and that they hoped Mr. Dumas would come back. They would not be offended if the Council over-rules on this project.

A member of the Planning and Zoning Commission stated that it would not hurt his feelings to have the Council approve this project.

Mr. Jimmy Dumas stated that he is a licensed architect and a professional planner, and that these are not rental units...they are upscale private investment condos.

Councilman Taylor asked Mr. Dumas what happens if this does not go according to plan... what is plan B? He asked what stops this if something goes wrong; after the Council has changed the zoning on the property what keeps it from becoming Section 8 housing. This would bring the property value down for the homeowners in this area.

Mr. Dumas stated if he cannot sell all the condos for \$100,000, then he would lower the price.

The City Attorney advised the Council that they cannot vote on anything tonight without an Ordinance. It will take time to draw up an Ordinance which would be acceptable to the City

and to Mr. Dumas regarding the re-zoning of the property. This Ordinance could be brought back to the Council Meeting on October 17, 2005. Councilman Taylor stated he wanted to make sure the Ordinance would not allow low-incoming housing to go in on this property.

Bob Bates, owner of the Spa at the Hall of Waters, stated that the middle letters in Life is “if”. If the City does not do anything with Wyman then it will be just like the Oaks Hotel.

City Manager Hennen stated that he does not want to do this because we have to do it...this has cost the City dearly over the years. If it takes two weeks to get it right then we should take two weeks. We are two weeks away from a final Ordinance which will address everyone’s issues.

A homeowner near Wyman stated she would like a guarantee that no low income housing would go in there and she also has a problem with density. A second homeowner stated that traffic on Henry Street is terrible and this will increase that traffic.

Councilman Hartman stated that there is a lot of single family housing near Wyman and he is pretty sure most of it is rental...what is to keep this property from being purchased by an investor and turning it into Section 8 housing. He would ask the City Manager and the City Attorney to draw up an Ordinance that would be workable for everyone.

Mayor Parker stated that the City and the City Attorney should draw up an Ordinance acceptable to everyone to make sure it is not turned into low income housing, get a copy to Mr. Dumas for his approval and then have a conference call with Mr. Dumas at the next Council Meeting on October 17, 2005 before passage of the Ordinance.

Mayor Parker asked for a motion to “table” the Wyman School Project until October 17, have the City and the City Attorney draw up some kind of Ordinance which will be acceptable to both parties and to protect the City from having the property reverted to low-income housing.

Councilman Taylor made this motion, seconded by Mayor Pro-Tem Fousek.

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

Nays: None, motion carried.

Wyman School Project “tabled”

RESOLUTION #713, CAPITAL IMPROVEMENTS PROJECT, SOUTH THOMPSON: (Tape B315-374).

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

Mayor Pro-Tem Fousek made a motion to approve Resolution #713, approving the use of a portion of the Capital Improvements Sales Tax for the South Thompson Avenue Project. Motion was seconded by Councilman Taylor.

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

Nays: None, motion carried.

Resolution #713 passed and approved October 3, 2005.

RESOLUTION #714, CAPITAL IMPROVEMENTS OPROJECT, PURCHASE BUILDING ACCESS SYSTEM: (Tape B375-488).

Mayor Pro-Tem Fousek asked why this was not being purchased out of the Public Safety Sales Tax since it is for the Police Department. The City Manager advised it was for the building, not the Police Department.

Councilwoman Fines made a motion to approve Resolution #714, approving the purchase of an access control system from Siemens Technologies, Inc. in the amount of \$28,529.86. Motion was seconded by Councilman Hartman.

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

Nays: Fousek. Motion carried.

Resolution #714 passed and approved October 4, 2005.

ORDINANCE #05-10-1, RAY PWSD #1 CONTACT AMENDMENT: (Tape B489-530).

Rex Brinker, Public Works Director, briefed the Council on this Ordinance.

Councilman Taylor made a motion to approve Ordinance #05-10-1, authorizing the Mayor to enter into an amended contract with Ray PWSD #1. Motion was seconded by Councilman Hartman.

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

Nays: None, motion carried.

Ordinance #05-10-1 passed and approved October 3, 2005.

HOSPITAL R&E FUNDS: (Tape B531-584).

Councilwoman Fines made a motion authorizing the Finance Director to transfer \$460,493.00 from the Hospital R & E. Fund to the Hospital Operating Account for the reimbursement of items as per the September 12, 2005 letter from the Hospital Board. Motion was seconded by Councilman Hartman.

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

Nays: None, motion carried.

Hospital R&E Fund transfer passed and approved October 3, 2005.

ORDINANCE #05-10-2, FINAL PLAT, STONE CROSSING: (Tape B585-999).

Matt Tapp, Director of Planning and Zoning, briefed the Council on this Ordinance.

Councilman Hartman made a motion to approve Ordinance #05-10-2, accepting the Subdivision Final Plat for Stone Crossing. Motion was seconded by Councilman Taylor.

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

Nays: None, motion carried.

Ordinance #05-10-2 passed and approved October 3, 2005.

APPROPRIATIONS ORDINANCE #05-10-3: (Tape B800-879)

Councilwoman Fines made a motion to approve Appropriations Ordinance #05-10-3, in the amount of \$282,262.01. Motion was seconded by Councilman Hartman.

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

Nays: None, motion carried.

Appropriations Ordinance #05-10-3 passed and approved October 3, 2005.

REMARKS, CITY MANAGER AND CITY COUNCIL: (Tape B879-B1020)

Councilman Taylor:

1. Completely supports the Wyman Project but wants to make sure the City is protected from any more low income housing.

Councilman Hartman:

1. Talked to Vickie Bates and the Spa does have a leak.

Mayor Parker:

1. This Wyman Project is a good example of good things coming to Excelsior Springs.
2. SBC will hold a forum Tuesday night at 6:30 PM at the High School. This will be put on by the Public Service Commission for input from citizens on how SBC can oppose higher rates.

Mayor Parker then asked for a motion to adjourn the regular Council Meeting and go into closed session. Mayor Pro-Tem Fousek then stated he would like to respectfully ask Mayor Parker, since he is not a neutral partner in the matter the Council will discuss, and so the Council will be able to debate their own choices, that he (Parker) not be included in the closed session.

Mayor Parker then asked for a motion to adjourn the regular Council Meeting and go into closed session without him. Mayor Pro-Tem made a motion to adjourn the regular Council Meeting and go into closed session (without Parker) pursuant to Missouri Statutes 610.01 (Legal). Motion was seconded by Councilman Hartman.

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

Nays: None, motion carried.

Regular Council Meeting was adjourned at 7:24 PM.

ATTEST:

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R. D. "SONNY" PARKER, MAYOR

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FRANCES SMITH, CITY CLERK