

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
MAY 1, 2006

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, May 1, 2006 in the Council Chambers of the Hall of Waters Building. The Meeting was called to order by Mayor Jim Nelson.

The opening prayer was given by Mayor Pro-Tem Chad Taylor.

The Pledge of Allegiance was led by Mayor Nelson.

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

Absent: None

VISITORS: (Tape A1300-A1600)

Mayor Nelson advised the visitors present that he will not tolerate a repeat of the Planning and Zoning meeting performance. He stated he will have order or he will clear the Council Chambers.

Ron Prewitt, 231 E. Broadway, owner of Ray's Lunch, addressed the Council and thanked the City for the cooperation of the City during the car show last Saturday. He stated that the show went real well and visitors to Excelsior Springs, who had not been here in years, liked what they saw in the downtown area.

Mayor Nelson thanked Ron for all his hard work on the car show.

Mr. Sam Briscoe addressed the Council and asked if the City if they have an Ordinance against excessive noise and if so, why doesn't the City enforce it. He is referring to boom boxes, jake brakes on large trucks and loud mufflers. This noise takes place where young people gather at the car wash on Jesse James Road near the library. He calls the Police but all they do is come and tell them to keep it down, then leave. This is happening at 2:00 in the morning.

Mayor Nelson advised Mr. Briscoe that this Ordinance is hard to enforce because by the time the Police arrive, the person has usually left the area. Encourages Mr. Briscoe to keep calling the Police.

MINUTES OF REGULAR MEETING OF COUNCIL ON APRIL 3, 2006, MINUTES OF REGULAR COUNCIL MEETING OF APRIL 17, 2006 AND MINUTES OF LCRA MEETING OF APRIL 17, 2006: (Tape A1601-1677)

Councilman Fousek made a motion to approve the Minutes of the Regular Council Meeting held on April 3, 2006. Motion was seconded by Councilman Parker.

Roll Call of Votes: Ayes: Parker, Schutte, Fousek, Taylor
 Abstain: Nelson
 Nays: None, motion carried.

Minutes of Regular Council Meeting held on April 3, 2006 passed and approved May 1, 2006.

Councilman Fousek made a motion to approve the Minutes of the Regular Council Meeting held on April 17, 2006. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: Schutte, Fousek, Taylor, Nelson
 Abstain: Parker
 Nays: None, motion carried.

Minutes of Regular Council Meeting held on April 17, 2006 passed and approved May 1, 2006.

Councilman Fousek made a motion to approve the Minutes of the LCRA Meeting held on April 17, 2006. Motion was seconded by Councilwoman Schutte.

Roll Call of Votes: Ayes: Fousek, Schutte, Taylor, Nelson
 Abstain: Parker
 Nays: None, motion carried.

Minutes of LCRA Meeting held on April 17, 2006 passed and approved May 1, 2006.

CONSIDERATION OF AGENDA: (Tape A1678-1697)

Councilwoman Schutte made a motion to approve the Agenda, as printed. Motion was seconded by Councilman Parker.

Roll Call of Votes: Ayes: Parker, Schutte, Fousek, Taylor, Nelson
 Nays: None, motion carried.

Agenda, as printed, passed and approved May 1, 2006.

BOARD APPOINTMENT – CAPITAL IMPROVEMENTS: (Tape A1698-1760)

Councilman Fousek made a motion to approve the appointment of Bob Gerdes to the Capital Improvement Authority; said term to expire March 31, 2009. Motion was seconded by Councilman Parker.

Roll Call of Votes: Ayes: Fousek, Parker, Schutte, Taylor, Nelson
 Nays: None, motion carried.

Bob Gerdes appointed to Capital Improvement Authority on May 1, 2006.

At this time, the “Oath” was administered by the City Clerk to Bob Gerdes and to Judy George, who was appointed to the Housing Authority on April 17, 2006. Both were presented with a “Certificate of Appointment”

LIQUOR LICENSE – JILL’S SWEETS: (Tape A1770-1848)

The City Manager advised the Council that this license will be issued to a lady who will be operating a business out of her home.

Councilman Fousek made a motion to approve a request by Jill Saura for a package liquor license (wine, etc for gift baskets) for Jill’s Sweets, Inc., located at 702 Pierson Street, Excelsior Springs, Mo. Motion was seconded by Councilwoman Schutte.

Roll Call of Votes: Ayes: Parker, Schutte, Fousek, Taylor, Nelson
 Nays: None, motion carried.

License for Jill’s Sweets passed and approved May 1, 2006.

LIQUOR LICENSE – PAUL’S CONVENIENCE: (Tape A1849-1898)

Councilman Fousek made a motion to approve a request by Rafiquel Anwar for a change in Managing Officer for Quick Mart, Inc. (dba: Paul’s Convenience) located at 1217 N. Jesse James Road, Excelsior Springs, Missouri. Mr. Anwar would replace Stephanie Hazelton. Motion was seconded by Councilman Parker.

Roll Call of Votes: Ayes: Schutte, Fousek, Parker, Taylor, Nelson

Nays: None, motion carried.

License for Rafiqul Anwar passed and approved May 1, 2006.

ORDINANCE #06-5-1, TELECOMMUNICATIONS TAX: (Tape A1899-2000, B1-B32)

The City Manager advised the Council that the Missouri Department of Revenue has set the telecommunications tax rate at 3.3% on all cell and land phones.

Councilwoman Schutte asked how it will be determined if the cell phone is within the City and she was advised if the billing address is within the city, then the tax will be charged.

Councilman Fousek made a motion to approve Ordinance #06-5-1, authorizing the City of Excelsior Springs, Missouri to promulgate and publish the tax rate applicable to telecommunication services. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: Fousek, Parker, Schutte, Taylor, Nelson

Nays: None, motion carried.

Ordinance #06-5-1 passed and approved May 1, 2006.

ORDINANCE #06-5-2, SPECIAL USE PERMIT – GROUP HOME: (Tape B33-B206)

The City Manager advised that Matt Tapp, Planning and Zoning Director, and John McClelland, City Attorney, was on hand to answer questions on this matter. The City Manager further advised that he has been informed that Mr. Dean Spires had released his contract on the property to be used as a group home.

Mr. Spires stated that he wanted to see if the City would even welcome a home for mentally retarded and disabled. He stated he had the ability to renew his contract if he wishes. Mr. Spires stated he had received no cooperation from the City from the beginning on this issue.

Councilman Fousek stated he will be the first to tell Mr. Spires he has the wrong impression of the community, that he is disabled and has always been well received in the community. The reason he was denied by Planning and Zoning was because the property did not fit under the City's rules and regulations.

John McClelland, City Attorney, advised the Council that since Mr. Spires does not own nor has a contract on the property in question, no special use permit may be issued.

Councilman Fousek made a motion that the application be denied as "moot". Motion was seconded by Councilman Parker.

Roll Call of Votes: Ayes: Parker, Schutte, Fousek, Taylor, Nelson

Nays: None, motion carried.

Ordinance #06-5-2 was not passed.

APPROPRIATIONS ORDINANCE #06-5-3: (Tape B207-286)

Councilman Fousek made a motion to approve Appropriations Ordinance #06-5-3, in the amount of \$641,656.55. Motion was seconded by Councilman Parker.

Roll Call of Votes: Ayes: Schutte, Fousek, Parker, Taylor, Nelson

Nays: None, motion carried.

Appropriations Ordinance #06-5-3 passed and approved May 1, 2006.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape B287-359)

City Manager Hennen:

1. Received a letter from the Northland Chamber of Commerce regarding the City's booth at the Jefferson City display. The City's booth was voted as "best" and the City is to receive a free booth next year.
2. The week of May 15 is yard waste clean up. The following week the City will take everything except hazardous waste. This is a good chance for residents to clean up their property with Code Enforcement becoming more aggressive.

Councilman Parker:

1. Sorry he missed the last meeting.

Mayor Pro-Tem Taylor:

1. Goes along with Ron Prewitt in his appreciation for "Excelsior Days". Like to see everyone step up to the plate in this annual event.
2. Would like to keep patting Code Enforcement on the back for doing a good job.
3. Something should be done about the excessive noise at the car wash.

Councilwoman Schutte:

1. Would like to continue-on regarding the "Excelsior Days"; would like for everyone to get on the wagon. Would like to thank the City and the Fire and Police Departments for standing out on the street and doing a great job covering all the events.
2. Is pleased to see that Capital Improvements will start working on a long-range plan for the City.

Councilman Fousek:

1. For an applicant to come to the City and say that the City is against the physically and mentally disabled is not fair to the City. The City Staff was very receptive to the applicant. Matt talked every week to Mr. Spires and Mr. Spires pulled the handicapped card. This City is very receptive to all kinds of people and he is proud to live here.
2. Complimented Rex Brinker on the excellent work session at 5:15 PM today on the Sanitary Sewer System.

Mayor Nelson:

1. Made a comment to State Representative Bob Nance that it will not be allowed to rain next year during "Excelsior Days".

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

Councilman Fousek made a motion to adjourn the Regular Council Meeting and go into Closed Session pursuant to Missouri State Statute 610.021 (3) Personnel. Motion was seconded by Councilwoman Schutte.

Roll Call of Votes: Ayes: Parker, Fousek, Schutte, Taylor, Nelson

Nays: None, motion carried.

Regular Meeting was adjourned at 6:43 PM.

ATTEST:

JIM NELSON, MAYOR

FRANCES SMITH, CITY CLERK