

REGULAR COUNCIL MEETING  
CITY OF EXCELSIOR SPRINGS  
EXCELSIOR SPRINGS, MISSOURI  
AUGUST 7, 2006

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, August 7, 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 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:

There were no visitors at this meeting.

MINUTES OF REGULAR COUNCIL MEETING AND WORK SESSION ON JULY 17, 2006: (Tape#1 A29-46)

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

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

Nays: None, motion carried.

Minutes of Regular Council Meeting on July 17, 2006 passed and approved August 7, 2006.

Councilwoman Schutte made a motion to approve the Minutes of the Work Session of the Council on July 17, 2006. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Minutes of Work Session held on July 17, 2006 passed and approved August 7, 2006.

CONSIDERATION OF AGENDA: (Tape #1 A47-80)

Councilman Fousek stated he would like to move Item #9, Ordinance #06-8-5, Retention of Legal Counsel, to Item #3-A as a discussion item to see if the Council would like to go out for bids on this Item.

Mayor Pro-Tem Taylor made a motion to approve the Agenda, as amended. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Amended Agenda passed and approved August 7, 2006.

DISCUSSION – BBQ ON THE RIVER: (Tape #1 A81-549)

Jim McCullough, Committee Chairman of BBQ on the River, addressed the Council. Jim stated the BBQ event this year will host 50 teams with \$6,100 in prize money. There will be a \$5.00 charge to enter the BBQ area, with children under 12 admitted free. Tickets for rides will only be \$5.00 to ride all night. Jim also stated that all proceeds from the BBQ will go to the Museum. Jim presented a planned lay-out of the BBQ. Keith Sisk, Co-chairman, stated the lay-out map was donated by Ambassador Sign Co. He stated the map was needed in order to get approval from the Police and Fire Departments for the event. BBQ will also be on sale at the Omni Bus-Stop, west of the Hall of Waters.

Mayor Pro-Tem Taylor stated this is a first class project and a big deal for the town. Wished to thank the Committee for all the hours and hard work that has gone into this event. Mayor Nelson stated that the best thing to come out of the event last year was that contestants stated it was an unbelievable event and would be back next year.

DISCUSSION – PUBLIC SAFETY OVERSIGHT COMMITTEE: (Tape #1 A550-817)

Nick Houk, with the Public Sales Tax Oversight Committee, addressed the Council bringing them up to date on expenditures for salaries and equipment/vehicles for the past year. Houk stated the Committee had a meeting with the Fire Department and the Police Department and they all are in agreement that it is working very well. The Committee does need another member.

Mayor Nelson stated that his observation, in the beginning, that monies from the sales tax was to be spent 60/40 with the greater amount being for salaries. The Committee's report shows that expenses for equipment/vehicles is far above salaries. Mr. Houk stated he had never heard this in all the discussions.

Councilwoman Schutte applauded the Committee's work. Glad to see them meeting on a regular bases and keeping the Council aware of what is going on. Councilman Parker commended the Committee and thanked them for doing a good job.

DISCUSSION – SPA CONTRACT: (Tape #1 A818-2000, B1-575)

Bob and Vickie Bates have had a contract with the City for the past ten years to operate the Spa. This contract is due to expire in December 2006. It has been suggested that the City go out for bids before letting a new contract on the Spa.

Ms. Linda Hyatt, Rayville, Mo., who formerly operated the Spa, stated she would like to see a contract go out for the Spa...keeping in mind the condition of the Spa. She stated the City needs to have the whole thing open...the mineral wells, the salt rubs, etc. People come here for the mineral water and it will not be successful without the mineral waster.

Mayor Nelson stated he wants to see the Spa running. Councilman Fousek stated he is for extending the contract with Bob and Vickie Bates. Councilwoman Schutte asked if the contract is for "rent of space" or "concession to do business". Mayor Pro-Tem Taylor asked if the City is responsible for the upkeep of the Spa. Mayor Nelson stated Capital Improvements had toured the Spa and in his opinion the Spa should never have been allowed to operate like it is. The City Manager stated the City is responsible for the roof but not the ceiling.

Councilwoman Schutte stated that with a "lease of space" improvements made by the contractor would be deducted from the rent. Mrs. Bates gives the best tours of the Hall of Waters. The City needs to have a different contract. The City needs to go out for RFP bid for concessions.

Mayor Pro-Tem Taylor stated the whole "Spa" business has changed in ten years. Councilwoman Schutte stated that if the Bates have 10 years experience they should have a better bid than anyone else. Councilman Fousek stated the history and purpose of the town is mineral water...the Hall of Waters was built for hydro-therapy.

Mayor Pro-Tem Taylor stated he would like to sit down with the Bates and find out what their plan is for the Spa. Councilman Fousek stated the contract with the Bates states the City will keep the wells up and they have not done this. Councilwoman Schutte stated if the City has not lived up to their contract, the Bates should have the advantage.

Bob Bates addressed the Council and stated that he could not afford to bring back the wells. They re-wired the whole place, redone ceiling and for ten years put their heart and soul into the Spa. He closed the water bar in July 2006 because he no longer could afford the \$1,000,000 insurance on it. In June he asked for a three year extension to his current contract. He has never been late with a rent payment or payment of a percent of his gross receipts.

The City Manager stated that utility bills in the summer should be allocated to the contractor.

Mayor Nelson stated the Council would like to set up a meeting with the Bates.

DISCUSSION – ORDINANCE #06-8-5 – RETENTION OF LEGAL COUNSEL: (Tape #1 B575-B909)

Councilman Fousek stated he would like to go out for bids on the legal contract. The City should be consistent. If the Spa goes out for bid then legal counsel should go out for bid.

Councilman Fousek made a motion to table Item #3-A, Ordinance #06-8-5, Retention of Legal Counsel, until the next meeting when the Council will decide where to go on an extension or go out for bid on the Spa contract. There was no second to the motion.

Mayor Nelson stated the motion has died for lack of a second.

Councilwoman Schutte asked the City Manager if this is something we do every year. She was advised that it was. Mayor Pro-Tem Taylor stated the City would spend more money going out for bid and should go another year with our present legal counsel and then take a look at it. Councilwoman Schutte stated the Council does not have any comparisons on charges. Councilman Fousek stated he has nothing against John McClelland, he just wants the City to be consistent.

Councilwoman Schutte made a motion for the City to go out for bids on “Retention of Legal Counsel” for basis of comparison. Motion was seconded by Councilman Parker.

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

Go out for bids on Retention of Legal Counsel passed and approved August 7, 2006.

Councilwoman Schutte made a motion to “table” Ordinance #06-8-5, confirming the continued engagement of John McClelland as legal counsel to the City. Motion was seconded by Councilman Fousek.

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

Ordinance #06-8-5 “Tabled” August 7, 2006.

RESOLUTION #726, HISTORIC PRESERVATION FUND GRANT PROGRAM: (Tape #1 B910-B1047)

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

Councilman Fousek made a motion to approve Resolution #726, authorizing the Assistant City Manager to seek funding through the Historic Preservation Fund Grant Program. Motion was seconded by Councilman Parker.

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

Resolution #726 passed and approved August 7, 2006.

ORDINANCE #06-8-1 – AMEND ZONING ON VINTAGE DRIVE: (Tape #1 B1048-1136)

Matt Tapp advised the Council that this Ordinance is a housekeeping item.

Councilwoman Schutte made a motion to approve Ordinance #06-8-1, amending the official zoning map by rezoning certain described property along the northern right-of-way of Vintage Drive from C-3 to RP-3. Motion was seconded by Councilman Fousek.

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

Ordinance #06-8-1 passed and approved August 7, 2006.

ORDINANCE #06-8-2 – MADISON PARK THIRD PLAT: (Tape #1 B1137-B1237)

Matt Tapp advised the Council that Planning and Zoning recommends the passage of this Ordinance.

Councilman Fousek made a motion to approve Ordinance #06-8-2, accepting the final plat of Madison Park third plat, and providing dedication of public streets and easements. Motion was seconded by Councilman Parker.

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

Ordinance #06-8-2 passed and approved August 7, 2006.

ORDINANCE #06-8-3, STP-URBAN PROGRAM AGREEMENT: (Tape #1 B1238-1302)

Debbie Kimsey, Assistant City Manager, advised the Council that this Ordinance is a re-alignment of McCleary Road.

Councilman Fousek made a motion to approve Ordinance #06-8-3, authorizing the Assistant City Manager to execute a STP-Urban Program Agreement. Motion was seconded by Councilwoman Schutte.

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

Ordinance #06-8-3 passed and approved August 7, 2006.

ORDINANCE #06-8-4 – PERSONAL PROPERTY TAX WRITE-OFFS: (Tape #1 B1303-B1383)

Steve Marriott, Finance Director, advised the Council that this is a housekeeping issue every year...that it represents 1.9% of the amount billed and the City will pursue collection of the taxes. Councilwoman Schutte asked if there was a budget for this amount in the current year and she was advised there was not.

Councilwoman Schutte made a motion to approve Ordinance #06-8-4, allowing the Finance Director to write-off delinquent Personal Property Taxes. Motion was seconded by Councilman Fousek.

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

Ordinance #06-8-4 passed and approved August 7, 2006.

APPROPRIATIONS ORDINANCE #06-8-6: (Tape #1 B1384-1469)

Mayor Pro-Tem Taylor made a motion to approve Appropriations Ordinance #06-8-6, in the amount of \$678,306.64. Motion was seconded by Councilman Parker.

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

                                  Nays:   None, motion carried.

Appropriations Ordinance #06-8-6 passed and approved August 7, 2006.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape #1 B1470-B1573)

City Manager Hennen:

1. Legal service and professional service contracts are based on qualifications and not cost.
2. The Council will be off Monday, August 14. They will meet again on August 21 for a regular council meeting and budget work session; and, a budget work session on August 28...all starting at 6:00 PM. On the 28<sup>th</sup> the Council will need to approve the City's tax rate.

Councilwoman Schutte:

1. The Hospital finances are good and they should be commended.
2. Is the Missouri Municipal League's Conference something the Council attends?

Councilman Fousek:

1. Everyone vote tomorrow!

With no further business at hand, the Mayor advised that the Regular City Council Meeting is adjourned and the Council will go into a budget work session . Regular Council adjourned at 7:54 PM.

ATTEST:

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JIM NELSON, MAYOR

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FRANCES SMITH, CITY CLERK