

REGULAR COUNCIL MEETING  
CITY OF EXCELSIOR SPRINGS  
EXCELSIOR SPRINGS, MISSOURI  
JANUARY 2, 2007

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, January 2, 2007 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 who wished to address the Council.

MINUTES OF REGULAR COUNCIL MEETING OF DECEMBER 4, 2006: (Tape A28-38)

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on December 4, 2006. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Minutes of December 4, 2006 passed and approved January 2, 2007.

CONSIDERATION OF AGENDA: (Tape A39-48)

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

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

Nays: None, motion carried.

Agenda, as printed, passed and approved January 2, 2007.

PROCLAMATION: (Tape A49-130)

Mayor Nelson read aloud a Proclamation recognizing Brock McCullough for his honesty and integrity. Brock found an envelope containing \$573.00 in it at McDonald's Restaurant on December 12, 2006. He immediately took this to his Mother and the two of them returned the envelope to the bank who located the owner.

Brock stated, "I'm really glad the family got the money back".

HOUSING AUTHORITY BOARD REAPPOINTMENTS: (Tape A131-154)

Councilwoman Schutte made a motion to approve the reappointment of Wayne Souders to the Excelsior Springs Housing Authority; said term to expire November 30, 2010. Motion was seconded by Councilman Parker.

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

Wayne Souders reappointed to the Housing Authority on January 2, 2007.

Councilman Fousek made a motion to approve the reappointment of Judy George to the Excelsior Springs Housing Authority; said term to expire November 30, 2010. Motion was seconded by Councilwoman Schutte.

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

Judy George reappointed to the Housing Authority on January 2, 2007.

PARKS & RECREATION BOARD APPOINTMENT: (Tape A155-169)

Councilman Fousek made a motion to approve the appointment of Mel Boyer to the Parks and Recreation Board; said term to expire May 1, 2009. Motion was seconded by Councilwoman Schutte.

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

Mel Boyer appointed to Parks and Recreation Board on January 2, 2007.

ORDINANCE #07-1-1, PUBLIC ELEMENT MADISON PARK THIRD PLAT: (Tape A170-188)

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

Councilman Parker made a motion to approve Ordinance #07-1-1, accepting the Public Element for Madison Park Third Plat. Motion was seconded by Councilman Fousek.

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

Ordinance #07-1-1 passed and approved January 2, 2007.

ORDINANCE #07-1-2, STP-URBAN PROGRAM AGREEMENT: (Tape A189-224)

The City Manager informed the Council that this is a 100% reimbursable agreement, with no match money from the City. It is for the Marietta Street bridge.

Councilman Fousek made a motion to approve Ordinance #07-1-2, authorizing the Assistant City Manager to execute a STP-Urban Program Agreement. Motion was seconded by Councilman Parker.

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

Ordinance #07-1-2 passed and approved January 2, 2007.

ORDINANCE #07-1-3, PATEK AND ASSOCIATES CONTRACT: (Tape A225-449)

Councilwoman Schutte stated she does not approve of this Ordinance. This is money the City does not need to spend because these services can be provided by the Missouri Municipal League and our State Representative Bob Nance. She asked where the money would come from and was advised that it would come from the Water Fund. Councilwoman Schutte stated water rates have just been increased 8% in the Water Fund and it is not right to spend it on a lobbyist. She stated this should be a General Fund expenditure.

Councilman Fousek stated he has a different perception. A lobbyist fully represents the City's interests and it is important for us to have that representation. A lobbyist has been effective before and we need it now.

Councilman Parker stated he does not agree with the Ordinance. He has talked to Representative Nance and Nance says there isn't anything we need which he cannot do. This is not a budgeted item and the City can hire a lobbyist in a minute if needed.

Mayor Nelson stated he has also talked to Bob Nance and Bill Stouffer. He asks why the City of Kansas City, with five representatives, still needs a lobbyist.

Councilman Fousek made a motion to approve Ordinance #07-1-3, accepting the Agreement between the City of Excelsior Springs and Patek & Associates, LLC. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: Parker, Schutte. Motion carried.

Ordinance #07-1-3 passed and approved January 2, 2007.

APPROPRIATIONS ORDINANCE #07-1-4: (Tape A450-533)

Councilwoman Schutte made a motion to approve Appropriations Ordinance #07-1-4 in the amount of \$828,483.91. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Appropriations Ordinance #07-1-4 passed and approved January 2, 2007.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape A534-1200)

City Manager Hennen:

1. Receiver an email document – the City has been engaged in litigation with Clay County. The County rolled back a tax levy to zero and to be made up by a sales tax. The City has received a summary judgment in our favor. Should be somewhere around \$400,000.
2. The Water District has requested a meeting with the City Council. Would like the Council's input as to whether they would like to meet with the Water District. Perhaps the City Attorney can bring the Council up to date on the legality of a meeting at the second meeting in January. It was finally decided that the City Manager would confer with the City Attorney on this subject and report back to the Council.
3. The Mayor attended an insurance conference on a wellness program. He would like for the City to get involved in the wellness program.
4. The second meeting of January will be held on Tuesday, January 16, 2007, due to the Martin Luther King holiday on Monday, January 15.

Councilman Parker:

1. Would like to see the RFQ for a City Attorney.

Councilwoman Schutte:

1. Would like to publicly thank Bob and Vickie Bates for their many years at the Hall of Waters, running the water bar, the spa, and for Vickie's great Hall of Waters tours.
2. Would like to see the RFQ on water and legal.

3. The Christmas Open House had a great turn-out. There were a lot of people from out of town. They found out about the Tour by going online.
4. She attended a TIF meeting last week and she does not understand the process. All attending seemed equally confused. Would like to have an independent third party come in to train the Council and the TIF Commission on the TIF process. It is important that we have an understanding – it is our public duty and a public trust to become educated on a subject. Would like for members of the TIF Commission, the Council and Developers to attend this training. The City Manager stated there would need to be a RFQ for a TIF Attorney to conduct the training. Mayor Nelson asked that the training session not be held on a Council night.

Councilman Fousek:

1. He is as “happy as a toad in a frozen pond”.

Mayor Pro-Tem Taylor:

1. Asked Councilwoman Schutte why she was so against spending money for a lobbyist and then support spending money for someone to train the TIF Commission. Councilwoman Schutte stated it was because with a lobbyist you don’t know what you are getting but with someone to train the TIF Commission you would know what you are getting.

Mayor Nelson:

1. Would also like to thank Bob and Vickie Bates for their ten years running the water bar and the spa. It was always “I don’t know, just ask Vickie”. Thank them not just for the water bar and the spa, but for all the other things they were involved with. Also advised the Bates that they could take a month or longer to move all their stuff out of the Hall of Waters.

With no further business at hand, the Mayor adjourned the Regular Council Meeting at 6:42 PM.

ATTEST:

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JIM NELSON, MAYOR

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FRANCES SMITH, CITY CLERK