

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
FEBRUARY 5, 2007

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, February 5, 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: (Tape #1 A12-822)

NOTE: Before the Regular Council Meeting, Leon Neal and Betty Bissell, who had been appointed to Transportation Trust on November 20, 2006, were administered the "oath" by the City Clerk. Each was then presented with a Certificate of Appointment.

Mr. Nile Brown, a member of the Historical Preservation Committee, addressed the Council. Nile stated that he and Matt Tapp, Planning Director, attended a meeting last Saturday regarding state tax credits and re-hab work in historic districts. Nile stated it is an honor to be appointed to the Historical Preservation Committee, that he taught "history" for the last thirty years and has been involved with the town for a long time. He further stated that there are a lot of good things going on in the town. Nile informed the Council that the Historical Preservation Committee had asked the Council to re-establish the "Historic District" two months ago and, as yet, nothing has been done. The Committee would also like to have some guidance from the Council; they have no budget and are paying for trips out of their own pockets.

Mayor Nelson stated that the Council needs to approve the Historic District. Councilwoman Schutte suggested the Committee put together some kind of budget.

Mr. Keith Bowen, 529 K. C. Avenue, informed the Council that 10 years ago he had proposed an art gallery for the City. An art gallery is being set up at 105 Broadway and will be open on the second Fridays of each month to attract more people downtown.

Mr. Bowen asked the Council about "water rights" in the City. At some point he plans to bottle water either with the City's water or not. He would like to include the Excelsior Springs water in his plan if he can get the process going. If he bottles City water, he will need the City's help.

Mayor Nelson asked John McClelland, City Attorney, to set a RFP for water and for the spa downstairs. Councilwoman Schutte stated she would like to see the RFPs before they go out.

MINUTES OF REGULAR COUNCIL MEETING HELD ON JANUARY 16, 2007: (Tape #1 A823-830)

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on January 16, 2007. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Minutes of January 16, 2007 passed and approved February 5, 2007.

CONSIDERATION OF AGENDA: (Tape #1 A831-843)

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

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

Nays: None, motion carried.

Agenda, as printed, passed and approved February 5, 2007.

REPORT OF PUBLIC SAFETY SALES TAX OVERSIGHT COMMITTEE: (Tape #1 A844-1178)

Ms. Donna Johnston, a member of the Public Safety Sales Tax Oversight Committee, addressed the Council. She stated the Oversight Committee had a meeting on January 26, 2007 to go over revenues and expenses of the Public Safety Sales Tax. They did not have a quorum at this meeting, but they would like to recommend the Council approve the purchase of Fire Department Pagers and the purchase of a Rescue Pumper truck.

She stated the Fire Department would like to have Fire Fighter Turn-Out Gear as a future purchase. The Police Department would like to have in-car video cameras, computers in police vehicles and two police vehicles for trial. She stated these were all within the scope of intended tax use. Donna further stated the Committee would be meeting on a quarterly basis in the future.

Councilwoman Schutte stated the Council needs historical financial numbers on this fund so they can see where they stand.

ORDINANCE #07-2-1, PURCHASE OF FIRE DEPARTMENT PAGERS: (Tape #1 A1179-1235)

Kent Cantrell, Deputy Fire Chief, briefed the Council on this purchase.

Councilman Parker made a motion to approve Ordinance #07-2-1, authorizing the Fire Chief to enter into an agreement with Midwest Mobil Radio, Inc., for the purchase of thirty (30) new Motorola Pager-Chargers at a cost of \$13,823.66. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Ordinance #07-2-1 passed and approved February 5, 2007.

ORDINANCE #07-2-2, PURCHASE OF RESCUE PUMPER: (Tape #1 A1236-1626)

Kent Cantrell advised the Council that five manufacturers were contacted for bid, but only one responded. Kent stated that they need to enter into a contract so they can get the truck built; which will take a year. The truck will be financed by lease-purchase.

Mayor Nelson asked how the City was going to pay for it with a lease purchase. Steve Marriott, Finance Director, stated he has already contacted two finance firms regarding the lease purchase and will contact more now that the contract will be let.

Councilman Parker made a motion to approve Ordinance #07-2-2, authorizing the Fire Chief to enter into an agreement with Fire Master Fire Apparatus, Inc., for the purchase of a new triple combination rescue pumper at a cost of \$314,208.90. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #07-2-2 passed and approved February 5, 2007.

HOSPITAL R & E FUNDS TRANSFER: (Tape #1 A1627-1674)

Councilman Parker made a motion authorizing the Finance Director to transfer \$237,790.00 from the Hospital R & E Fund to the Hospital Operating Account for the reimbursement of items as per the January 15, 2007 letter from the Hospital Board. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Transfer of Hospital R & E Funds passed and approved February 5, 2007.

DISCUSSION – RUMERY & ASSOCIATES CONTRACT: (Tape #1 A1675-1910)

Mayor Nelson stated this is a consultant the City has had in the past and the Council needs to discuss whether to continue the contract. Councilwoman Schutte asked what we want them to do and what do we want to pay them for. The Mayor advised that he is not aware they are doing anything for the City.

Councilman Fousek made a motion to terminate the contract with Rumery & Associates with the expected end to the contract on May 10, 2007. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Motion to cancel contract with Rumery & Associates passed and approved February 5, 2007.

DISCUSSION – RETENTION OF SEARCH FIRM FOR CITY MANAGER: (Tape #1 A1911-2000, B1-B1145)

Mayor Nelson stated the Council is still undecided whether to do our own search or hire a search firm.

Councilwoman Schutte stated the Council needs to do it ourselves. The Council needs to put a committee together of local people. Need someone to handle the day to day details of the search. Schutte further stated that the Mid America Regional Council will help us and we do not need to spend unnecessary money. We need to appoint a citizen's committee and let them ask questions of applicants. The Council needs to appoint a committee, develop a job description, and set a timetable.

Councilman Fousek stated the Council needs to expedite the hiring of a City Manager and get someone permanent in place not an interim. The Council needs to hire a professional recruiting firm to get this done.

Mayor Pro-Tem Taylor stated the Council needs to get a professional to select persons to meet with the Council. If the Council does it ourselves and are not successful, then we will have to get a professional...in the meantime we have wasted weeks or months.

Councilman Parker stated he felt the Council could do this on their own.

Councilwoman Schutte then asked Police Chief John McGovern and Fire Chief Bill Stewart what their opinion was. Both agreed they felt the Council could do it on their own.

Councilwoman Schutte made a motion that the Council contact MARC and see what assistance they can provide, get information from the City of Liberty, and each Council person bring back the name of a person to serve on the selection committee. The Council will then meet in one week to decide whether to do this ourselves or hire a professional. Motion was seconded by Councilman Parker.

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

Nays: Fousek, Nelson. Motion carried.

The Council will meet in one week to make their decision.

DISCUSSION – REFUSE CONTRACT: (Tape #1 B1146-2000)

Roy Gray, Foreman of Construction Services, advised the Council that city employees have found that buildings with four (4) apartments and one water meter were only being charged one “trash” charge for the whole building. He stated they have found 56 locations of this type. The City intends to send out letters to these locations advising them that they will be charged four (4) trash charges for that location. Some of these have commercial dumpsters, in which case they will not be charged.

Roy further stated that the City’s trash contract with BFI expires June 30, 2007. He advised that the City needs to put together a new contract, without curbside recycling at this time, but to be put in place in the future. He needs to get it out for the bid process so he can meet the June 30, 2007 deadline. He further stated that BFI would be willing to extend their contract for one year with a 6% increase.

Councilman Fousek made a motion that Roy meet with Mayor Nelson and John McClelland, City Attorney, to discuss the aspects of re-writing a trash contract and bring it back to the Council. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Re-writing of trash contract passed and approved February 5, 2007.

APPROPRIATIONS ORDINANCE #07-2-3: (Tape #2 A1-A68)

Councilman Parker made a motion to approve Appropriations Ordinance #07-2-3, in the amount of \$917,582.55. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Appropriations Ordinance #07-2-3 passed and approved February 5, 2007.

REMARKS – CITY COUNCIL: (Tape #2 A69-131)

Councilwoman Schutte:

1. Applauds the Historic Preservation Committee for all their extra effort. Also applauds the Public Safety Sales Tax Committee; they have done a great deal of work and have done what the Council asked them to do.

Councilman Fousek:

1. Agree that the Historic Preservation Committee has done a lot of hard work.
2. Suggests the Historic District be based on what was surveyed years ago.

Mayor Nelson:

1. Would like to thank the City Staff for picking up the slack. The snow got removed and the Council approves of the job they are doing.

With no further business at hand, the Mayor asked for a motion to adjourn the regular 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 Statutes 610.021 (1) Legal – Water District and (2) Personnel. Motion was seconded by Councilman Parker.

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

 Nays: None, motion carried.

Regular Council Meeting adjourned at 8:02 PM.

ATTEST:

JIM NELSON, MAYOR

FRANCES SMITH, CITY CLERK