

REGULAR COUNCIL MEETING  
CITY OF EXCELSIOR SPRINGS  
EXCELSIOR SPRINGS, MISSOURI  
MARCH 19, 2007

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, March 19, 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 WORK SESSION AND REGULAR COUNCIL MEETING HELD ON MARCH 5, 2007: (Tape#1 A1901-1921)

Councilman Parker made a motion to approve the Minutes of the Work Session of the Council held on March 5, 2007. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Minutes of Work Session held on March 5, 2007 passed and approved March 19, 2007.

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on March 5, 2007. Motion was seconded by Mayor Pro-Tem Taylor.

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

Abstain: Schutte

Nays: None, motion carried.

Minutes of Regular Council Meeting held on March 5, 2007 passed and approved March 19, 2007.

CONSIDERATION OF AGENDA: (Tape #1 A1921-2000, B1-B2)

Mayor Nelson stated he would like to move Agenda Item #13, Liquor License Change, to Item #A-1.

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

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

Nays: None, motion carried.

Amended Agenda passed and approved March 19, 2007.

LIQUOR LICENSE CHANGE: (Tape #1 B3-B67)

Chief McGovern addressed the Council and stated there was nothing in the background check to preclude this license being changed.

Councilman Parker made a motion to approve a request by Ozark Pizza Huts, Inc., (dba: Pizza Hut) to transfer their current liquor license to their new location at 1103 Rose Ave, Excelsior Springs, Missouri. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Liquor License Change for Pizza Hut passed and approved March 19, 2007.

PROCLAMATION – PUBLIC HEALTH WEEK: (Tape #1 B68-B118)

Mayor Nelson read, aloud, a Proclamation naming the week of April 2 to 8, 2007 as Public Health Week and presented this Proclamation to a representative of the Clay County Health Department.

PRESENTATION – LARKIN GROUP: (Tape #1 B119-1195)

Phil Hodges, Public Works Superintendent, introduced Mr. Rick Kendall of the Larkin Group. Mr. Kendall presented a slide show was to show what options could be implemented to replace, improve or modify the existing Wastewater Treatment Facility so that it will have the capabilities to meet regulations for the removal of Ammonia and the disinfection of the facility effluent.

Phil Hodges asked the Council for approval to add an addendum to Larkin Group's contract for the design of the Interim Wastewater Treatment Facility Pilot Project. This project will need to be completed by October 2009. Phil also advised the Council that this project will be paid for out of the Sewer Fund's operating and reserve.

Councilwoman Schutte advised that the project will be paid out of the Sewer Fund's cash and investments. Mayor Nelson stated that Larkin has a good track record with the City.

RESOLUTION #732- LARKIN GROUP AGREEMENT: (Tape #1 B1196-1209)

Councilman Parker made a motion to approve Resolution #732, authorizing the Interim City Manager to enter into a contract with Larkin Group for \$152,000.00 for Engineering Services to design a wastewater treatment plant and interim project. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Resolution #732 passed and approved March 19, 2007.

RESOLUTION #733 – ASPHALT OVERLAY PROJECT: (Tape #1 B1210-B1566)

Chad Birdsong, Superintendent of Construction Services, briefed the Council on this Resolution. He stated the amount also includes putting an overlay on the streets in the Northwind Housing Area. These streets have never been dedicated as streets, but an Ordinance was found that stated the City would be responsible for the streets. Councilman Fousek suggested the City draw up an Ordinance accepting these streets as city streets.

Councilman Parker made a motion to approve Resolution #733, approving funding of the 2007 asphalt overlay project in the amount of \$194,809.00. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Resolution #733 passed and approved March 19, 2007.

RESOLUTION #734 – LATHROP CONSTRUCTION/NW WATERLINE: (Tape #1 B1567-1827)

Once again, Chad Birdsong, answered the Council's questions on this Resolution.

Councilman Parker made a motion to approve Resolution #734, authorizing the Interim City Manager to enter into a contract with Lathrop Construction for \$55,200.00 for expansion of a water main. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Resolution #734 passed and approved March 19, 2007.

RESOLUTION #735 – CONCRETE REPAIRS: (Tape #1 B1828-1892)

Councilman Parker made a motion to approve Resolution #735, approving funding of the 2007 miscellaneous concrete repairs in the amount of \$94,060.00 for various concrete streets also in need of repair. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Resolution #735 passed and approved March 19, 2007.

ORDINANCE #07-3-6 – VAN WALL EQUIPMENT: (Tape #1 B1893-B2000, Tape #2 A1-A669)

Tim Jarman, Director of the Municipal Golf Course, addressed the Council. Tim is asking for Council approval to lease equipment for the Golf Course. Tim stated that he knows the Golf Course does not have funds for this lease, but he does not even have a mower to mow the greens. He cannot operate the Golf Course this summer with equipment. Their present equipment has not been replaced in years and it is all worn out. He has one employee who spends all his time repairing equipment.

Councilwoman Schutte asked how far this lease will exceed the budget? Mayor Pro-Tem Taylor asked what the Golf Course would have to do to turn their revenues around. Tim advised that the City would need a full time person to market the Golf Course and the City. He states he does not have time to properly market the Golf Course.

Councilman Parker stated that 10 years ago the city invested money to update the Golf Course to make it playable and meet competition. Now it is necessary to have equipment to take care of it.

Mayor Nelson stated the City has to decide whether it wants to be in the golf course business or not.

Mayor Pro-Tem Taylor stated he is "confused"...he keeps hearing "over budget" when hiring a city manager but does not hear "over budget" on this expenditure.

Councilman Parker made a motion to approve Ordinance #07-3-6, accepting the bid from Van Wall Equipment for a lease of five years at a cost of \$55,295.64 per year. Motion was seconded by Councilman Fousek.

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

Nays: Schutte, Taylor. Motion carried.

Ordinance #07-3-6 passed and approved March 19, 2007.

SUMMER SEWER CREDIT: (Tape #2 A670-725)

Councilwoman Schutte made a motion to approve the “Summer Sewer Credits” Discount Program for FY 2006-2007. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Summer Sewer Credits passed and approved March 19, 2007.

ORDINANCE #07-3-7 – SHAFER, KLINE & WARREN – MARIETTA BRIDGE: (Tape #2 A726-A788)

Councilman Fousek made a motion to approve Ordinance #07-3-7, authorizing the City Manager to enter into an agreement with Shafer, Kline & Warren for services associated with the Marietta Street bridge. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #07-3-7 passed and approved March 19, 2007.

RESOLUTION #736 – MEMO OF UNDERSTANDING - DNR: (Tape #2 A789-840)

Councilman Fousek asked if there was a map of the area mentioned in this Resolution. He was advised that a map probably is attached to Ordinance #04-12-1. Fousek then asked that this map be attached to Resolution #736.

Councilman Fousek made a motion to approve Resolution #736, stating that the City will enter into a memorandum of understanding with the Missouri Department of Natural Resources regarding changes to Ordinance #04-12-1. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Resolution #736 passed and approved March 19, 2007.

ORDINANCE #07-3-8 – STORAGE TANKS AMENDMENT: (Tape #2 A841-A992)

Fire Chief Bill Stewart briefed the Council on this Ordinance and presented photos to show location of tanks.

Councilman Parker made a motion to approve Ordinance #07-3-8, amending Section 206.060 of the Municipal Code relating to Storage Tanks. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #07-3-8 passed and approved March 19, 2007.

APPOINTMENT TO TIF COMMISSION: (Tape #2 A993-1039)

Councilman Fousek made a motion to approve the appointment of Councilman Chad Taylor to the Tax Increment Financing Commission; said term to expire December 22, 2008. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Councilman Taylor appointed to TIF Commission on March 19, 2007.

APPROPRIATIONS ORDINANCE #07-3-9: (Tape #2 A1040-1104)

Councilman Parker made a motion to approve Appropriations Ordinance #07-3-9, in the amount of \$662,303.09. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Appropriations Ordinance #07-3-9 passed and approved March 19, 2007.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape #2 A1105-A1468)

Interim City Manager Marriott:

1. He asked Terry Smelcer of the Chamber of Commerce, and a representative of the Elms, to represent the City during Northland Days at Jefferson City. Would like to thank both of them for representing us.
2. The Monthly Chamber meeting will be held on March 21.
3. There will be a Special Council Meeting on April 11, 2007 at 6:00 PM.

Mayor Pro-Tem Taylor:

1. Has the City had any contact with Mr. Dumas regarding the Wyman Project?
2. Would like to commend Chad Birdsong and Phil Hodges for their presentations to the Council tonight. They spent a lot of time and effort preparing these presentations.

Councilwoman Schutte:

1. Has asked Chad Birdsong to get the traffic count machine out and use it.
2. Would like to invite all City employees to attend the Council meetings.
3. Has issues with the Airport...understands they are months and months behind in their rent to the City. The Council needs to decide what is the best use for this land.

Mayor Nelson:

1. The full Council agrees on what has been said regarding the City Staff and Employees...all employees...they have stepped up to the plate and the Council does appreciate it.
2. Asked Chad Birdsong to get the street sweeper out and use it.

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 Statues 610.021 (3) Personnel. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Council Meeting adjourned at 7:47 PM.

ATTEST:

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JIM NELSON, MAYOR

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FRANCES SMITH, CITY CLERK