

REGULAR COUNCIL MEETING  
CITY OF EXCELSIOR SPRINGS  
EXCELSIOR SPRINGS, MISSOURI  
JANUARY 22, 2008

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, January 22, 2008 in the Council Chambers of the Hall of Waters Building. The Meeting was called to order by Mayor 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 HELD ON DECEMBER 17, 2007: (Tape A26-37)

Councilwoman Schutte made a motion to approve the Minutes of the Regular Council Meeting held on December 17, 2007. Motion was seconded by Councilman Parker.

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

Minutes of December 17, 2007 passed and approved January 22, 2008.

CONSIDERATION OF AGENDA: (Tape A38-47)

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

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

Agenda, as printed, passed and approved January 22, 2008.

BOARD APPOINTMENT – HOUSING AUTHORITY: (Tape A48-67)

Councilman Fousek made a motion to approve the appointment of Brian Kennedy 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.

Brian Kennedy appointed to Housing Authority on January 22, 2008.

ORDINANCE #08-1-01, PURCHASE OF AERATION EQUIPMENT FOR WASTEWATER TREATMENT PILOT PROJECT: (Tape A68-252)

Mayor Nelson read by title the First Reading of Ordinance #08-1-01.

Phil Hodges, Director of Utility Services, briefed the Council on this Ordinance.

Councilwoman Schutte asked how a purchase of this magnitude sits with the City's Purchasing Policy since a bid was not obtained.

Steve Marriott, Director of Administrative Services, advised this is possible where a certain company is the "sole source".

John McClelland, City Attorney, advised that if this is the only place the City can make the purchase, there is no need for a bid.

Councilman Fousek made a motion to place on Second Reading Ordinance #08-1-01, authorizing the Director of Utility Services to purchase Aeration Equipment from EDI, Flexair System for the Wastewater Treatment Plant Pilot Project. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-1-01.

Councilman Parker made a motion to approve Ordinance #08-1-01, authorizing the Director of Utility Services to purchase Aeration Equipment from EDI, Flexair System for the Wastewater Treatment Plant Pilot Project. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #08-1-01 passed and approved January 22, 2008.

ORDINANCE #08-1-02, FINAL PLAT APPLICATION FOR B&B ENTERPRISES AT 1454 KEARNEY ROAD:  
(Tape A253-383)

Mayor Nelson read by title the First Reading of Ordinance #08-1-02.

Frank David, Planning Director, advised the Council that this Final Plat has been passed and approved by Planning and Zoning and he is recommending the Council approve this Ordinance.

Councilman Parker made a motion to place on Second Reading Ordinance #08-1-02, accepting a Subdivision for Final Plat located at 1454 Kearney Road. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-1-02.

Councilman Parker made a motion to approve Ordinance #08-1-02, accepting a Subdivision for Final Plat located at 1454 Kearney Road. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Ordinance #08-1-02 passed and approved January 22, 2008.

ORDINANCE #08-1-03, FINAL PLAT APPLICATION FOR ROD'S HALLMARK AT 1452 KEARNEY ROAD:  
(Tape A384-444)

Mayor Nelson read by title the First Reading of Ordinance #08-1-03.

Once again, Frank Davis advised the Council that Planning and Zoning has approved of the Final Plat and he recommends the Council approve the Ordinance.

Councilman Parker made a motion to place on Second Reading Ordinance #08-1-03, accepting a Subdivision Final Plat for Rod's Hallmark, aka SJ/GS Enterprises, LLC, located at 1452 Kearney Road. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-1-03.

Councilman Fousek made a motion to approve Ordinance #08-1-03, accepting a Subdivision Final Plat for Rod's Hallmark, aka SJ/GS Enterprises, LLC, located at 1452 Kearney Road. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-1-03 passed and approved January 22, 2008.

ORDINANCE #08-1-04, SPRINT/NEXTEL SETTLEMENT: (Tape A445-516)

Mayor Nelson read by title the First Reading of Ordinance #08-1-04.

Steve Marriott advised the Council that this settlement was reached after Sprint/Nextel had initially stated the City's Franchise Tax did not apply to them.

Councilman Parker made a motion to place on Second Reading Ordinance #08-1-04, approving a class action settlement with Sprint Spectrum, LP, Nextel West Corp. and their related entities concerning gross receipt tax on wireless service. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-1-04.

Councilman Parker made a motion to approve Ordinance #08-1-04, approving a class action settlement with Sprint Spectrum, LP, Nextel West Corp., and their related entities concerning gross receipt tax on wireless service. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #08-1-04 passed and approved January 22, 2008.

ORDINANCE #08-1-05, AT&T MOBILITY SETTLEMENT: (Tape A517-595)

Mayor Nelson read by title the First Reading of Ordinance #08-1-05.

Once again, Steve Marriott, briefed the Council on this Ordinance.

Councilman Parker made a motion to place on Second Reading Ordinance #08-1-05, approving a class action settlement with AT&T Mobility, AT&T Wireless Services, and their related entities, concerning gross receipt tax on wireless service. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-1-05.

Councilman Fousek made a motion to approve Ordinance #08-1-05, approving a class action settlement with AT&T Mobility, AT&T Wireless Services, and their related entities, concerning gross receipt tax on wireless service. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-1-05 passed and approved January 22, 2008.

ORDINANCE #08-1-06, PLACING ON BALLOT TRANS TRUST SALES TAX ELECTION: (Tape A596-757)

Mayor Nelson read by title the First Reading of Ordinance #08-1-06.

Steve Marriott advised the Council that this election is being moved from August 2 to April 8 in order to save the City money by having one election.

Mayor Nelson stated this sales tax gives the City good bang for the buck.

Councilman Parker made a motion to place on Second Reading Ordinance #08-1-06 for the purpose of placing on the ballot for consideration by vote of the qualified voters the continuation of the Half Cent Transportation Sales Tax at the Municipal Election on April 8, 2008. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-1-06.

Councilman Parker made a motion to approve Ordinance #08-1-06 for the purpose of placing on the ballot for consideration by vote of the qualified voters the continuation of the Half Cent Transportation Sales Tax at the Municipal Election on April 8, 2008. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #08-1-06 passed and approved January 22, 2008.

RESOLUTION #746, PURCHASE OF TRUCK FOR PUBLIC WORKS: (Tape A758-845)

Chad Birdsong, Public Works Director, briefed the Council on this purchase. He further stated that the trade-in truck would be taken to the auction in the spring to see if they could sell it for more than the trade-in allowed.

Councilman Parker made a motion to approve Resolution #746, authorizing the Public Works Director to purchase a 2008 \_ Ton Crew Cab Pickup from Cannon Chrysler Dodge for \$16,869.50. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Resolution #746 passed and approved January 22, 2008.

RESOLUTION #747, PURCHASE OF TRUCK BY PUBLIC WORKS: (Tape A846-916)

Once again, Chad Birdsong was on hand to brief the Council on this Resolution. This truck will also be taken to the auction in the spring to see if it will sell for more than the trade-in value.

Councilwoman Schutte made a motion to approve Resolution #747, authorizing the Public Works Director to purchase a 2008 \_ Ton Crew Cab Pickup with utility bed from Chuck Anderson Ford for \$44,175.33. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Resolution #747 passed and approved January 22, 2008.

RESOLUTION #748, PURCHASE OF SKID STEER FOR PUBLIC WORKS: (Tape A917-1065)

Chad Birdsong briefed the Council on this Resolution.

Councilman Parker made a motion to approve Resolution #748, authorizing the purchase of a T-320 Model Skid Steer for \$37,108.95 or less from KC Bobcat. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Resolution #748 passed and approved January 22, 2008.

RESOLUTION #749, PURCHASE OF TILT TOP TRAILER FOR PUBLIC WORKS: (Tape A1066-1180)

Chad again briefed the Council on this purchase. Chad stated that all four of his purchases were under-budget.

Councilman Parker made a motion to approve Resolution #749, authorizing the funding of a Tilt Top Trailer in the amount of \$6,610.00 from KC Bobcat. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Resolution #749 passed and approved January 22, 2008.

RESOLUTION #750, ESTABLISHMENT OF MISCELLANEOUS STREET MAINTENANCE FUND: (Tape A1181-1575)

Chad Birdsong advised the Council that he is requesting this fund be set up to help pay for snow plowing and maintenance of street lights. The \$25,000 would come from Transportation Trust.

Councilwoman Schutte suggested that money be transferred on an “as needed” basis...not set up an entire fund.

Councilman Parker stated it is important that money be provided for snow plowing because we have had a bad winter already.

Councilwoman Schutte stated we should not have a pot of money just sitting there...it should be transferred over as needed.

Steve Marriott suggested having an actual line item of expenses from Transportation Trust.

Mayor Pro-Tem Taylor agreed with the line item of expenses.

Councilwoman Schutte stated a budget amendment needs to be made in Transportation Trust for this.

Councilwoman Schutte made a motion to “Table” Resolution #750 until revisions can be made in the wording. Motion was seconded by Councilman Parker.

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

                                  Nays:   None, motion carried.

Resolution #750 “Tabled” on January 22, 2008.

RESOLUTION #751, PURCHASE OF TRUCK FOR PARKS & RECREATION: (Tape A1576-1726)

Steve Zimmerman, Parks & Recreation Director, briefed the Council on this purchase.

Councilman Parker made a motion to approve Resolution #751, authorizing the purchase of a 2008 \_ Ton Crew Cab 4-Door Truck from Cannon Chrysler Dodge in the amount of \$26,369.50 for Parks and Recreation. Motion was seconded by Councilman Fousek.

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

                                  Nays:   None, motion carried.

Resolution #751 passed and approved January 22, 2008.

RESOLUTION #752, PURCHASE OF BOBCAT, PARKS & RECREATION: (Tape A1727-1751)

Once again, Steve Zimmerman briefed the Council on this purchase.

Councilman Fousek made a motion to approve Resolution #752, authorizing funding for a Skid Steer Loader S-250 from KC Bobcat in the amount of \$15,964.95 for Parks and Recreation. Motion was seconded by Mayor Pro-Tem Taylor.

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

                                  Nays:   None, motion carried.

Resolution #752 passed and approved January 22, 2008.

RESOLUTION #753, PURCHASE OF CAR FOR CITY MANAGER: (Tape A1752-1892)

Councilman Parker made a motion to approve Resolution #753, allowing the City Manager to purchase a used 2006

Ford Five Hundred for \$15,862.00 from Chuck Anderson Ford. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Resolution #753 passed and approved January 22, 2008.

RESOLUTION #754, CITY COUNCIL ELECTION: (Tape A1893-1945)

Councilwoman Schutte made a motion to approve Resolution #754 calling for a General Election April 8, 2008. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Resolution #754 passed and approved January 22, 2008.

APPROPRIATIONS ORDINANCE #08-1-07: (Tape A1946-2000, B1-B30)

Mayor Nelson read by title the First Reading of Appropriations Ordinance #08-1-07.

All the City's expenditures were gone through by the Council line by line.

Councilwoman Schutte made a motion to place on Second Reading Appropriations Ordinance #08-1-07, in the amount of \$1,113,357.60. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Appropriations Ordinance #08-1-07.

Councilman Fousek made a motion to approve Appropriations Ordinance #08-1-07, in the amount of \$1,113,357.60. Motion was seconded by Councilwoman Schutte.

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

Abstain: Parker

Nays: None, motion carried.

Appropriations Ordinance #08-1-07 passed and approved January 22, 2008.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape B31-42)

City Manager Haugland:

1. On Thursday evening, he, Councilman Fousek and Mayor Pro-Tem Taylor will be attending the Regional MML Meeting.

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

Councilman Parker made a motion to close the Regular Council Meeting and go into closed session pursuant to RSMo 610.021 (1) Legal. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Regular Council Meeting adjourned at 7:06 PM.

ATTEST:

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JIM NELSON, MAYOR

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FRANCES SMITH, CITY CLERK