

REGULAR COUNCIL MEETING  
CITY OF EXCELSIOR SPRINGS  
EXCELSIOR SPRINGS, MISSOURI  
FEBRUARY 4, 2008

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, February 4, 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 JANUARY 22, 2008: (Tape A28-38)

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on January 22, 2008. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Minutes of January 22, 2008 passed and approved February 4, 2008.

CONSIDERATION OF AGENDA: (Tape A39-45)

Councilwoman Schutte 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 4, 2008.

ATS RED LIGHT PHOTO ENFORCEMENT PRESENTATION: (Tape A46-685)

Police Chief John McGovern introduced Phil Scaglia, President of Powerful Performance Solutions, LLC, to the Council. Mr. Scaglia will make a presentation on installing photo traffic cameras at the intersection of 69 Highway and McCleary Road.

Mr. Scaglia stated that American Traffic Solutions would perform a test and analysis of the intersection. Steps would be taken to inform the public and educate drivers before installing cameras at the intersection. Steps of education, public awareness, enforcement and signage would be taken.

Councilman Fousek asked what the cost would be if the City purchased the equipment outright.

Mr. Scaglia stated it would cost \$100,000 per camera and attachments times two cameras at the intersection. If the

City signed a contract with ATS, the cost would be the total amount of the fine for the first two violations each day (approximately \$100.00 per violation), with 15% of the fine for all violations after two.

Mayor Pro-Tem Taylor stated he liked the idea.

Mayor Nelson stated the possibility of installing cameras at this location had been well received.

AUDITOR'S PRESENTATION: (Tape A686-1168)

Steve Marriott, Director of Administrative Services, introduced Kevin Smith, Audit Manager for McGladrey and Pullen. Mr. Smith stated that after auditing the City's financials for fiscal year 2006/2007, he has been able to give the City an "unqualified opinion" on their financials which is a 'best' opinion. There has been no rise in material weaknesses. He congratulated Steve on this successful audit and on obtaining the "GFOA" status last year.

Councilwoman Schutte asked what are the trends in the fund balance of the General Fund. Mr. Smith stated there has been a rise in the fund balance of General Fund.

Mayor Nelson thanked Steve Marriott for an outstanding job.

ORDINANCE #08-2-1, U.S.CELLULAR WIRELESS SETTLEMENT: (Tape A1169-1402)

Mayor Nelson read by title the First Reading of Ordinance #08-2-1.

Steve Marriott stated the City is accepting this settlement offer to end a law suit.

Councilman Fousek asked if there was any way the City could create an Ordinance covering new technology ahead of time. City Attorney McClelland stated the Hancock Amendment forbids imposing a tax without a vote of the people.

Councilman Fousek made a motion to place on Second Reading Ordinance #08-2-1, approving a class action settlement with U S Cellular and their related entities concerning gross receipt tax on wireless service. Motion was seconded by Councilman Parker.

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

                                  Nays:   None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-2-1.

Councilman Parker made a motion to approve Ordinance #08-2-1, approving a class action settlement with U S Cellular and their related entities concerning gross receipt tax on wireless service. Motion was seconded by Mayor Pro-Tem Taylor.

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

                                  Nays:   None, motion carried.

Ordinance #08-2-1 passed and approved February 4, 2008.

ORDINANCE #08-2-2, ESTABLISHMENT OF TRANSPORTATION TRUST STREET MAINTENANCE ACCOUNT: (Tape A1403-1502)

Mayor Nelson read by title the First Reading of Ordinance #08-2-2.

Steve Marriott advised the Council that this Ordinance is the follow-up of a previous decision by the Council to budget money in Transportation Trust to cover miscellaneous maintenance such as snow removal and the cost of street lighting.

Councilwoman Schutte made a motion to place on Second Reading Ordinance #08-2-2, approving amendment of the Transportation Trust Fund Budget for 2008 to allow for the addition of various street-related maintenance items, amending the appropriate line items and amending Ordinance #07-9-10. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-2-2.

Councilwoman Schutte made a motion to approve Ordinance #08-2-2, approving amendment of the Transportation Trust Fund Budget for 2008 to allow for the addition of various street-related maintenance items, amending the appropriate line items and amending Ordinance #07-9-10. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-2-2 passed and approved February 4, 2008.

RESOLUTION #755, PURCHASE OF TWO FORD CROWN VICTORIA POLICE VEHICLES: (Tape A1503-1714)

Police Sergeant Clint Reno briefed the Council on this purchase; stating that the vehicles were coming in under budget.

Councilman Parker made a motion to approve Resolution #755, authorizing the Chief of Police to purchase two (2) Ford Crown Victoria Police Package Vehicles from Chuck Anderson Ford at a total cost of \$45,535.90. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Resolution #755 passed and approved February 4, 2008.

APPROPRIATIONS ORDINANCE #08-2-3: (Tape A1715-1828)

Mayor Nelson read by title the First Reading of Appropriations Ordinance #08-2-3.

A line by line discussion was held by the Council on the Appropriations list.

Councilwoman Schutte made a motion to place on Second Reading Ordinance #08-2-3, in the amount of \$395,377.27. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Nelson read by title the Second Reading of Ordinance #08-2-3.

Councilman Fousek made a motion to approve Appropriations Ordinance #08-2-3, in the amount of \$395,377.27. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Appropriations Ordinance #08-2-3 passed and approved February 4, 2008.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape A1829-1954)

Councilwoman Schutte:

1. Stated the City Staff has done an excellent job of controlling cash outlays.
2. Congratulated Steve on the audit. Also noted that the City has been working on the GFOA status for the past twenty years.
3. VOTE tomorrow.

Councilman Fousek:

1. Vote tomorrow and have a great day.

Mayor Nelson:

1. Vote tomorrow – it is the American privilege.

With no further business at hand, the Mayor asked for a motion to adjourn the regular meeting and go into closed session.

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

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

                                  Nays:   None, motion carried.

Regular Meeting was adjourned at 7:02 PM.

ATTEST:

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JIM NELSON, MAYOR

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FRANCES SMITH, CITY CLERK