

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

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, August 4, 2008 in the Council Chambers of the Hall of Waters Building. The Meeting was called to order by Mayor Schutte

The opening prayer was given by the Mike Boudreaux, Pastor of the Crescent Lake Christian Church

The Pledge of Allegiance was led by Mayor Schutte.

Roll Call of Members: Present: Mayor Carolyn Schutte, Mayor Pro-Tem Ambrose Buckman, Councilmen Ken Fousek, Jim Nelson and Sonny Parker

Absent: None

VISITORS:

There were no visitors at this Council Meeting who wished to address the Council.

MINUTES OF REGULAR COUNCIL MEETING HELD ON JULY 21, 2008: (Tape A45-61)

Mayor Pro-Tem Buckman made a motion to approve the Minutes of the Regular Council Meeting held on July 21, 2008. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Minutes of July 21, 2008 passed and approved August 4, 2008.

CONSIDERATION OF AGENDA: (Tape A62-69)

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

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

Nays: None, motion carried.

Agenda, as printed, passed and approved August 4, 2008.

PUBLIC HEARING – MISSOURI DEPARTMENT OF TRANSPORTATION GRANT, SECTION 5311: (Tape A70-95)

Councilman Nelson made a motion to open a public hearing to solicit citizen input with regard to the City's intent to seek funding for projects partially funded by the Missouri Department of Transportation pursuant to Section 5311 of Title 49, United States Code. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

A public hearing was opened.

Chad Birdsong, Public Works Director, advised the Council the reasoning for this public hearing.

No one wished to be heard during the public hearing.

Councilman Fousek made a motion to close the public hearing regarding the City's intent to seek funding for projects partially funded by the Missouri Department of Transportation pursuant to Section 5311 of Title 49, United States Code.

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

The public hearing was closed.

**ORDINANCE #08-8-1, PUBLIC TRANSPORTATION OPERATING FUNDS: (Tape A96-173)**

Mayor Schutte read by title the First Reading of Ordinance #08-8-1.

Chad Birdsong informed the Council that this application must be made each year for funding of the Omni Bus. This year a new bus is included in the application.

Councilman Parker made a motion to place on Second Reading Ordinance #08-8-1, authorizing the City Manager to execute and file an application for financial assistance from MoDOT to support the City of Excelsior Springs' Transportation System. Motion was seconded by Mayor Pro-Tem Buckman.

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

Mayor Schutte read by title the Second Reading of Ordinance #08-8-1.

Councilman Fousek made a motion to approve Ordinance #08-8-1, authorizing the City Manager to execute and file an application for financial assistance from MoDOT to support the City of Excelsior Springs' Transportation System. Motion was seconded by Councilman Nelson.

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

Ordinance #08-8-1 passed and approved August 4, 2008.

**ORDINANCE #08-7-3, ESTABLISHMENT OF RED LIGHT ENFORCEMENT: (Tape A174-194)**

Mayor Schutte read by title the Second Reading of Ordinance #08-7-3. The approval of the Second Reading of Ordinance #08-7-3 was passed on July 21, 2008.

Councilman Fousek made a motion to approve Ordinance #08-7-3, adding Chapter 347 to the Code of Ordinances of the City of Excelsior Springs, Missouri by enacting new sections 347.010, 347.020, 347.030, 347.050, 347.060, 347.070 and 347.080 Automated Enforcement of Traffic Signal Regulations. Motion was seconded by Councilman Nelson.

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

Ordinance #08-7-3 passed and approved August 4, 2008.

**RESOLUTION #774 – AGREEMENT FOR INSTALLATION OF AUTOMATED TRAFFIC SIGNAL**

ENFORCEMENT EQUIPMENT: (Tape A195-234)

Police Chief John McGovern briefed the Council on this Resolution.

Councilman Parker made a motion to approve Resolution #774, authorizing the City Manager to enter into an agreement with MoDOT allowing for permission to install and maintain automated traffic signal enforcement systems as outlined in the "Installation of Automated Traffic Signal Enforcement Equipment Agreement". Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Resolution #774 passed and approved August 4, 2008.

PRESENTATION BY WIDEWATERS GROUP – ELMS RESORT & SPA: (Tape A235-1735)

Korb W. Maxwell, Attorney at Law for Polsinelli, Shalton, Flanigan and Suelthaus, addressed the Council. Mr. Maxwell is representing the Widewaters Group who wishes to purchase the Elms Hotel. Mr. Maxwell thanked the Council for being at the Elms Hotel last Friday for a presentation and for granting him permission to address the Council tonight. He stated that Widewaters would like to accomplish the following:

- Removal of the Elms from the existing TIF District and the creation of a new TIF District for the Elms only.
- Capture of a portion of additional City Sales Tax not dedicated to TIF.
- A Community Improvement District on the Elms that will impose a 1% sales tax on all sales.
- Capture of additional event fees that will be collected as a result of renovation.
- Capture of additional project fees as soon as the outstanding NID Bonds are repaid in full.

Mr. Maxwell stated that Widewaters will not seek Section 353 tax abatement and the revenues the City sees today will be the revenues the City will see with renovation. This all will hold the City harmless.

Councilman Fousek asked what will happen after year 24. Mr. Maxwell stated the Elms will be off all forms of public assistance. Fousek also asked what will happen if Widewaters defaults. Maxwell stated the City will retain control of the hotel.

Mayor Schutte asked what the timeline would be. Maxwell stated the property will be acquired this fall and construction will take from 12 to 14 months...it should be completed in 2010.

Brenda Smith, employee of the Elms, stated the Elms is a difficult property. No money is being put into the hotel and asks the Council's consideration for Widewaters.

The Elms General Manager, Eric Busick, stated he has worked with Widewaters since November. Widewaters has done due diligence. He has a lot of respect for the company.

ORDINANCE #08-8-2, COMPREHENSIVE PLAN SERVICES – RDG SWB, INC: (Tape A1736-1884)

Mayor Schutte read by title the First Reading of Ordinance #08-8-2.

Councilman Parker made a motion to place on Second Reading Ordinance #08-8-2, authorizing the Mayor to complete and execute an agreement for professional services by and between the City of Excelsior Springs and RDG SWB, Inc. for comprehensive e plan services. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #08-8-2.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #08-8-2, authorizing the Mayor to complete and execute an agreement for professional services by and between the City of Excelsior Springs and RDG SWB, Inc. for comprehensive plan services. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-8-2 passed and approved August 4, 2008.

APPROPRIATIONS ORDINANCE #08-8-3: (Tape A1885-2004)

Mayor Schutte read by title the First Reading of Appropriations Ordinance #08-8-3.

Members of the Council went through the Appropriations Reports line by line.

Councilman Parker made a motion to place on Second Reading Appropriations Ordinance #08-8-3, in the amount of \$524,805.55. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Appropriations Ordinance #08-8-3.

Councilman Nelson made a motion to approve Appropriations Ordinance #08-8-3, in the amount of \$524,805.55. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Appropriations Ordinance #08-8-3 passed and approved August 4, 2008.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape B1-B100)

City Manager Haugland:

1. Friday morning at 7:00 AM, the City will have its annual Employee Appreciation breakfast. Invites the Council to attend.
2. Asked members of the Council to let him know if they plan to attend the Missouri Municipal League Conference in Springfield, Mo. from Sept. 7 to 10, 2008, so he can make arrangements.

Councilman Parker:

1. Thanked Eric Busick for showing him the overall condition of the Elms. Thanked employees of the Elms for attending the Council Meeting.

Mayor Pro-Tem Buckman:

1. Eric showed him around the Elms today.

Councilman Fousek:

1. Has worked with the Elms' staff for some time on their history and facilities. He is proud of the Elms staff and the hotel.
2. Vote tomorrow!

Mayor Schutte:

1. Thanked employees of the Elms for attending the Council Meeting.
2. On September 4 a lot of people will focus on square one of the City's Master Plan.

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

Councilman Nelson made a motion to adjourn the Regular Council Meeting and go into closed session pursuant to RSMo 610.021 (1) Legal and (3) Personnel. Motion was seconded by Councilman Parker.

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

                                  Nays:   None, motion carried.

Regular Council Meeting adjourned at 7:04 PM.

ATTEST:

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CAROLYN SCHUTTE, MAYOR

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FRANCES SMITH, CITY CLERK