

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
NOVEMBER 17, 2008

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, November 17, 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 David Boudreaux, representing 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, NOVEMBER 3, 2008: (Tape A38-46)

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on November 3, 2008. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Minutes of November 3, 2008 passed and approved November 17, 2008.

CONSIDERATION OF AGENDA: (Tape A47-55)

Mayor Pro-Tem Buckman 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 November 17, 2008.

RESOLUTION #801, DESTRUCTION OF POLICE RECORDS: (Tape A56-86)

Police Chief John McGovern informed the Council that in order for the Police Department to destroy any police records it has to be approved by the Council and mention of the destruction of these records be recorded in the Minutes of the Regular Council Meeting per City Ordinance and State Statutes 109.230 subsection 4.

Mayor Pro-Tem Buckman made a motion to accept Resolution #801, authorizing the destruction of certain police records as listed in the resolution and in accordance with City Ordinances and State Statutes. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Resolution #801 passed and approved November 17, 2008.

ORDINANCE #08-11-3, PHASE II DESIGN GUIDELINES FOR HALL OF WATERS HISTORIC DISTRICT: (Tape A87-172)

Mayor Schutte read by title the First Reading of Ordinance #08-11-3.

Frank Davis, Director of Planning and Zoning, briefed the Council on this Ordinance.

Councilman Parker made a motion to place on Second Reading Ordinance #08-11-3, authorizing the City Manager to enter into the First Amendment to Professional Services Agreement to conduct Phase II of the Design Guidelines for the Hall of Waters Historic District. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #08-11-3.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #08-11-3, authorizing the City Manager to enter into the First Amendment to Professional Services Agreement to conduct Phase II of the Design Guidelines for the Hall of Waters Historic District. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-11-3 passed and approved November 17, 2008.

ORDINANCE #08-11-4, SPECIAL USE PERMIT APPLICATION, 104/106 EAST BROADWAY: (Tape A173-226)

Mayor Schutte read by title the First Reading of Ordinance #08-11-4.

Once again, Frank Davis briefed the Council on this Ordinance.

Councilman Nelson made a motion to place on Second Reading Ordinance #08-11-4, authorizing a Special Use Permit for Mixed Residential, Non-Residential Use, 104 and 106 E. Broadway, in the General Business District. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #08-11-4.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #08-11-4, authorizing a Special Use Permit for Mixed Residential, Non-Residential Use, 104 and 106 E. Broadway, in the General Business District. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-11-4 passed and approved November 17, 2008.

ORDINANCE #08-11-5, SPECIAL USE PERMIT APPLICATION, 213 SPRING STREET: (Tape A227-1500,

B1-B69)

Mayor Schutte read by title the First Reading of Ordinance #08-11-5.

A general discussion was held on this Ordinance and on Ordinance #99-9-3 among members of the Council, the Planning and Zoning Director and the City Attorney John McClelland. It was determined that there was not an active business at 213 Spring Street and, therefore, could a special use be granted for the quarters above a non-existent business. The City Attorney informed the Council that Ordinance #99-9-3 states there must be a business on the first floor of the location in order for residential quarters to be allowed over the address. Councilman Fousek stated he did not agree with this decision. It was decided by the Council that the wording in Ordinance #99-9-3 is unclear and needs to be addressed.

Councilman Fousek made a motion to place on Second Reading Ordinance #08-11-5, authorizing a Special Use Permit for Mixed Residential, Non-Residential Use, 213 Spring Street, in the General Business District. Motion was seconded by Mayor Pro-Tem Buckman.

Roll Call of Votes: Ayes: Nelson, Fousek

 Nays: Parker, Buckman, Schutte. Motion failed.

The motion for a Second Reading of Ordinance #08-11-5 was not approved.

APPROPRIATIONS ORDINANCE #08-11-6: (Tape B70-121)

Mayor Schutte read by title the First Reading of Appropriations Ordinance #08-11-6.

Members of the Council went over the Appropriations Reports for discussion.

Councilman Nelson made a motion to place on Section Reading Appropriations Ordinance #08-11-6, in the amount of \$416,077.69. Motion was seconded by Councilman Parker.

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

 Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Appropriations Ordinance #08-11-6.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #08-11-6, in the amount of \$416,077.69 Motion was seconded by Councilman Parker.

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

 Nays: None, motion carried.

Appropriations Ordinance #08-11-6 passed and approved November 17, 2008.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape B122-242)

City Manager Haugland:

1. On December 9, from 11:30 AM to 1:00 PM, the Clay County Economic Council will hold their annual Keystone luncheon. Would like to know how many members of the Council plan to go so he can make reservations.
2. On Saturday night of this week the City will kick off the Christmas Season with the lighting of the Mayor's

Christmas tree and a parade. Like to see everyone downtown.

3. Public Works will have their annual Thanksgiving Day luncheon on November 24, 2008. Will need a head count of those who plan to attend.
4. Attended a Marketing Training Session in Branson last week. During the business meeting, he was elected to be a representative on the board.

Councilman Fousek:

1. Sorry he missed the Master Plan Session. Would like to have seen more public attendance for the City's Master Plan.

Mayor Schutte:

1. The City needs to get the word out that more public input is needed on the Master Plan. Of all the surveys that were sent out only 130 or 140 surveys have been sent back in.
2. Asked what steps need to be taken on the City's Ordinance covering Special Use Permits. The City Manager stated he would like to hold a work session and get all the Council's thoughts on this.

With no further business at hand, Mayor Schutte adjourned the Regular Council Meeting at 7:03 PM.

ATTEST:

CAROLYN SCHUTTE, MAYOR

FRANCES SMITH, CITY CLERK