

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
DECEMBER 15, 2008

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, December 15, 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 Mayor Schutte.

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 meeting who wished to address the Council.

MINUTES OF REGULAR COUNCIL MEETING, DECEMBER 1, 2008 AND MINUTES OF SPECIAL COUNCIL MEETING, DECEMBER 9, 2008: (Tape A25-37)

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on December 1, 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 December 1, 2008 passed and approved December 15, 2008.

Councilman Nelson made a motion to approve the Minutes of the Special Council Meeting held on December 9, 2008. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Minutes of Special Council Meeting held on December 9, 2008 passed and approved December 15, 2008.

CONSIDERATION OF AGENDA: (Tape A44-55)

Mayor Pro-Tem Buckman made a motion to approve the Agenda, as printed. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Agenda, as printed, passed and approved December 15, 2008.

Councilman Parker informed the Council that he will not be participating in discussions on Item #1, 2008 Amendment to Vintage Plaza TIF Plan, Ord. #08-12-3, due to conflict of interest.

ORDINANCE #08-12-3, 2008 AMENDMENT TO VINTAGE PLAZA TIF PLAN: (Tape A56-234)

Mayor Schutte read by title the First Reading of Ordinance #08-12-3.

City Attorney John McClelland advised the Council that this Ordinance is to amend the original Ordinance in that the first Ordinance has four (4) phases. The revised Ordinance shows Phase 1 as the Intersection, which has been accomplished, Phase 2 and 3 shows internal improvements and Phase 4 is out of the picture.

Mayor Pro-Tem Buckman made a motion to place on Second Reading Ordinance #08-12-3, approving the 2008 Amendment to the Vintage Plaza Tax Increment Financing Plan. Motion was seconded by Councilman Fousek.

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

Mayor Schutte read by title the Second Reading of Ordinance #08-12-3.

Councilman Fousek made a motion to approve Ordinance #08-12-3, approving the 2008 Amendment to the Vintage Plaza Tax Increment Financing Plan. Motion was seconded by Mayor Pro-Tem Buckman.

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

Ordinance #08-12-3 passed and approved December 15, 2008.

ORDINANCE #08-12-4, 2008 AMENDMENT TO WAL-MART/DOWNTOWN TIF PLAN: (Tape A244-328)

Mayor Schutte read by title the First Reading of Ordinance #08-12-4.

Deborah Polk, with the law firm Armstrong-Teasdale, briefed the Council on this Ordinance. Councilman Fousek stated that so the public knows, why is this TIF being split. The City Attorney explained that you can't have two TIF's on the same property.

Councilman Parker made a motion to place on Second Reading Ordinance #08-12-4, approving the 2008 Amendment to the Wal-Mart/Downtown Tax Increment Financing Plan. 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 #08-12-4.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #08-12-4, approving the 2008 Amendment to the Wal-Mart/Downtown Tax Increment Financing Plan. Motion was seconded by Councilman Fousek.

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

Ordinance #08-12-4 passed and approved December 15, 2008.

ORDINANCE #08-12-5, ELMS TIF PLAN: (Tape A329-598)

Mayor Schutte read by title the First Reading of Ordinance #08-12-5.

Marco Marzocchi, General Counsel, Retail Development of Widewaters Group, Inc., new owners of the Elms Hotel,

briefed the Council on this Ordinance.

Councilman Parker made a motion to place on Second Reading Ordinance #08-12-5, approving the Elms Tax Increment Financing Plan and the Redevelopment Project. 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 #08-12-5.

Councilman Nelson made a motion to approve Ordinance #08-12-5, approving the Elms Tax Increment Financing Plan and the Redevelopment Project. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #08-12-5 passed and approved December 15, 2008.

ORDINANCE #08-12-6, AMERICAN TRAFFIC SOLUTIONS AGREEMENT: (Tape A599-969)

Mayor Schutte read by title the First Reading of Ordinance #08-12-6.

Police Chief John McGovern informed the Council that if this Ordinance is passed, the cameras should be in place within 60 days. He further stated that there will be a 30-day warning with the cameras where only a warning will be issued. After that a picture of the vehicle involved in running the red light will be included with the traffic ticket.

Councilman Nelson stated he wanted to make it public that this is not a way to increase revenues to the city. This intersection has the highest accident rate of any location in the City with property damage and loss of life. This is a way to curtail the number of accidents.

Councilman Parker made a motion to place on Second Reading Ordinance #08-12-6, authorizing the City Manager to enter into an agreement with American Traffic Solutions, LLC. (ATS) to install, maintain, and provide certain services associated with automated traffic signal enforcement systems as outlined in the document titled "Photo Enforcement Services Agreement". Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #08-12-6.

Councilman Nelson made a motion to approve Ordinance #08-12-6, authorizing the City Manager to enter into an agreement with American Traffic Solutions, LLC. (ATS) to install, maintain, and provide certain services associated with automated traffic signal enforcement systems as outlined in the document titled "Photo Enforcement Services Agreement". Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-12-6 passed and approved December 15, 2008.

ORDINANCE #08-12-7, MARIETTA BRIDGE RECONSTRUCTION: (Tape A970-1362)

Mayor Schutte read by title the First Reading of Ordinance #08-12-7.

Chad Birdsong, Public Works Director, briefed the Council on this Ordinance stating that the project could start in January, 2009.

Councilman Parker made a motion to place on Second Reading Ordinance #08-12-7, authorizing the City Manager to enter into a contract with Boone Construction for the rehabilitation of the Marietta Bridge. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #08-12-7.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #08-12-7, authorizing the City Manager to enter into a contract with Boone Construction for the rehabilitation of the Marietta Bridge. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #08-12-7 passed and approved December 15, 2008.

ORDINANCE #08-12-8, MCCLEARY ROAD: (Tape A1363-1494)

Mayor Schutte read by title the First Reading of Ordinance #08-12-8.

Chad Birdsong informed the Council that this project had been in the works for several years and this Ordinance will allow construction to proceed.

Councilman Fousek made a motion to place on Second Reading Ordinance #08-12-8, authorizing the City Manager to enter into a contract with Metro Asphalt, Inc. for the straightening of McCleary Road. 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 Ordinance #08-12-8.

Councilman Parker made a motion to approve Ordinance #08-12-8, authorizing the City Manager to enter into a contract with Metro Asphalt Inc. for the straightening of McCleary Road. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Ordinance #08-12-8 passed and approved December 15, 2008.

ORDINANCE #08-12-9, PURCHASE OF LOTS 6 & 7, ORIGINAL TOWN: (Tape A1495-1683)

Mayor Schutte read by title the First Reading of Ordinance #08-12-9.

Frank Davis, Planning and Zoning Director, briefed the Council on this purchase. Mayor Schutte asked if this was included in the budget and Frank advised that it was not.

Councilman Parker made a motion to place on Second Reading Ordinance #08-12-9, authorizing the purchase of

Lots 6 & 7, Block 11, Original Town, by the City of Excelsior Springs from Jesse Estates Development Company. Motion was seconded by Councilman Nelson.

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

Mayor Schutte read by title the Second Reading of Ordinance #08-12-9.

Councilman Parker made a motion to approve Ordinance #08-12-9, authorizing the purchase of Lots 6 & 7, Block 11, Original Town, by the City of Excelsior Springs from Jesse Estates Development Company. Motion was seconded by Mayor Pro-Tem Buckman.

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

Ordinance #08-12-9 passed and approved December 15, 2008.

APPROPRIATIONS ORDINANCE #08-12-10: (Tape A1684-1747)

Mayor Schutte read by title the First Reading of Appropriations Ordinance #08-12-10.

Members of the Council went through the Appropriation Reports for any questions.

Councilman Parker made a motion to place on Second Reading Ordinance #08-12-10, in the amount of \$786,322.48. Motion was seconded by Councilman Nelson.

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

Mayor Schutte read by title the Second Reading of Appropriations Ordinance #08-12-10.

Councilman Fousek made a motion to approve Appropriations Ordinance #08-12-10, in the amount of \$786,322.48. Motion was seconded by Councilman Parker.

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

Appropriations Ordinance #08-12-10 passed and approved December 15, 2008.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape A1748-2000, B1-B39)

City Manager Haugland:

1. There will be a Master Plan Steering Committee Meeting December 18, Thursday, at 4:00 PM.
2. There will be an open house for retiring Ron Jackson this Saturday at the Golf Course.
3. Will be taking vacation from December 22 to January 5. Will spend a few days in Iowa and will be at home the rest of the time working on projects. If you need him, call him.

Councilman Parker:

1. Attended a CCCD Meeting last year and at that meeting, Former Mayor Nelson advised that Excelsior Springs is not participating in the recession. Would like to thank Dave Haugland and John McClelland for making this reality obvious with the new project at the Hospital, the new bank building near the Hospital and the

new Walgreen store.

Mayor Pro-Tem Buckman:

1. Would like to thank the City for their Christmas dinner.
2. Wishes everyone a Merry Christmas.

Councilman Nelson:

1. Would like to thank the City Staff for street cleaning this time...only a dress rehearsal for later this week.
2. Wishes everyone a Merry Christmas.

Councilman Fousek:

1. Would like to thank the Council and City Staff for making this a good year in 2008. The town has made extremely good progress. Thanked the Council for working together.
2. Asked the City Manager who people should contact if they wished to bid on different projects...is there a central place to call. The City Manager advised they should call his office.
3. Wishes everyone a Merry Christmas and a Happy New Year.

Mayor Schutte:

1. Would like to "echo" what is going on in the City.
2. Would like to recognize that the Council has mastered the "first" and "second" readings of Ordinances.
3. Just in case there may be some money coming into cities from the economic stimulus package, what project do we have that we might get funds for. We need to be getting ready in case there is a place to submit our request.
4. Wishes everyone a Merry Christmas.

With no further business at hand, Mayor Schutte adjourned the Regular Council Meeting at 7:02 PM.

ATTEST:

CAROLYN SCHUTTE, MAYOR

FRANCES SMITH, CITY CLERK

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