

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
OCTOBER 5, 2009

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, October 5, 2009 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 Mike Boudreaux, Pastor of Crescent Lake Christian Center

The Pledge of Allegiance was led by Mayor Schutte.

Roll Call of Members: Present: Mayor Carolyn Schutte, Mayor Pro-Tem Ambrose Buckman,

And Councilmen Ken Fousek

Absent: Councilmen Jim Nelson and Sonny Parker

VISITORS: (Tape 25-178)

Mr. & Mrs. Dale Fesenmeyer, 106 Westview Place, attended the Regular Council Meeting. Mr. Fesenmeyer stated that they had heard a rumor that the City planned to “open up” Westview Dr. and they thought there might be some discussion on this subject at this meeting.

Chad Birdsong, Director of Public Works, informed the Fesenmeyers that there are no plans by the City to “open up” Westview Dr.

MINUTES OF WORK SESSION ON SEPTEMBER 21, 2009 AND REGULAR COUNCIL MEETING ON SEPTEMBER 21, 2009: (Tape A179-181)

Councilman Fousek made a motion to approve the Minutes of the Council Work Session, held on September 21, 2009, and the Minutes of the Regular Council Meeting, held on September 21, 2009. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Minutes of Work Session and Regular Council Meeting on Sept. 21, 2009 passed and approved on October 5, 2009.

CONSIDERATION OF AGENDA: (Tape A182-195)

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

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

Nays: None, motion carried.

Agenda, as printed, passed and approved October 5, 2009.

PRESENTATION – SHERIFF BOB BOYDSTON: (Tape A196-432).

Sheriff Boydston addressed the Council in regard to the Law Enforcement Sales Tax which is coming up for renewal in November, 2009. Boydston stated he first addressed the Council eleven and one-half years ago when this tax was first put on the ballot. The tax, a 1/8 cent Law Enforcement Sales Tax, is used for the expenses and operating staff of the Clay County Detention Center. Boydston stated he is going to appoint a citizen's oversight committee to make sure this tax is used only for the Detention Center. He asks the Council's official endorsement of this Part "A" on the November ballot. He further stated that all the municipalities use this Center.

Councilman Fousek stated this is a very important tax and he is giving his advance support of the tax.

PRESENTATION – PLANNING AND ZONING COMMISSION: (Tape A433-579).

Mr. Gene Deckard, 2306 Rhonda Rd, representing the Planning and Zoning Commission, addressed the Council. Mr. Deckard stated that the Commission met only three times during the last year. All members of the Planning and Zoning Commission have a lot of expertise to handle items coming to the Commission from the Planning and Zoning Office. They take into consideration whether the Planning and Zoning Office denies or approves the item. The Commission does need more information that what they get – when an item is approved, they need to be able to explain to the people present all the details – they need information they can send people away with. He explained that anything they approve comes to the Council for final approval.

ORDINANCE #09-10-1 – APPROVAL OF AIRPORT FUEL TANK: (Tape A580-929).

Mayor Schutte read by title the First Reading of Ordinance #09-10-1.

The City Manager briefed the Council on this Ordinance. Councilman Fousek stated that Councilman Nelson had a question about maintenance issues with the card readers. Also, it is Nelson's understanding that this is a loan. A member of the Airport Board stated there would be a warranty on the readers provided by the vendor. Mayor Pro-Tem Buckman asked how soon this could be put in and was advised they would like to put it in soon. Mayor Schutte asked if this is a loan from Capital Improvements. City Attorney John McClelland advised that this is not a loan – it will be owned by the City with revenues coming back in to the City.

Mayor Pro-Tem Buckman made a motion to take to Second Reading Ordinance #09-10-1, approving the expenditure of \$40,000 from the Capital Improvements Fund for the purchase and installation of a new fueling system at the Excelsior Springs Memorial Airport. Motion was seconded by Councilman Fousek.

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

 Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #09-10-1.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #09-10-1, approving the expenditure of \$40,000 from the Capital Improvements Fund for the purchase and installation of a new fueling system at the Excelsior Springs Memorial Airport. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #09-10-1 passed and approved October 5, 2009.

RESOLUTION #833, AIRPORT BOARD APPOINTMENT: (Tape A930-1018)

Councilman Fousek made a motion to approve Resolution #833, to appoint Mr. Jerry Woods to the Excelsior Springs Airport Board; said term to expire September 30, 2012. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Jerry Woods appointed to the Airport Board on October 5, 2009. Mr. Woods was administered the "Oath" by the City Clerk. He was also presented with a "Certificate of Appointment".

RESOLUTION #834, MPR BYLAWS: (Tape A1019-1111)

The City Manager informed the Council the reason for this Resolution.

Councilman Fousek made a motion to approve Resolution #834, authorizing the City Manager to execute the Midwest Public Risk Bylaws and comply with the terms and conditions. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Resolution #834 passed and approved October 5, 2009.

ORDINANCE #09-10-2, VACATE RIGHT OF WAY, MCCLEARY ROAD: (Tape A1112-1179)

Mayor Schutte read by title the First Reading of Ordinance #09-10-2.

Chad Birdsong briefed the Council on this Ordinance.

Mayor Pro-Tem Buckman made a motion to take to Second Reading Ordinance #09-10-2, vacating a portion of McCleary Road. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #09-10-2.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #09-10-2, vacating a portion of McCleary Road. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #09-10-2 passed and approved October 5, 2009.

ORDINANCE #09-10-3, AMEND CHAPTER 347 – AUTOMATED ENFORCEMENT OF TRAFFIC SIGNAL REGULATIONS: (Tape A1180-1328).

Mayor Schutte read by title the First Reading of Ordinance #09-10-3.

Police Lieutenant Clint Reno explained this Ordinance to the Council – stating this is merely a housekeeping item.

Mayor Pro-Tem Buckman made a motion to take to second reading Ordinance #09-10-3, amending Chapter 347 “Automated Enforcement of Traffic Signal Regulations” of the Code of Ordinances of the City of Excelsior Springs, Missouri by amending sections 347.040, 347.070 and 347.080. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #09-10-3.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #09-10-3, amending Chapter 347 “Automated Enforcement of Traffic Signal Regulations” of the Code of Ordinances of the City of Excelsior Springs, Missouri by amending sections 347.040, 347.070 and 347.080. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #09-10-3 passed and approved October 5, 2009.

APPROPRIATIONS ORDINANCE #09-10-4: (Tape A1329-1391).

Mayor Schutte read by title the First Reading of Appropriations Ordinance #09-10-4.

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

Councilman Fousek made a motion to take to Second Reading Appropriations Ordinance #09-10-4, in the amount of \$530,578.81. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Appropriations Ordinance #09-10-4.

Councilman Fousek made a motion to approve Appropriations Ordinance #09-10-4, in the amount of \$530,578.81. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Appropriations Ordinance #09-10-4 passed and approved October 5, 2009.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape A1392-1500 – B1-B178)

City Manager Haugland:

Thanks Brian Rice, the Standard, and the 75 to 80 volunteers for the PRIDE cleanup on Saturday. There are certain citizens who are not able to get their trash to Public Works and this group of volunteers picked up debris and did yard work on 6 properties. They did a tremendous job. Thanked Chad Birdsong and his City crew, and all the volunteers.

Will be out of the office on Wednesday to attend the MML Conference.

A dedication will be held at Century Park on Sunday at 1:00 PM.

Mayor Pro-Tem Buckman:

Would like for the public to know that the City Council does not go through items on the Agenda quickly. The Council has a work session on the prior Friday for about two hours to go through all Agenda items.

His granddaughter qualified for the State Golf Tournament.

Councilman Fousek:

These work sessions are public meetings and anyone who wants to get up at 7:00 AM on Fridays, come on down.

Mayor Schutte:

The Wine Fest at the Elms had a good turn out.

Asked about the status of the Master Plan.

Ms. Barbara Vermillion, East Excelsior Street, was given permission to address the Council. She asked why Foley Street is closed – she and her husband used to park their truck and trailer on Foley and now have no where to park it. She also stated that since houses have been torn down on Foley, storm water runs into her basement. Mayor Schutte advised Ms. Vermillion to get with Chad Birdsong and work something out with her problem.

Withy no further business at hand, Mayor Schutte adjourned the Regular Council Meeting at 6:53 PM.

ATTEST:

CAROLYN SCHUTTE, MAYOR

FRANCES SMITH, CITY CLERK

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