

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
NOVEMBER 16, 2009

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, November 16, 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 David Boudreaux 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,

Councilmen Ken Fousek, Jim Nelson and Sonny Parker

Absent: None

VISITORS: (Tape A25-579)

Mr. Bob Whitacre, 118 W. Excelsior Street, addressed the Council in regard to what course of action he can take in order to open his skating rink on Isley Street. He has been advised by the Excelsior Springs Board of Adjustments that he will not be able to open with reduced parking or with off-site parking. Why does he have to have 40 parking spaces. What direction or avenues does he have in order to open his business. He stated that the city is full of old buildings and the City needs to loosen up on the required number of parking spaces so all these old buildings can be utilized.

The City Manager informed the Council that the Council has the right to change the Ordinance if they so choose. Changes could be drafted and brought back to the Council.

Councilman Nelson stated that if anyone ever drove out past the former skating rink they would have noticed there was never more than 4 or 5 cars parked there. Children who skate are let off and picked up by their parents...once they get their own driver's license, they no longer skate.

Councilman Parker informed the Council that the decision was a safety issue. Skaters will be let off and picked up on Highway #10 and the safety issue was the main problem.

Councilman Fousek stated that it is a "catch 22"...there are a lot of buildings that do not have the required number of parking spaces.

Mr. Whitacre asked the Council to consider changing the Ordinance so he can open his business.

The City Manager stated he will have Planning and Zoning take a look at the situation and will bring their suggestions back to the Council.

MINUTES OF REGULAR COUNCIL MEETING ON NOVEMBER 2, 2009: (Tape A580-592)

Mayor Pro-Tem Buckman made a motion to approve the Minutes of the Regular Council Meeting held on November 2, 2009. Motion was seconded by Councilman Nelson.

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

Minutes of November 2, 2009 passed and approved November 16, 2009.

CONSIDERATION OF AGENDA: (Tape A593-601).

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

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

Agenda, as printed, passed and approved November 16, 2009.

ORDINANCE #09-11-1, LEGAL COUNSEL, WILLIAMS & CAMPO, P.C.: (Tape A602-720).

The City Manager asked the Council to consider approving Ordinance #09-11-1. He also advised that he had sought legal counsel and that it is not necessary to make a motion and second to take this to Second Reading since this was done on November 2, 2009, even though it ended in a tie vote.

Mayor Schutte stated the City Staff had suggested this change and she stands behind the City Staff.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #09-11-1, authorizing the City Manager to contract with Williams & Campo, P.C. for the provision of Legal Counsel to the City of Excelsior Springs. No second motion was received.

Ordinance #09-11-1 failed due to lack of a second motion.

ORDINANCE #09-11-6, FMLA POLICY CHANGE: (Tape A721-785).

Mayor Schutte read by title the First Reading of Ordinance #09-11-6.

The City Manager briefed the Council on the necessity of this Ordinance.

Councilman Fousek made a motion to take to Second Reading Ordinance #09-11-6, approving amendments to the City's Personnel Policy Manual, applicable to Family and Medical Leave. Motion was seconded by Councilman Parker.

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

Mayor Schutte read by title the Second Reading of Ordinance #09-11-6.

Councilman Nelson made a motion to approve Ordinance #09-11-6, approving amendments to the City's Personnel Policy Manual applicable to Family and Medical Leave. Motion was

seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #09-11-6 passed and approved November 16, 2009.

ORDINANCE #09-11-7, ECONOMIC DEVELOPMENT SALES TAX: (Tape A786-904)

Mayor Schutte read by title the First Reading of Ordinance #09-11-7.

The City Manager briefed the Council on this Ordinance.

Mayor Pro-Tem Buckman made a motion to take to Second Reading Ordinance #09-11-7, to place on the ballot for consideration by vote at the election February 2, 2010 of a one-half cent Economic Development Sales Tax. 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 #09-11-7.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #09-11-7, to place on the ballot for consideration by vote at the election February 2, 2010 of a one-half cent Economic Development Sales Tax. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Ordinance #09-11-7 passed and approved November 16, 2009.

NOTICE OF FILING EXCELSIOR SPRINGS CITY COUNCIL: (Tape A905-935)

Councilman Fousek made a motion to approve the attached Notice of Publication to be published in the local newspaper December 4, 2009 and December 8, 2009 listing the filing dates of the April 6, 2010 General Municipal Election for one City Council position. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Notice of Filing for City Council passed and approved November 16, 2009.

APPROPRIATIONS ORDINANCE #09-11-8: (Tape A936-982)

Mayor Schutte read by title the First Reading of Appropriations Ordinance #09-11-8.

Members of the Council went over the Appropriations Reports page by page.

Mayor Pro-Tem Buckman made a motion to take to Second Reading Appropriations

Ordinance #09-11-8, in the amount of \$682,688.44. 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 #09-11-8.

Mayor Pro-Tem Buckman made a motion to approve Appropriations Ordinance #09-11-8, in the amount of \$682,688.44. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Appropriations Ordinance #09-11-8 passed and approved November 16, 2009.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape A983-1180)

City Manager Haugland:

Has one more individual to interview for the position of Planning & Zoning Director. There will be a meeting tomorrow of Planning and Zoning to consider two issues. On December 9 there will be a Clay County Economic Development Keystone Award meeting. Asked the Council to check their calendars and let him know if they wish to attend.

Mayor Pro-Tem Buckman:

The lights are up and we are in the spirit of Christmas.

Councilman Fousek:

Noticed a young man in the visitor’s section and asked him to stand and introduce himself. John Dunker, representing Boy Scout’s Troop #394, informed the Council that he is attending tonight’s meeting in order to obtain his Communications Badge. John was thanked by Councilman Fousek for attending.

Mayor Schutte:

Reminded members of the Council of upcoming events that will be of interest to the Community.

With no further business at hand, Mayor Schutte adjourned the Regular Council Meeting at 6:40 PM.

ATTEST:

CAROLYN SCHUTTE, MAYOR

FRANCES SMITH, CITY CLERK