

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
JULY 6, 2010

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, July 6, 2010 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 Norman Keller, Pastor of the Church of Hope.

The Pledge of Allegiance was led by Mayor Schutte.

Roll Call of Members: Present: Mayor Carolyn Schutte, Mayor Pro-Tem Ambrose Buckman, Councilmen Jim Nelson and Sonny Parker. Councilman Fousek was present thru telephone hookup but was not eligible to vote.

Absent: None.

VISITORS: (Tape A512-1100, B1-B44)

Mr. Kent Kavanaugh, Mayor of the City of Mosby, addressed the Council. He stated that as soon as he took office in Mosby, he was given an \$18,000 IRS tax bill for wastewater. It was his understanding that Mosby had a wastewater agreement with Excelsior Springs whereby Mosby would de-annex a piece of land and Excelsior Springs would annex that same piece of land, and Excelsior Springs would take care of the wastewater. He further stated that he has 10 days to get the agreement with Excelsior Springs signed. The City Manager offered to set up the paperwork and get the process started. City Attorney John McClelland advised the Council of the time-line needed for this process.

MINUTES OF REGULAR COUNCIL MEETING, JUNE 21, 2010: (Tape B45-59)

Councilman Parker made a motion to approve the Minutes of the Regular Council Meeting held on June 21, 2010. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Minutes of June 21, 2010 passed and approved July 6, 2010.

CONSIDERATION OF AGENDA: (Tape A60-97)

Councilman Parker asked that Item #7, Ordinance #10-07-05, Underwriters Contract, be removed from the Agenda to give the Council more time to consider it.

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

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

Nays: Nelson. Motion carried.

Amended Agenda passed and approved July 6, 2010.

LIQUOR LICENSE APPLICATION, A SLICE OF PARADISE PIZZA: (Tape B98-136)

Police Chief McGovern briefed the Council on this item.

Councilman Parker made a motion to approve a request by Donald A. Evans, for a 5% Beer by Drink License, for A Slice of Paradise Pizza, located at 2320 Vintage Court, Excelsior Springs, Mo. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Liquor License for A Slice of Paradise Pizza passed and approved July 6, 2010.

ORDINANCE #10-06-03, AN ORDINANCE DETERMINING THE NECESSITY OF INCREASES IN MUNICIPAL WATER RATES AND SEWER RATES FOR CAPITAL IMPROVEMENTS, DEBT SERVICE AND OPERATING COSTS; ESTABLISHING A SCHEDULE OF RATES BY CUSTOMER CLASS; AND AMENDING CHAPTER 705: RATES AND CHARGES, SECTION 705.080, OF THE MUNICIPAL CODE IN CONFORMANCE THEREWITH. (Tape B137-B282)

Mayor Schutte read by title the Second Reading of Ordinance #10-06-03.

Mr. Tom Wall, Director of Public Utilities, briefed the Council on this Ordinance which had its first reading at the Council Meeting on June 7, 2010. Mayor Schutte then opened up the meeting for input from members of the community.

Maynard Moore, 2113 Lynn Road, stated he would like to know the specifics on this proposed raise in rates. At one time this City had one of the largest laundries in the country, factories and hotels. We were able to treat the sewage at that time so why do we need to raise rates now. If the City wants to raise rates, he wants to know why. He is asking the Council to ask "why".

Barry Owen, representing Public Water Supply District #3, stated wholesale water was raised 27.5% in June of 2008. He would like to know how the City handles rates for residential, business and wholesale customers. This new raise in water rates will place a heavy burden on District #3. He needs to meet with the City and re-new their contract.

Jim Rice, 1302 #92 Highway, asked why water has to be raised 47% and sewer raised 120%. This is not good timing; it is very inappropriate. He asked the Council to challenge DNR rulings.

Mr. Tom Wall attempted to answer all these questions. Mayor Pro-Tem Buckman suggested that these three persons get together with Tom Wall and get their questions answered.

Councilman Fousek, who was not present physically, but was on a telecommunications hookup, stated this project has to be built and any problems have to be dealt with.

Mayor pro-Tem Buckman made a motion to approve Ordinance #10-06-03, determining the necessity of increases in municipal water rates and sewer rates for capital improvements, debt service, and operating costs; establishing a schedule of rates by customer class; and amending chapter 705: rates and charges, section 705.080, of the municipal code in conformance therewith. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #10-06-03 passed and approved July 6, 2010.

ORDINANCE #10-07-01, PURCHASE OF TRACTOR & DEEP TINE MACHINE: (Tape B283-B527).

Mayor Schutte read by title the First Reading of Ordinance #10-07-01.

Tim Jarman, Director of Golf, briefed the Council on this Ordinance.

Mayor Pro-Tem Buckman made a motion to place on Second Reading Ordinance #10-07-01, approving an expenditure in the amount of \$23,000 for the purchase of a Tractor and Deep Tine Machine for maintenance of the Excelsior Springs Golf Course. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #10-07-01.

Councilman Nelson made a motion to approve Ordinance #10-07-01, approving an expenditure in the amount of \$23,000 for the purchase of a Tractor and Deep Tine Machine for maintenance of the Excelsior Springs Golf Course. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #10-07-01 passed and approved July 6, 2010.

ORDINANCE #10-07-02, RENEWAL OF AGREEMENT WITH EASTERN CLAY COUNTY AMBULANCE DISTRICT: (Tape B528-642)

Mayor Schutte read by title the First Reading of Ordinance #10-07-02.

Fire Chief Kent Cantrell was on hand to brief the Council on this Ordinance.

Mayor Pro-Tem Buckman made a motion to place on Second Reading Ordinance #10-07-02, approving an intergovernmental Cooperation Agreement between the City of Excelsior Springs and the Eastern Clay County Ambulance District for Emergency Medical Services. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #10-07-02.

Mayor Pro-Tem Buckman made a motion to approve Ordinance #10-07-02, approving an intergovernmental Cooperation Agreement between the City of Excelsior Springs and the Eastern Clay County Ambulance District for Emergency Medical Services. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #10-07-02 passed and approved July 6, 2010.

ORDINANCE #10-07-03, APPROVAL OF THE ELMS HISTORIC DISTRICT: (Tape B643-B823).

Mayor Schutte read by title the First Reading of Ordinance #10-07-03.

Nick Pappas, Director of Planning and Zoning, briefed the Council on this Ordinance.

Councilman Nelson made a motion to place on Second Reading Ordinance #10-07-03, adopting the rezoning of certain property as a Historic Preservation Overlay District, and approving and adopting the Elms Historic District Guidelines. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #10-07-03.

Councilman Nelson made a motion to approve Ordinance #10-07-03, adopting the rezoning of certain property as a Historic Preservation Overlay District, and approving and adopting the Elms Historic District Design Guidelines. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Ordinance #10-07-03 passed and approved July 6, 2010.

ORDINANCE #10-07-04, APPROVAL OF THE BOARDING HOUSE DISTRICT: (Tape B824-888).

Mayor Schutte read by title the First Reading of Ordinance #10-07-04.

Mayor Pro-Tem Buckman made a motion to place on Second Reading Ordinance #10-07-04, adopting the rezoning of certain property as Historic Preservation Overlay District, and approving and adopting the Boarding House Historic District Design Guidelines.

Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Ordinance #10-07-04.

Councilman Nelson made a motion to approve Ordinance #10-07-04, adopting the rezoning of certain property as a Historic Preservation Overlay District, and approving and adopting the Boarding House Historic District Design Guidelines. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Ordinance #10-07-04 passed and approved July 6, 2010.

APPROPRIATIONS ORDINANCE #10-07-06: (Tape B889-965)

Mayor Schutte read by title the First Reading of Appropriations Ordinance #10-07-06.

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

Mayor Pro-Tem Buckman made a motion to place on Second Reading Appropriations Ordinance #10-07-06, in the amount of \$649,050.49. Motion was seconded by Councilman Nelson.

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

Abstain: Parker

Nays: None, motion carried.

Mayor Schutte read by title the Second Reading of Appropriations Ordinance #10-07-06.

Mayor Pro-Tem Buckman made a motion to approve Appropriations Ordinance #10-07-06, in the amount of \$649,050.49. Motion was seconded by Councilman Nelson.

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

Abstain: Parker

Nays: None, motion carried.

Appropriations Ordinance #10-07-06 passed and approved July 6, 2010.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape B966-1100)

Councilman Parker:

Appreciates the effort and hard work Tom Wall put into the recent water and sewer rate study.

Mayor Pro-Tem Buckman:

Echo's the "good job" done by Tom Wall.

Councilman Nelson:

The 4th of July has come and gone and once again residents made a mass exodus out of town to buy their fireworks. The City has an Ordinance making it illegal to shoot fireworks but there is no feasible way this Ordinance can be enforced. The City needs to regulate it, giving permits to whoever gets to have firework's tents...such as service organizations. We need to take a hard look at our budget...we could have used the increase in sales tax coming into the City from fireworks. The City will never stop fireworks. It needs to be allowed from 10:00 AM to 10:00 PM on the 4th of July.

With no further business at hand, Mayor Schutte adjourned the Regular Council Meeting at 7:20 PM.

ATTEST:

CAROLYN SCHUTTE, MAYOR

FRANCES SMITH, CITY CLERK

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