

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
JULY 19, 2010

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, July 19, 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 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, Councilmen Jim Nelson and Sonny Parker. Councilman Fousek was present thru telephone hookup but was not eligible to vote.

Absent: None.

VISITORS: (Tape A1260-1743)

Jack Lonsinger, 7007 Johnson Industrial Drive, Excelsior Springs, MO, owner of Liberty Carbon, addressed the Council. Mr. Lonsinger is asking the Council to remove Item #6, Ordinance #10-07-09, Final Plat of Lot 1, Liberty Carbon Addition, from the Agenda tonight to give him time to look over the Ordinance. Mr. Lonsinger complained that the City wants him to spend an additional \$6,000 for his new building to control dust. He states that he has approximately six trucks per week pulling into this area and this is not enough to create dust. He feels the City is trying to run industry out of town. The further he goes in his project, the more money the City wants him to spend. He is trying to keep all costs down. The City's rules have no basis in reality. He would like to leave this town but he is here and is anchored here. He really needs for the City to examine all these rules. He is asking for the City to shelve this Ordinance until the next meeting.

MINUTES OF WORK SESSION ON JULY 6, 2010, MINUTES OF REGULAR COUNCIL MEETING, JULY 6, 2010 AND MINUTES OF WORK SESSION ON JULY 12, 2010: (Tape A1744-1789).

Mayor pro-Tem Buckman made a motion to approve the Minutes of the Work Session held on July 6, 2010, the Minutes of the Regular Council Meeting held on July 6, 2010 and the Minutes of the Work Session held on July 12, 2010. Motion was seconded by Councilman Nelson.

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

Minutes of July 6, 2010 and July 12, 2010 passed and approved July 19, 2010.

CONSIDERATION OF AGENDA: (Tape A1790-1869).

Based on Mr. Lonsinger's request, Councilman Nelson made a motion to remove Item #8,

Ordinance #10-07-09, from the Agenda and approve the Amended Agenda. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Amended Agenda passed and approved July 19, 2010.

PUBLIC HEARING – MISSOURI DEPARTMENT OF TRANSPORTATION GRANT, SECTION #5311: (Tape A1870-1981).

Mayor Pro-Tem Buckman made a motion to open a public hearing to solicit citizen input with regard to the City's intent to seek funding for projects partially funded by the Missouri Department of Transportation pursuant to Section 5311 of Title 49, United States Code. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

A Public Hearing was opened.

Chad Birdsong, Director of Public Works, briefed the Council on this Grant. This Grant has been in place for several years and the grant money is used to fund our Transportation system.

With no other person wishing to be heard during the Public Hearing, Mayor Pro-Tem Buckman made a motion to close the Public Hearing regarding the City's intent to seek funding for projects partially funded by the Missouri Department of Transportation pursuant to Section 5311 of Title 49, United States Code. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

The Public Hearing was closed.

LIQUOR LICENSE APPLICATION – SHOW ME LIQUOR & TOBACCO: (Tape A1982-2000).

Police Chief John McGovern informed the Council that after a background check, there is nothing to preclude this person from obtaining a Liquor License.

Councilman Parker made a motion to approve a request by Dominic Serrone, LUCA, LLC (dba: Show Me Liquor & Tobacco) for Original Package, Sunday Original Package, and Original Package 'Tasting' licenses for this establishment located at 2300 Vintage Court, Excelsior Springs, Missouri. Mr. Serrone will be the Managing Officer of the licenses. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

License Approved for Show Me Liquor & Tobacco July 19, 2010.

RESOLUTION #849, PURCHASE OF NEW JETTER/CAMERA TRAILER: (Tape B1-B68)

Tom Wall, Public Utilities Director, briefed the Council on this purchase, stating it was in the budget.

Councilman Nelson made a motion to approve Resolution #849, for the Director of Utility Services to purchase a Tandem Axle Jet Trailer from U. S. Jetting, LLC, in the amount of \$65,419.72. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Resolution #849 passed and approved July 19, 2010.

RESOLUTION #850, PURCHASE OF NEW SPECIAL USE VEHICLE: (Tape B69-B119)

Once again, Tom Wall informed the Council that this purchase is in the budget.

Mayor Pro-Tem Buckman made a motion to approve Resolution #850 for the Director of Utility Services to purchase a 2009 Chevrolet Express 3500 Cut-away Van from Westfall-Odell in the amount of \$29,465.00. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Resolution #850 passed and approved July 19, 2010.

RESOLUTION #851, PURCHASE OF NEW GENERAL-USE ½ TON PICK-UPS: (Tape B120-B200)

Tom Wall informed the Council that this purchase is in the budget.

Mayor Pro-Tem Buckman made a motion to approve Resolution #851, for the Director of Utility Services to purchase two (2) 2010 Ford F150 XL, 4x4 Pick-up trucks from Chuck Anderson Ford, for the total amount of \$46,259.10. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Resolution #851 passed and approved July 19, 2010.

ORDINANCE #10-07-07, PUBLIC TRANSPORTATION OPERATING FUNDS: (Tape B201-B271)

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

Chad Birdsong briefed the Council on this Ordinance.

Councilman Parker made a motion to take to Second Reading Ordinance #10-07-07, authorizing the City Manager to execute and file an application for financial assistance from MoDOT to support the City's transportation system. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

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

Councilman Parker made a motion to approve Ordinance #10-07-07, authorizing the City Manager to execute and file an application for financial assistance from MoDOT to support the City's transportation system. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Ordinance #10-07-07 passed and approved July 19, 2010.

ORDINANCE #10-07-08, REQUEST FOR FUNDING OF ARCHITECTURAL SERVICES FOR THE ANIMAL SHELTER: (Tape B272-691).

Mayor Schutte read by title the First Reading of Ordinance #10-07-08.

Police Chief John McGovern informed the Council the City is required to build a new animal shelter due to the present one being inadequate to hold all the animals; it is unsanitary, and is easily broken into by thieves. He further advised that a new shelter will cost \$350,000 to \$380,000 to build.

Mayor Schutte asked what our options are...is it possible to bring in a private company to run the shelter. McGovern stated that he had a company interested in this but when he told them how many animals are picked up each month, the company declined to even bid on it. Wayside Waifs also declined to bid.

Councilman Nelson stated he didn't want to spend this much money, but something has to be done.

Mayor Pro-Tem Buckman made a motion to take to Second Reading Ordinance #10-07-08, authorizing the City of Excelsior Springs to enter into Agreement for Architectural Services for the Animal Shelter project. 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 #10-07-08.

Councilman Nelson made a motion to approve Ordinance #10-07-08, authorizing the City of Excelsior Springs to enter into Agreement for Architectural Services for the Animal Shelter Project. Motion was seconded by Councilman Parker.

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

Nays: None, motion carried.

Ordinance #10-07-08 passed and approved July 19, 2010.

ORDINANCE #10-07-10, SPECIAL USE PERMIT, 1205 N JESSE JAMES ROAD: (Tape B692-B807).

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

Nick Pappas, Director of Planning and Zoning, informed the Council that this Special Use Permit has been approved by the Planning and Zoning Board.

Mayor Pro-Tem Buckman made a motion to place on Second Reading Ordinance #10-07-10, approving the Special Use Permit for a Veterinary Clinic at 1205 N. Jesse James Road. 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 #10-07-10.

Councilman Nelson made a motion to approve Ordinance #10-07-10, approving the Special Use Permit for a Veterinary Clinic at 1205 N. Jesse James Road. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Ordinance #10-07-10 passed and approved July 19, 2010.

ORDINANCE #10-07-11, CHANGE ORDER REQUESTS FOR HALL OF WATERS TERRACE REHABILITATION PROJECT: (Tape B808-1058)

Mayor Schutte read by title the First Reading of Ordinance #10-07-11.

Nick Pappas briefed the Council on this additional amount.

Councilman Nelson stated he agreed with Capital Improvements that the Engineering report on this project was not as great as it should have been.

Councilman Nelson made a motion to take to Second Reading Ordinance #10-07-11, approving an expenditure in the amount not to exceed \$74,294.00 from Capital Improvements for the City of Excelsior Springs to enter into an amendment to the agreement for construction services for the Hall of Waters Rehabilitation Project. 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 #10-07-11.

Councilman Nelson made a motion to approve Ordinance #10-07-11, approving an expenditure in the amount not to exceed \$74,294.00 from Capital Improvements for the City of Excelsior Springs to enter into an amendment to the agreement for construction services for the Hall of Waters Rehabilitation Project. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Ordinance #10-07-11 passed and approved July 19, 2010.

DISCUSSION – STORM WATER ANNUAL REPORT: (Tape B1059-1181)

Chad Birdsong went over the printed booklet “Stormwater Annual Report, NPDES, Phase II”, with the Council. This booklet outlines how the City will handle stormwater in Excelsior Springs, Mo.

APPROPRIATIONS ORDINANCE #10-07-12: (Tape B1182-1462)

Mayor Schutte read by title the First Reading of Appropriations Ordinance #10-07-12.

Members of the Council went over the Appropriations Reports with Steve Marriott.

Mayor Pro-Tem Buckman made a motion to take to Second Reading Appropriations Ordinance #10-07-12, in the amount of \$688,611.00. 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 Appropriations Ordinance #10-07-12.

Councilman Nelson made a motion to approve Appropriations Ordinance #10-07-12, in the amount of \$688,611.00. Motion was seconded by Mayor Pro-Tem Buckman.

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

Nays: None, motion carried.

Appropriations Ordinance #10-07-12 passed and approved July 19, 2010.

REMARKS – CITY MANAGER AND CITY COUNCIL: (Tape B1463-1580)

Mayor Pro-Tem Buckman:
Asked if Chad had checked the roof at the Airport.

Mayor Schutte:
Had a call from the Tourism Group within the City and they have a group coming in to tour all the local tourist sights, the Jesse James Farm, and sights in Kearney. They asked to obtain

a City bus for this tour.

During a work session with Tom Wall and Chad Birdsong it was discussed that the City needs to take better care of the inside of city vehicles.

With no further business at hand, Mayor Schutte called for a motion to adjourn the Regular Meeting and go into Closed Session.

Councilman Nelson made a motion to adjourn the Regular Council Meeting and go into Closed Session pursuant to RSMo Section 610.021 (1) Legal, (2) Real Estate and (3) Personnel. Motion was seconded by Mayor Pro-Tem Buckman.

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

 Nays: None, motion carried.

The Regular Council Meeting adjourned at 7:12 PM.

ATTEST:

CAROLYN SCHUTTE, MAYOR

FRANCES SMITH, CITY CLERK

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