

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
MAY 16, 2011

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, May 16, 2011 in the Council Chambers of the Hall of Waters Building. The Meeting was called to order by Mayor Buckman.

The opening prayer was given by Terry Barnes, Pastor of Woods Memorial Church.

The Pledge of Allegiance was led by Mayor Buckman.

Roll Call of Members: Present: Mayor Ambrose Buckman, Mayor Pro-Tem Chad Taylor, Council Members Ken Fousek, Jim Nelson and Carolyn Schutte

Absent: None

VISITOR'S: (Tape A34-113)

Mrs. Betty Wyman, 711 Cherry, addressed the Council regarding an invasive weed or vine which is growing rampant on her property and others on Cherry and Hazel Streets. The only thing that will kill this invasive weed is "24D". It grows up into trees. She is asking the City Crews to look into this problem.

MINUTES OF REGULAR COUNCIL MEETING HELD ON MAY 2, 2011: (Tape A114-136).

Councilman Fousek made a motion to approve the Minutes of the Regular Council Meeting held on May 2, 2011. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Minutes of May 2, 2011 passed and approved May 16, 2011.

CONSIDERATION OF AGENDA: (Tape A137-166).

Councilman Fousek requested that each applicant listed in Item #1, Board Appointments, which lists two appointments to the Parks & Recreation Board, be voted on individually.

Councilman Nelson made a motion to approve the Agenda, as amended. Motion was seconded Councilwoman Schutte.

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

Nays: None, motion carried.

Amended Agenda, passed and approved May 16, 2011.

RESOLUTION #875, BOARD APPOINTMENT – PARKS AND RECREATION:
(Tape A167-599).

Mr. Rick Moore, a resident of Excelsior Springs, addressed the Council in regard to Zac Ganzer being appointed to the Parks and Recreation Board. Rick stated that this appointment troubles him because of Ganzer's coaching of baseball. He stated that Zac is not the person he professes to be and that he is out for personal gain. Zac also played favorites with his baseball players. Brooke Moore, 2216 Madison, stated that her son had a bad experience playing for Zac. In her opinion Zac is very immature of character and that anyone of racial color was always the last to be picked.

Councilman Nelson stated that he knows both the Moore and Ganzer families and has not witnessed any prejudice or bias on either of their parts.

Zac Ganzer stated that the facts are very far from the truth. There are two sides to every story and he will let his character speak for itself.

Mayor Buckman stated the Council needs to do further investigation into this matter.

Councilman Fousek made a motion to approve Resolution #875, authorizing the appointment of Sherri Branson-Hurt as Board Representative to the Parks and Recreation Board; said term to expire May 31, 2014. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Sherri Branson-Hurt appointed to Parks and Recreation Board on May 16, 2011.

At this time the "Oath" was administered to Sherri by the City Clerk and presented with a "Certificate of Appointment". Sherri stated that it is a privilege to be appointed to the Parks and Recreation Board and her goal is to set up quality programs.

Councilwoman Schutte made a motion to "Table" the appointment of Zac Ganzer as Board Representative to the Parks and Recreation Board; said term to expire May 31, 2014. Motion was seconded by Councilman Fousek.

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

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

Nays: None, motion carried.

Appointment of Zac Ganzer “tabled” May 16, 2011.

PUBLIC HEARING – ELMS HOTEL COMMUNITY IMPROVEMENT DISTRICT:
(Tape A600-823)

Councilman Nelson made a motion to open a Public Hearing for the Elms Hotel Community Improvement District. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

A Public Hearing was opened.

Deborah Polk, Attorney, addressed the Council on this matter. Also, Marco Marzocchi and Korb Maxwell, representing Widewaters Group, Inc. informed the Council that they had found a source of capital for the Elms and are now able to move forward. They also wished to thank this Council for all their hard work for the Elms District.

With no other person wishing to be heard during the Public Hearing, Councilman Nelson made a motion to close the Public Hearing for the Elms Hotel Community Improvement District. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

The Public Hearing was closed.

ORDINANCE #11-05-05, ELMS HOTEL COMMUNITY IMPROVEMENT
DISTRICT: (Tape A824-894)

Mayor Buckman read by title the First Reading of Ordinance #11-05-05.

Deborah Polk, Attorney, briefed the Council on this Ordinance.

Councilwoman Schutte made a motion to take to Second Reading Ordinance #11-05-05, approving a Petition to Establish the Elms Hotel Community Improvement District. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-05-05.

Councilwoman Schutte made a motion to approve Ordinance #11-05-05, approving a Petition to Establish the Elms Hotel Community Improvement District. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Ordinance #11-05-05 passed and approved May 16, 2011.

ORDINANCE #11-05-06, 2011 AMENDMENT TO VINTAGE PLAZA TAX INCREMENT FINANCING PLAN: (Tape A895-1375)

Mayor Buckman read by title the First Reading of Ordinance #11-05-06.

Attorney Deborah Polk briefed the Council on this Ordinance.

Councilwoman Schutte stated that making sure this was in the best interest of the City was not done. There was no assurance that there was no conflict of interest.

Councilwoman Schutte made a motion to place on Second Reading Ordinance #11-05-06, approving the 2011 Amendment to the Vintage Plaza TIF Plan and approving actions related thereto. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-05-06.

Councilman Fousek made a motion to approve Ordinance #11-05-06, approving the 2011 Amendment to the Vintage Plaza TIF Plan and approving actions related thereto. Motion was seconded by Councilman Nelson.

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

Motion was seconded by Councilman Fousek, motion carried.

Ordinance #11-05-06 passed and approved May 16, 2011.

ORDINANCE #11-05-07, VINTAGE PLAZA II TAX INCREMENT FINANCING PLAN:

Mayor Buckman read by title the First Reading of Ordinance #11-05-07.

Once again, Attorney Deborah Polk briefed the Council on this Ordinance.

One of the Vintage Plaza owners, Sonny Parker, informed the Council that this project had fallen on bad times for funding for a few years. Now, the project is starting to move forward. The 6-plex movie theater is set to move forward, a steakhouse is set for another lot, Wendy's has expressed interest in the location once the theater is up and going, and a Quick Trip is looking at a site. Sonny stated this plan was approved by the TIF Commission on April 15, 2011 and they recommend approval...that statutes have been complied with.

Councilwoman Schutte made a motion to place on Second Reading Ordinance #11-05-07, approving the Vintage Plaza II TIF Plan and the Redevelopment Area, and Redevelopment Project A, and the Selection of a Developer, and other actions related thereto. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-05-07.

Councilman Nelson made a motion to approve Ordinance #11-05-07, approving the Vintage Plaza II TIF Plan and the Redevelopment Area, and Redevelopment Project A, and the Selection of a Developer, and other actions related thereto. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Ordinance #11-05-07 passed and approved May 16, 2011.

ORDINANCE #11-05-08, REDEVELOPMENT PROJECT AREAS – FIRST READING: (Tape A183-201)

Mayor Buckman read by title the First Reading of Ordinance #11-05-08.

Councilman Fousek made a motion to “table” Ordinance #11-05-08, an ordinance for the designation of a portion of Redevelopment Project 1 as a Redevelopment Project Area, providing for the collection of payments in lieu of taxes and economic activity taxes, until such time as the Council decides to vote on the Ordinance. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #11-05-08 “tabled” May 16, 2011.

ORDINANCE #11-05-09, REDEVELOPMENT PROJECT AREAS – FIRST READING: (Tape A202-331)

Mayor Buckman read by title the First Reading of Ordinance #11-05-09.

Councilman Fousek made a motion to “table” Ordinance #11-05-09, an ordinance for the designation of a portion of Redevelopment Project 1 as a Redevelopment Project Area; providing for the collection of payments in lieu of taxes and economic activity taxes, until such time as the Council decides to vote on the Ordinance. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #11-05-09 “tabled” May 16, 2011.

ORDINANCE #11-05-10, REDEVELOPMENT PROJECT AREAS – FIRST READING: (Tape A332-350)

Mayor Buckman read by title the First Reading of Ordinance #11-05-10.

Councilman Fousek made a motion to “table” Ordinance #11-05-10, an ordinance for the designation of a portion of Redevelopment Project 1 as a Redevelopment Project Area; providing for the collection of payments in lieu of taxes and economic activity taxes, until such time as the Council decides to vote on the Ordinance. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #11-05-10 “tabled” May 16, 2011.

ORDINANCE #11-05-11, REDEVELOPMENT PROJECT AREAS – FIRST READING: (Tape A351-362)

Mayor Buckman read by title the First Reading of Ordinance #11-05-11.

Councilman Fousek made a motion to “table” Ordinance #11-05-11, an ordinance approving the designation of a portion of Redevelopment Project 1 as a Redevelopment Project Area; providing for the collection of payments in lieu of taxes and economic activity taxes, until such time as the Council decides to vote on the Ordinance. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #11-05-11 “tabled” May 16, 2011.

ORDINANCE #11-05-12, PROFESSIONAL FIELD SERVICES FOR THE WASTEWATER COLLECTION SYSTEM: (Tape A362-435)

Mayor Buckman read by title the First Reading of Ordinance #11-05-12.

Tom Wall, Director of Utility Services, briefed the Council on this Ordinance.

Councilman Fousek made a motion to take to Second Reading Ordinance #11-05-12, authorizing the City of Excelsior Springs to enter into an Agreement with ADS Environmental Services for Smoke Testing, Manhole Inspection and CCTV Inspection Services for the Wastewater Collection System Improvement Project. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance # 11-05-12.

Councilman Nelson made a motion to approve Ordinance #11-05-12, authorizing the City

of Excelsior Springs to enter into an Agreement with ADS Environmental Services for Smoke Testing, Manhole Inspection and CCTV Inspection Services for the Wastewater Collection System Improvement Project. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Ordinance #11-05-12 passed and approved May 16, 2011.

ORDINANCE #11-05-13, SURVEYING SERVICES FOR THE WATER DISTRIBUTION SYSTEM: (Tape A436-559).

Mayor Buckman read by title the First Reading of Ordinance #11-05-13.

Once again, Tom Wall briefed the Council on this Ordinance.

Councilman Nelson made a motion to take to Second Reading Ordinance #11-05-13, authorizing the City of Excelsior Springs to enter into an Agreement with Shafer, Kline & Warren for Surveying Services for the Water Distribution System East-End Pressure Zone Improvement Project. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-05-13.

Councilwoman Schutte made a motion to approve Ordinance #11-05-13, authorizing the City of Excelsior Springs to enter into an Agreement with Shafer, Kline & Warren for Surveying Services for the Water Distribution System East-End Pressure Zone Improvement Project. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Ordinance #11-05-13 passed and approved May 16, 2011.

ORDINANCE #11-05-14, AIR CONDITIONING UNITS AT THE POLICE STATION: (Tape A556-652).

Mayor Buckman read by title the First Reading of Ordinance #11-05-14.

Police Lieutenant Clint Reno briefed the Council on this Ordinance.

Councilwoman Schutte made a motion to take to Second Reading Ordinance #11-05-14, approving an expenditure in an amount not to exceed \$77,950.00 from the Capital Improvements Fund and authorizing the City of Excelsior Springs to enter into an agreement with George Wood Heating and Cooling to replace three air conditioning units at the Police Station. Motion was seconded by Mayor Pro-Tem Taylor.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-05-14.

Councilman Fousek made a motion to approve Ordinance #11-05-14, approving an expenditure in an amount not to exceed \$77,950.00 from the Capital Improvements Fund and authorizing the City of Excelsior Springs to enter into an agreement with George Wood Heating and Cooling to replace three air conditioning units at the Police Station. Motion was seconded by Councilman Nelson.

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

Nays: None, motion carried.

Ordinance #11-05-14 passed and approved May 16, 2011.

ORDINANCE #11-05-15, REPEALING SECTION 105.210 OF THE MUNICIPAL CODE AND ADOPTING NEW CHAPTER 165, SECTIONS 165.010 THROUGH 165.060 REGARDING CITY CEMETERIES: (Tape A653-756)

Mayor Buckman read by title the First Reading of Ordinance #11-05-15.

City Attorney John McClelland briefed the Council on this Ordinance.

Councilwoman Schutte made a motion to take to Second Reading Ordinance #11-05-15, repealing Section 105.210 of the Municipal Code in its entirety and adopting New Chapter 165, Sections 165.010 through 165.060 regarding City Cemeteries. Motion was seconded by Mayor Pro-Tem Taylor.

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

Mayor Buckman read by title the First Reading of Ordinance #11-05-14.

Mayor Buckman read by title the Second Reading of Ordinance #11-05-15.

Councilman Fousek made a motion to approve Ordinance #11-05-15, repealing Section 105.210 of the Municipal Code in its entirety and adopting New Chapter 165, Sections 165.010 through 165.060 regarding City Cemeteries. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Ordinance #11-05-15 passed and approved May 16, 2011.

APPROPRIATIONS ORDINANCE #11-05-16: (Tape A757-817)

Mayor Buckman read by title the First Reading of Appropriations Ordinance #11-05-16.

Members of the Council went over the Appropriations Reports with Steve Marriott, Director of Administrative Services.

Councilwoman Schutte made a motion to place on Second Reading Appropriations Ordinance #11-05-16, in the amount of \$751,227.21. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Appropriations Ordinance #11-05-16.

Councilman Fousek made a motion to approve Appropriations Ordinance #11-05-16 in the amount of \$751,227.21. Motion was seconded by Councilwoman Schutte.

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

Nays: None, motion carried.

Appropriations Ordinance #11-05-16 passed and approved May 16, 2011.

REMARKS: CITY MANAGER AND CITY COUNCIL: (Tape A818-1005)

Steve Marriott:

Has sent an email to members of the Council.
Will be leaving Thursday.

Mayor Pro-Tem Taylor:

A discussion was held on the red lights.

Asked if anyone will be looking into the weed problem on Cherry Street.

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

Councilwoman Schutte made a motion to adjourn the Regular Council Meeting and go into Closed Session pursuant to Section 610.021 RSMo (1) Legal and (3) Personnel. Motion was seconded by Councilman Fousek.

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

Nays: None, motion carried.

Regular Meeting adjourned at 7:43 PM.

ATTEST:

AMBROSE BUCKMAN, MAYOR

FRANCES SMITH, CITY CLERK