

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
SEPTEMBER 19, 2011

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, September 19, 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 Fire Chief Kent Cantrell.

The Pledge of Allegiance was led by Mayor Buckman.

Roll Call of Members: Present: Mayor Ambrose Buckman, Mayor Pro-Tem Chad Taylor, and Councilmen Brent McElwee and Jim Nelson.

Absent: Councilwoman Carolyn Schutte

VISITOR'S: (Tape A46-143)

Mr. Jim Rice, 1302 #92 Highway, addressed the Council. Jim stated that last Wednesday night one of the downtown cameras was being used to check activities at the Atlas Saloon on the corner of Broadway and Main Streets. Cameras are supposed to be used to check up and down Broadway. Last Wednesday night there was a person at the Atlas who needed someone to take him home because he was in no condition to drive. They finally found someone to take him home and then they proceeded to put him a van. The Police Department later came into the Atlas looking for two people who were in a scuffle. One of the persons they were looking for was him.

Mayor Buckman asked Police Chief John McGovern to look into this situation.

MINUTES OF WORK SESSIONS, PUBLIC HEARINGS AND REGULAR COUNCIL MEETINGS ON AUGUST 15 AND AUGUST 29, 2011: (Tape A144-161)

Councilman Nelson made a motion to approve the Minutes of the Work Session and Regular Council Meeting held on August 15, 2011. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor

Abstain: Buckman

Nays: None, motion carried.

Minutes of August 15, 2011 passed and approved September 19, 2011.

Mayor Pro-Tem Taylor made a motion to approve the Minutes of the Budget Work Session and the Public Hearing held on August 29, 2011. Motion was seconded by Councilman

McElwee.

Roll Call of Votes: Ayes: McElwee, Taylor, Buckman
Abstain: Nelson
Nays: None, motion carried.

Minutes of August 29, 2011 passed and approved September 19, 2011.

CONSIDERATION OF AGENDA: (Tape A162-171)

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

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman
Nays: None, motion carried.

Agenda, as printed, passed and approved September 19, 2011.

MIRACLE FIELD PRESENTATION – EXCELSIOR SPRINGS HIGH SCHOOL:
(Tape A172-752)

Mr. David Lawrence, Deputy Superintendent, and Jesse Hall, Athletic Director, of the Excelsior Springs High School gave a presentation to the Council regarding the new Miracle Field project located near the Excelsior Springs High School and the Excelsior Springs Middle School.

Mr. Lawrence presented a layout of the proposed baseball/softball fields, soccer fields, volleyball courts, horseshoe pits, field house, new parking spaces, etc. He further stated that construction will start in November and will be finished the first of April. He stated new turf will be added, a concession stand and all the tournaments will bring people into town.

Jesse Hall also stated there will be room for a carnival at the site.

LIQUOR LICENSE – THE NEW BROADWAY & PENN AND THE SLICE OF
PARADISE PIZZA: (Tape A753-824)

Police Chief McGovern informed the Council that a background check had been run on both Broadway & Penn and Slice of Paradise Pizza and there was nothing which would preclude either of them from receiving a license. The licenses will be contingent upon each business obtaining a license and then each business would be issued a Missouri Liquor License. and the Public Hearing held on August 29, 2011. Motion was seconded by Councilman

Councilman Nelson made a motion to approve a request by Cheryl D. Boos for a Liquor by the Drink license for the New Broadway & Penn, located at 259 E. Broadway St, Excelsior Springs, MO. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

License approved for the New Broadway & Penn on September 19, 2011.

Councilman Nelson made a motion to approve a request by Donald A. Evans for Liquor by the Drink and Sunday Sales licenses for A Slice of Paradise Pizza, located at 2320 Vintage Court, Excelsior Springs, MO. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Licenses approved for A Slice of Paradise Pizza on September 19, 2011.

RESOLUTION #884, PARKS AND RECREATION BOARD APPOINTMENT: (Tape A825-861)

Mayor Pro-Tem Taylor made a motion to approve Resolution #884, authorizing the appointment of Christy Marker as Board Representative to the Parks and Recreation Board; said term to expire May 31, 2014. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Resolution #884 passed and approved September 19, 2011. The "Oath" was administered to Christy by the City Clerk and she was presented with a "Certificate of Appointment"

RESOLUTION #885, CONCRETE BLOCK FOR RETAINING WALL AT FIRE STATION: (Tape A862-864)

Fire Chief Kent Cantrell briefed the Council on this Resolution.

Mayor Pro-Tem Taylor made a motion to approve Resolution #885, authorizing the Fire Chief for the City of Excelsior Springs to purchase 663 square feet of Redi-Rock Concrete Retaining Wall Blocks from St. Joe Concrete Products, Inc. for a purchase price of \$12,995.00, plus freight. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Resolution #885 passed and approved September 19, 2011.

RESOLUTION #886, SURVEYING SERVICES FOR WATER DISTRIBUTION SYSTEM: (Tape A865-999).

Chad Birdsong, Public Works Director, briefed the Council on this Resolution.

Councilman McElwee made a motion to approve Resolution #886, authorizing and approving a change order to the agreement between SKW and the City of Excelsior Springs for surveying services for the water distribution system in an additional amount of \$4,250.00. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Resolution #886 passed and approved September 19, 2011.

RESOLUTION #887, FINANCE DEPARTMENT REMODEL PROJECT: (Tape A1000-1095).

Steve Marriott, Director of Administrative Services, explained this expenditure to the Council.

Councilman Nelson made a motion to approve Resolution #887, authorizing the Director of Administrative Services to complete the remodel project in an amount not to exceed \$65,271.00. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Resolution #887 passed and approved September 19, 2011.

RESOLUTION #888, UMB INVESTMENT BROKERAGE ACCOUNT: (Tape A1096-1158).

Once again, Steve Marriott, briefed the Council on this Resolution.

Councilman Nelson made a motion to approve Resolution #888, authorizing the Director of Administrative Services to open a brokerage account with United Missouri Bank. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor Buckman

Nays: None, motion carried.

Resolution #888 passed and approved September 19, 2011.

APPROVAL OF HOSPITAL R&E FUNDS: (Tape A1159-1208)

Steve Marriott explained this item to the Council.

Mayor Pro-Tem Taylor made a motion authorizing the Director of Administrative Services to transfer \$538,861.00 from the Hospital R & E Fund to the Hospital Operating Account for the reimbursement of items as per the August 30, 2011 letter from the Hospital Board. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Transfer of Hospital R & E Funds passed and approved September 19, 2011.

ORDINANCE #11-09-01, 2008 PERSONAL PROPERTY TAX WRITE-OFF: (Tape A1209-1349)

Mayor Buckman read by title the First Reading of Ordinance #11-09-01.

Steve Marriott briefed the Council on this Ordinance.

Councilman McElwee made a motion to take to Second Reading Ordinance #11-09-01, allowing the Finance Director to Write-Off the sum of \$12,669.31 in Delinquent Personal Property Taxes. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-01.

Councilman McElwee made a motion to approve Ordinance #11-09-01, allowing the Finance Director to write-off the Sum of \$12,669.31 in Delinquent Personal Property Taxes. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

was seconded by Mayor Pro-Tem Taylor.
Ordinance #11-09-01 passed and approved September 19, 2011.

ORDINANCE #11-09-02, FY2011 BUDGET AMENDMENT: (Tape A1350-1439)

Mayor Buckman read by title the First Reading of Ordinance #11-09-02.

Steve Marriott was on hand to explain this Ordinance to the Council.

Councilman Nelson made a motion to take to Second Reading Ordinance #11-09-02, approving Budget Amendments for all funds for the fiscal year ending September 30, 2011. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-02.

Councilman Nelson made a motion to approve Ordinance #11-09-02, approving Budget Amendments for all funds for the fiscal year ending September 30, 2011. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-02 passed and approved September 19, 2011.

ORDINANCE #11-09-03, FY2012 BUDGET ADOPTION: (Tape A1440-1584)

Mayor Buckman read by title the First Reading of Ordinance #11-09-03.

Steve Marriott explained that this Budget is the outcome of all the work sessions held by the Council. Mayor Pro-Tem Taylor stated that he is not happy with the Airport and Golf Budget...we should not be carrying losses on these funds year after year.

Councilman Nelson made a motion to place on Second Reading Ordinance #11-09-03, to adopt a Budget for the period of October 1, 2011 through September 30, 2012 and authorizing the expenditures of funds. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-03.

Councilman Nelson made a motion to approve Ordinance #11-09-03 to adopt a Budget for the period of October 1, 2011 through September 30, 2012 and authorizing the Ordinance #11-09-01 passed and approved September 19, 2011.

expenditures of funds. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-03 passed and approved September 19, 2011.

ORDINANCE #11-09-04, SPECIAL USE PERMIT FOR KANSAS CITY COMMUNITY CENTER: (Tape A1585-2000, B1-B34)

Mayor Buckman read by title the First Reading of Ordinance #11-09-04.

Nick Pappas, Planning and Zoning Director, informed the Council that the Planning and Zoning Board had approved this special use due to the Center being moved to South Marietta Street.

Richard Raines, 100 Melwood St., spoke out against the move. He stated that residents that stay out late are locked out and cannot get in until morning...that there are a lot of children living in the area and they are at risk. He further stated that should the permit be approved, the Police Department needs to make several checks of the area every night.

Councilman McElwee made a motion to take to Second Reading Ordinance #11-09-04, approving a Special Use Permit for a Residential Alcohol and Drug Abuse Treatment Facility. Motion was seconded by Mayor Pro-Tem Taylor.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-04.

Councilman Nelson made a motion to approve Ordinance #11-09-04, approving a Special Use Permit for a Residential Alcohol and Drug Abuse Treatment Facility. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-04 passed and approved September 19, 2011.

ORDINANCE #11-09-05, AMENDING TITLE IV; ZONING CODE, SECTION 400,280, GRAVEL DRIVEWAY: (Tape B35-117)

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

Nick Pappas advised the Council that the Planning and Zoning Board recommended the Council vote “no” on this Ordinance.

Councilman Nelson made a motion to “table” the Second Reading of Ordinance #11-09-05 until the October 2011 meeting so more information may be obtained by the Council. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-05, Second Reading, “tabled” until October 2011 meeting.

ORDINANCE #11-09-06, AMENDING TITLE IV; ZONING CODE, SECTION 400.030 & SECTION 400.230, PAYDAY LOAN BUSINESS: (Tape B118-B201)

Mayor Buckman read by title the First Reading of Ordinance #11-09-06.

Mayor Pro-Tem Taylor made a motion to take to Second Reading Ordinance #11-09-06, amending Title IV: Zoning Code, Chapter 400, Section 400.030 and Section 400.230, allowing Payday and Title Loan Businesses. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-06.

Mayor Pro-Tem Taylor made a motion to approve Ordinance #11-09-06, amending Title IV; Zoning Code, Chapter 400, Section 400-030 and Section 400-230, allowing Payday and Title Loan Businesses. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-06 passed and approved September 19, 2011.

ORDINANCE #11-09-07, FIELD SURVEYING SERVICES FOR WASTEWATER COLLECTION SYSTEM ELM ROAD/SEYBOLD ROAD SEWER FORCE MAIN PROJECT: (Tape B202-265)

Mayor Buckman read by title the First Reading of Ordinance #11-09-07.

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

Mayor Pro-Tem Taylor made a motion to take to Second Reading Ordinance #11-09-07, authorizing the City of Excelsior Springs to enter into an agreement with SKW for Field Surveying Services for the Wastewater Collection System, Elm Road/Seybold Road Sewer Force Main Project. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-07

Mayor Pro-Tem Taylor made a motion to approve Ordinance #11-09-07, authorizing the City of Excelsior Springs to enter into an agreement with SKW for Field Surveying Services for the Wastewater Collection System, Elm Road/Seybold Road Sewer Force Main Project. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-07 passed and approved September 19, 2011.

ORDINANCE #11-09-08, GUARDRAIL INSTALLATION: (Tape B266-299).

Mayor Buckman read by title the First Reading of Ordinance #11-09-08.

Mayor Pro-Tem Taylor made a motion to take to Second Reading Ordinance #11-09-08, authorizing the City of Excelsior Springs to enter into an agreement with Collins & Hermann, Inc. for Construction Services for Guardrail Installation. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Ordinance #11-09-08.

Mayor Pro-Tem Taylor made a motion to approve Ordinance #11-09-08, authorizing the City of Excelsior Springs to enter into an agreement with Collins & Hermann, Inc. for Construction Services for Guardrail Installation. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman
Chad Birdsong was on hand to brief the Council on this Ordinance.

Nays: None, motion carried.

Ordinance #11-09-08 passed and approved September 19, 2011.

ORDINANCE #11-09-09, GIS DATA AND MAPPING ASSISTANCE: (Tape B300-359)

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

Chad Birdsong briefed the Council on this Ordinance.

Mayor Pro-Tem Taylor made a motion to take to Second Reading Ordinance #11-09-09, authorizing the City of Excelsior Springs to enter into an agreement with SKW for Professional Services for GIS Data and Mapping Assistance. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

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

Mayor Pro-Tem Taylor made a motion to approve Ordinance #11-09-09, authorizing the City of Excelsior Springs to enter into an agreement with SKW for Professional Services for GIS Data and Mapping Assistance. Councilman McElwee seconded the motion.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Ordinance #11-09-09 passed and approved September 19, 2011.

APPROPRIATIONS ORDINANCE #11-09-10: (Tape B360-403)

Mayor Buckman read by title the First Reading of Appropriations Ordinance #11-09-10.

Members of the Council went over the Appropriations Reports for questions to Steve Marriott.

Councilman Nelson made a motion to take to Second Reading Appropriations Ordinance #11-09-10, in the amount of \$2,274,420.64. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Nelson, Taylor, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Appropriations Ordinance #11-09-10.

Councilman McElwee made a motion to approve Appropriations Ordinance #11-09-10, in the amount of \$2,274,420.64. Motion was seconded by Councilman Nelson.

Roll Call of Votes: Ayes: Nelson, McElwee, Taylor, Buckman

Nays: None, motion carried.

Appropriations Ordinance #11-09-10 passed and approved September 19, 2011.

REMARKS, CITY MANAGER AND CITY COUNCIL: (Tape B404-B489)

City Manager Haugland:

Thanks to Steve Marriott for all his hard work on the budget.

He and the Mayor were invited to Union Station on Friday to hear about the proposed link to Chicago.

Councilman Nelson:

Congratulate Steve and his Staff for work on the budget. He has a time getting his check book to balance. The City is fortunate to have so many good people on the Staff.

Mayor Buckman:

Congratulates Steve on the budget.

Today is Carolyn Schutte's birthday....everyone should pray for her.

With no further business at hand, Mayor Buckman adjourned the Regular Council Meeting at 7:22 PM.

ATTEST:

AMBROSE BUCKMAN, MAYOR

CITY CLERK: _____