

REGULAR COUNCIL MEETING
CITY OF EXCELSIOR SPRINGS
EXCELSIOR SPRINGS, MISSOURI
May 6, 2013

The City Council of the City of Excelsior Springs, Missouri met in Regular Session at 6:00 PM, Monday, May 6, 2013 in the Council Chambers of the Hall of Waters Building. The Meeting was called to order by Mayor Buckman.

The Opening was led by Gary Barkley of Pisgah Baptist Church.

The Pledge of Allegiance was led by Mayor Buckman.

Roll Call of Members: Present: Mayor Ambrose Buckman, Mayor Pro-Tem Brad Eales, Councilman Brent McElwee, and Councilwoman Sonya Morgan.

Absent: None.

VISITORS: There were no visitors that wished to address the City Council.

MINUTES OF THE REGULAR CITY COUNCIL MEETING APRIL 15, 2013 AND MINUTES OF THE SPECIAL CITY COUNCIL MEETING APRIL 29, 2013:

Councilwoman Morgan made a motion to approve the Minutes of the Regular City Council Meeting on April 15, 2013 and the Special City Council Meeting on April 29, 2013. Motion was seconded by Mayor Pro-Tem Eales.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

 Nays: None, motion carried.

Minutes of the Regular City Council Meeting April 15, 2013 and the Special City Council Meeting April 29, 2013 passed and approved May 6, 2013.

CONSIDERATION OF AGENDA:

Mayor Pro-Tem Eales made a motion to approve the Agenda with the amendment of Item No. 5 to be a First Read Only. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

 Nays: None, motion carried.

Agenda as Amended passed and approved May 6, 2013.

PUBLIC HEARING: 5309 AND 5311 GRANT ASSISTANCE PROGRAM:

Mayor Pro-Tem Eales made a motion to Open Public Hearing. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

 Nays: None, motion carried.

The Public Hearing was opened.

Chad Birdsong, Public Works Director briefed the Council of the Public Hearing.

Councilwoman Morgan made a motion to Close Public Hearing. Motion was seconded by Mayor Pro-Tem Eales.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

The Public Hearing was closed.

PRESENTATION OF PROCLAMATION, OLDER AMERICANS MONTH:

Mayor Buckman read aloud the Proclamation for Older Americans Month. The Proclamation will be sent to Clay County Senior Services.

APPOINTMENT OF NEW COUNCIL MEMBER TO REPLACE CHAD TAYLOR:

Mayor Pro-Tem Eales made a motion to approve the Nomination of Appointment to Reggie St. John as City Council Member to replace Chad Taylor for the City of Excelsior Springs. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

The Nomination of Reggie St. John passed and approved May 6, 2013.

DISCUSSION REGARDING SMOKING IN PUBLIC PLACES:

Mayor Buckman opened the discussion to anyone wishing to speak for or against Smoking in Public Places.

Owners and interested individuals of Atlas Saloon, Centerfield Pub, Country Club Barber Shop, Good Times Restaurant, Wabash BBQ, Bosch Tool, KC Machine, the Elk's Lodge, Vet's Club, Ralph Hill, and Keith Bowen were in attendance to ask questions of City Council members and to speak for or against Smoking in Public Places. John McClelland, City Attorney advised the public of details in the current Ordinance that was enacted in 2009 and of small changes that City Council members requested in the newly proposed ordinance. The new ordinance will enact a ruling that no person shall possess lighted smoking materials in any form, including but not limited to lighted cigarettes, cigars, pipes or other tobacco products within 25 feet of the primary entrance to or exit from a building where smoking is prohibited. Attendees from the local restaurants, bars, and private clubs are against the passing of the ordinance for fear of losing customers. After discussion, Mayor Buckman advised that Item No. 5; Consideration of Smoking in Public Places could be a First Read Only at this time, to give City Council members additional time to consider public comment. The second read is slated for May 20, 2013.

ORDINANCE #13-05-01, CONSIDERATION OF SMOKING IN PUBLIC PLACES:

Mayor Buckman read by title Ordinance #13-05-01.

Mayor Pro-Tem Eales made a motion to approve the first reading of Ordinance #13-05-01, repealing Chapter 230, Article IX, Sections 230.840 through 230.900 of the Municipal Code and Adopting New Sections 230.840 through 230.900 in Lieu Thereof. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

The First Reading of Ordinance #13-05-01 passed and approved May 6, 2013.
RESOLUTION #944, CONSIDERATION OF RESOLUTION NO. 944 REPEALING RESOLUTION NO. 935:

Mayor Buckman read by title Resolution #944.

David Haugland, City Manager briefed the Council of the Resolution.

Councilwoman Morgan made a motion to approve Resolution No. 944 to Repeal Resolution No. 935. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Resolution #944 passed and approved May 6, 2013.

RESOLUTION #945, CONSIDERATION TO RENAME CERTAIN STREETS:

Mayor Buckman read by title Resolution #945.

Bill Ahrens, Zoning Administrator briefed the Council of the Resolution.

Councilwoman Morgan made a motion to approve Resolution No. 945 establishing the desire to Rename Certain Public Streets. Motion was seconded by Mayor Pro-Tem Eales.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Resolution #945 passed and approved May 6, 2013.

RESOLUTION #946, CONSIDERATION OF EMERGENCY REPAIR TO CRESCENT LAKE LIFT STATION:

Mayor Buckman read by title Resolution #946.

Tom Wall, Utilities Director briefed the Council of the Resolution.

Mayor Pro-Tem Eales made a motion to approve Resolution No. 946 authorizing Crescent Lake Lift Station repairs in the amount of \$17,420.00. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

Resolution #946 passed and approved May 6, 2013.

ORDINANCE #13-05-02, CONSIDERATION OF 5309 GRANT ASSISTANCE FOR PUBLIC TRANSPORTATION:

Mayor Buckman read by title Ordinance #13-05-02.

Chad Birdsong, Public Works Director briefed the Council of this Ordinance.

Mayor Pro-Tem Eales made a motion to place on second reading Ordinance #13-05-02, authorizing the Mayor to Apply for Federal Financial Assistance Pursuant to Section 5309 of Title 49 on behalf of the City of Excelsior Springs and execute any contracts resulting from such application for Transit Projects. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Mayor Pro-Tem Eales made a motion to approve Ordinance #13-05-02, authorizing the Mayor to Apply for Federal Financial Assistance Pursuant to Section 5309 of Title 49 on behalf of the City of Excelsior Springs and execute any contracts resulting from such application for Transit Projects. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Ordinance #13-05-02 passed and approved May 6, 2013.

ORDINANCE #13-05-03, CONSIDERATION OF 5311 GRANT ASSISTANCE FOR PUBLIC TRANSPORTATION:

Mayor Buckman read by title Ordinance #13-05-03.

Chad Birdsong, Director of Public Works briefed the Council of this Ordinance.

Councilwoman Morgan made a motion to place on second reading Ordinance #13-05-03 authorizing the Mayor to Apply for Federal Financial Assistance Pursuant to Section 5311 of Title 49 on behalf of the City of Excelsior Springs and execute any contracts resulting from such application for Transit Projects. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

Mayor Pro-Tem Eales made a motion to approve Ordinance #13-05-03, authorizing the Mayor to Apply for Federal Financial Assistance Pursuant to Section 5311 of Title 49 on behalf of the City of Excelsior Springs and execute any contracts resulting from such application for Transit Projects. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Ordinance #13-05-03 passed and approved May 6, 2013.

ORDINANCE #11-09-05, CONSIDERATION TO AMEND TITLE IV: ZONING CODE, CHAPTER 400: ZONING REGULATION, SECTION 400.280: PARKING AND LOADING REGULATIONS:

Mayor Buckman read by title Ordinance #11-09-05.

Bill Ahrens, Zoning Administrator briefed the Council of this Ordinance.

Mayor Pro-Tem Eales made a motion to place on second reading Ordinance #11-09-05 amending Title IV: Zoning Code, Chapter 400: Zoning Regulations, Section 400.280: Parking and Loading Regulations, of the Municipal Code of the City of Excelsior Springs. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

Councilwoman Morgan made a motion to Deny Ordinance #11-09-05, amending Title IV: Zoning Code, Chapter 400: Zoning Regulations, Section 400.280: Parking and Loading Regulations, of the Municipal Code of the City of Excelsior Springs. Motion was seconded by Councilman McElwee.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Ordinance #11-09-05 denied May 6, 2013.

ORDINANCE #13-04-03, CONSIDERATION OF ZONING TEXT AMENDMENT – CHAPTER 406: SUBDIVISION REGULATIONS:

Mayor Buckman read by title Ordinance #13-04-03.

Bill Ahrens, Zoning Administrator briefed the Council of this Ordinance.

Councilman McElwee made a motion to place on second reading Ordinance #13-04-03 amending Title IV: Zoning Code, Chapter 406: Subdivision Regulations, Section 406.040: General Provisions of the Municipal Code. Motion was seconded by Mayor Pro-Tem Eales.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

Councilman McElwee made a motion to approve Ordinance #13-04-03, amending Title IV: Zoning Code, Chapter 406: Subdivision Regulations, Section 406.040: General Provisions of the Municipal Code. Motion was seconded by Mayor Pro-Tem Eales.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Ordinance #13-04-03 passed and approved May 6, 2013.

ORDINANCE #13-05-04, APPROPRIATIONS:

Mayor Buckman read by title the First Reading of Appropriations Ordinance #13-05-04.

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

Councilwoman Morgan made a motion to place on second reading Appropriations Ordinance #13-05-04, in the amount of \$1,379,405.50. Motion was seconded by Mayor Pro-Tem Eales.

Roll Call of Votes: Ayes: Morgan, McElwee, Eales, Buckman

Nays: None, motion carried.

Mayor Buckman read by title the Second Reading of Appropriations Ordinance #13-05-04.

Councilman McElwee made a motion to approve Appropriations Ordinance #13-05-04, in the amount of 1,379,405.50. Motion was seconded by Councilwoman Morgan.

Roll Call of Votes: Ayes: McElwee, Morgan, Eales, Buckman

Nays: None, motion carried.

Appropriations Ordinance #13-05-04 passed and approved May 6, 2013.

REMARKS – CITY MANAGER AND CITY COUNCIL:

City Manager, David Haugland:

1. The MML Westgate Meeting for May will be held on Thursday, May 23, 2013 in Blue Springs. David Haugland will need reservations by May 16, 2013.

Mayor Buckman:

1. Attended the Prayer Breakfast on Thursday. The speaker was excellent! There were a couple of tables not filled but will work to get a full house for next year.
2. Thank you to the public for attended the meeting tonight and your voice regarding the Smoking Ordinance.

Mayor Pro-Tem Eales:

1. Nothing tonight.

Councilwoman Morgan:

1. Welcomed Reggie St. John and looks forward to working with him.

Councilman McElwee:

1. Nothing.

The Regular Council Meeting adjourned at 7:10 PM.

ATTEST:

AMBROSE BUCKMAN, MAYOR

SHANNON STROUD, CITY CLERK