

**CITY OF BUTLER  
MINUTES OF A MEETING OF THE CITY COUNCIL  
MARCH 16, 2010**

The Butler City Council met in regular session on Tuesday, March 16, 2010, at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio, with Mayor Cook presiding. The following Councilmen were present:

**ROLL CALL**

David Brown	Don Malan
Brian Phillips	Jim Fisher
Justin Osburn	Bob Schnoebelen
Pat Simons	Doug Wix

**OTHERS PRESENT**

Others present were Police Chief Garnett, City Clerk Casey Koehn sitting in for City Administrator Mark Arbuthnot, Public Works Director Trent Diehl, and Barb Scrogam.

**OTHER GUESTS**

Other guests present to observe the proceeding were Eugene Miller, Bob Thomas, John Golladay, Charles Rush, W.E. Grant and M.E. Grant

**APPROVE CONSENT AGENDA**

Motion by Schnoebelen, seconded by Wix to approve the minutes of the regular session of March 2, 2010 and the special meeting of March 11, 2010. Motion passed unanimously by a show of hands. Motion by Schnoebelen, seconded by Phillips to approve the bills, excluding Don's Tire and Service, and Butler Tow presented for payment. Motion passed unanimously by a show of hands. Motion by Phillips, seconded by Wix to approve the bill from Don's Tire and Service, and Butler Tow. Motion passed unanimously by a show of hands with Malan, and Osburn abstaining.

**DELETIONS**

**BURNS AND McDONNELL**

Deletion of Burns and McDonnell from the agenda. The agreement was not received in time for the council meeting.

**PUBLIC HEARING FOR  
BUDGET AMMENDMENT FOR  
50 FUND AIRPORT**

A hearing on the proposed FY 2009-2010 Budget Amendment for the Airport Fund is required to appropriate an additional \$9,000 for facility repairs, airplane refueling station compliance work and development of a Spill Prevention Plan. These items were all completed in the 2009 budget year. Total Airport Fund expenditures will be increased from \$19,575 to \$28,575 with the approval of this amendment. Ordinance No. 905 is to be considered by

the council after the closing of the hearing for approval of this amendment is included in the packet.  
No questions from the public. Hearing closed.

**PUBLIC HEARING FOR FY  
2010-2011 BUDGET**

A hearing on the proposed FY 2010-2011 Budget for all funds appropriating \$12,972,156 for maintenance and operation work performed by the various City departments and for other improvements that are utilized to provide services to the citizens of Butler. The budget year is April 1, 2010 – March 31, 2011. The FY 2010-2011 Budget Message from the City Administrator is included in the packet. The departmental budget expenditures and revenues along with the (5) Year CIP, Street and Sidewalk Projects, Long Term Debt Schedules and the Wage and Salary Schedule were provided to the City Council for the March 2, 2010 meeting. Ordinance No. 906 is to be considered by the council after the closing of the hearing for approval of the proposed budget is included in the packet.

NO questions from the public. Hearing closed.

**BILL NO. 2010-1  
ORD NO. 905  
1<sup>ST</sup> READING**

Motion by Phillips, seconded by Brown for the first reading of **Bill NO 2010-1 ORD NO 905 AN ORDINANCE AMENDING THE 2009-2010 FISCAL YEAR BUDGET FOR THE CITY OF BUTLER MISSOURI, BY INCREASING THE APPROPRIATIONS IN THE AIRPORT FUND \$9000.00 FOR FACILITY REPAIRS.**

Motion passed with the following votes:

Brown-Aye	Malan-Aye
Phillips-Aye	Fisher-Aye
Osburn- Aye	Schnoebelen-Aye
Simons-Aye	Wix-Aye

**BILL NO. 2010-1  
ORD NO. 905  
2<sup>ND</sup> READING**

Motion by Wix, seconded by Osburn for the second reading of **Bill NO 2010-1 ORD NO 905 AN ORDINANCE AMENDING THE 2009-2010 FISCAL YEAR BUDGET FOR THE CITY OF BUTLER MISSOURI, BY INCREASING THE APPROPRIATIONS IN THE AIRPORT FUND \$9000.00 FOR FACILITY REPAIRS.**

Motion passed with the following votes:

Brown-Aye	Malan-Aye
Phillips-Aye	Fisher-Aye
Osburn- Aye	Schnoebelen-Aye

Simons-Aye

Wix-Aye

Motion by Malan, seconded by Wix to adopt **Bill 2010-1 ORD NO 905 AN ORDINANCE AMENDING THE 2009-2010 FISCAL YEAR BUDGET FOR THE CITY OF BUTLER MISSOURI, BY INCREASING THE APPROPRIATIONS IN THE AIRPORT FUND \$9000.00 FOR FACILITY REPAIRS.**

Motion passed with the following votes:

Brown-Aye

Malan-Aye

Phillips-Aye

Fisher-Aye

Osburn- Aye

Schnoebelen-Aye

Simons-Aye

Wix-Aye

Motion by Brown, seconded by Malan for the first reading of **Bill NO 2010-2 ORD NO 906 AN ORDINANCE APPROVING THE 2010-2011 FISCAL YEAR BUDGET OF THE CITY OF BUTLER MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF, AND PROVIDING THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES.**

Motion passed with the following votes:

Brown-Aye

Malan-Aye

Phillips-Aye

Fisher-Aye

Osburn- Aye

Schnoebelen-Aye

Simons-Aye

Wix-Aye

Motion by Malan seconded by Wix for the second reading of **Bill NO 2010-2 ORD NO 906 AN ORDINANCE APPROVING THE 2010-2011 FISCAL YEAR BUDGET OF THE CITY OF BUTLER MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF, AND PROVIDING THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES.**

Motion passed with the following votes:

Brown-Aye

Malan-Aye

Phillips-Aye

Fisher-Aye

Osburn- Aye

Schnoebelen-Aye

Simons-Aye

Wix-Aye

**BILL NO. 2010-2  
ADOPT ORD NO. 906**

**Motion by Malan, seconded by Phillips to adopt Bill NO 2010-2 ORD NO 906 AN ORDINANCE APPROVING THE 2010-2011 FISCAL YEAR BUDGET OF THE CITY OF BUTLER MISSOUR, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF, AND PROVIDING THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES.**

Motion passed with the following votes:

Brown-Aye	Malan-Aye
Phillips-Aye	Fisher-Aye
Osburn- Aye	Schnoebelen-Aye
Simons-Aye	Wix-Aye

**BOARDS AND COMMISSIONS  
PARK & REC COMMISSION  
APPOINTMENT**

The Park and Recreation Commission met on Thursday, March 4, 2010 at noon at City Hall. They accepted a letter of resignation from Jesse Schowengerdt (term expires April 2010). Lyle McGuire (term expires April 2011) has also resigned from the board as his work schedule does not allow him time off to attend the board meetings. It has been recommended that Danny Robinson be appointed by the Mayor, Jerry Cook to fill the unexpired term of Lyle McGuire until April 2011 on the Park and Recreation Commission.

They approved the scoreboard to be donated by Brad and Cheryl Stephens for the ball diamond. A picture of the scoreboard is included in the packet. The board also gave approval for Dana Bridges to extend the Trail of Memories tree plantings

Several items were discussed regarding the Aquatic Center operations for this summer.

The following Aquatic Center fees were approved for this summer:

Daily Pass – Age 5 & under - Free

Daily Pass - Age 5 & up - \$4

Daily Pass – Age 66 & over – Free

Season Pass Senior – Age 55 to 66 - \$60

Season Pass Individual – Age 5 to 55 - \$70

Season Pass Family (up to 4 children) - \$150. Each additional child \$20

Punch Card with 10 daily passes - \$25

Motion made by Brown, second by Phillips to accept pool fees.

Other Aquatic Center Items:

Open Aquatic Center - May 22, 2010

Concessions – Working on bids from local businesses.  
Lockers without locks no charge if locked there will be a minimal charge.

The board discussed installing another sand volleyball court in the area adjacent to the old swimming pool building. The Park and Recreation Superintendent had been approached about a league being formed that would require an additional court.

The board discussed eliminating the bicycle jump mounds to Allow for the installation of the volleyball court.

The Park and Recreation Superintendent, Scott Bitner reviewed his monthly report with the board.

Mayor Cook appointed Danny Robinson to the Park and Rec commission, replacing Lyle McGuire. Motion was made by Schnoebelen, second by Fisher to accept appointment of Danny Robinson. Motion passed unanimously with a show of hands.

#### AIRPORT COMMISSION

The Airport Commission met on Thursday, March 11<sup>th</sup> at 6:30 p.m. Their agenda included the year to date financial reports including the amendment to their FY 2009-2010 Budget and the approval of their FY 2010-2011 Budget. Ryan Manning the engineering services for the micro-seal project and reviewed other projects that have been included in the (5) Year Capital Improvement Plan based on discussions with MoDOT staff. Engineer with Burns & McDonnell was in attendance and discussed the agreement for engineering services for the micro-seal project and reviewed other projects that have been included in the (5) Year Capital Improvement Plan based on discussions with staff.

Other agenda items included approval of the Spill Prevention Plan and review of proposed State Legislation – SB 100 which would reduce the amount of funding available for all Airport improvements in Missouri if it is approved. They were not able to take formal action on agenda items at the meeting as one of the commission members had to leave so they no longer had a quorum present. They discussed scheduling another meeting next week.

Clerk Koehn requested the council members to bring their code books to the next council meeting for updates. Scott Fredrick's inquired if he was to continue filling in, for City

**REPORTS**  
**CITY CLERK**

Attorney Diana Thomas, when she is not available to fulfill her duties. After discussion; a motion was made by Phillips second by Simons for Fredrick's to continue with the work he is doing for the city.

**CITY ADMINISTRATOR**

A memorandum from the Public Works/Utilities Director, Trent Diehl is included in the packet regarding the bid process that was used by the City for the mower that was approved for purchase at the March 2<sup>nd</sup> council meeting.

**PAVE GUARD  
TECHNOLOGIES/SOLAR  
FARM**

The City Administrator spoke with Corey McDonald with Pave Guard Technologies about the Solar Farm Project for the Industrial Park. He indicated that it would be several more weeks before any additional information would be available to discuss and he would be in touch to schedule a meeting at that time.

**MoDOT/HWY 71**

The City Administrator, Public Works/Utilities Director and two engineers from Allgeier, Martin & Associates had a meeting with two MoDOT engineers last Friday to discuss future improvements for Ft. Scott St. west from Orange St. out to Hwy. 71. The MoDOT engineers indicated the only improvements that they were aware of are the improvements that are planned for the Fran Ave. intersection west to Hwy. 71 but were not aware of the schedule for this work to be completed. They indicated they were five years out on any new improvement projects and that at a minimum it would require a 50/50 match from the City as MoDOT has very limited funding for any projects. The other issue they mentioned was that the competition for these funds has increased and unless the project is ranked high on the list it would probably not be funded. Any projects need to be supported through the Kaysinger Basin Regional Planning Commission Transportation Committee because they make recommendations to MoDOT. The MoDOT engineers did indicate that they would do a preliminary design to upgrade to a (4) lane roadway with widening the railroad underpass and installing sidewalks with cost estimates when they had some spare time which could be later this year. It was also discussed that as a possible way to fund the project would be with the establishment of a Transportation Development District (TDD). Under this program improvements may be financed with special assessments, property tax or a sales tax in one-eighth of one percent increments up to a maximum of one percent or by tolls being collected for use of the road.

**WIX**

A letter that Terri Norman delivered to the City Administrator on March 10, 2010 is included in the packet for the Mayor, City Council and Police Chief. She requested that the letter be provided for your information and consideration.

**CODE ENFORCEMENT**

**NEW BUSINESS**

Chief Garnett reported there are two proposed shooting range sites. One is south of the impound lot at the fairgrounds the 2<sup>nd</sup> one is at the wastewater treatment plant. Council members requested Chief Garnett to speak with the residents that live in the area of the proposed range south of the impound lot.

**INSURANCE BIDS**

Mayor Cook thanked Brad and Cheryl Stephens for the donated score board.

Thanked the Stephens for the scoreboard.  
A citizen mentioned the possibility of Sensitivity Training for the Police Department

**AFFORDABLE HOMES**

Thanked the Stephens for the scoreboard.

Thanked the Stephens for the scoreboard. Osburn reported on the Vision Committee, they had a great turn out. The next meeting will be April 13, 2010 at the Butler High School.

**ANIMAL CONTROL SERVICES**

Simons reported the thrift shop is in good condition. Simons also stated the thrift shop needs a programmable thermostat. Questioned if a grant could be applied for to help with a new roof for the Old High School.

**CITY ATTORNEY/CITY PROSECUTOR APPOINTMENT**

Thanked the Stephens for the scoreboard. Malan reported there is trash and limbs in the ditch by the Children's Center on Longsinger St, also reported there is interest in starting a neighbor watch program and Officer Correa is willing to head up this program.

Thanked the Stephens for the scoreboard. Fisher reported potholes are being worked on; also the road at the fairgrounds is in need of repair.

**ADDLEMAN**

Wix inquired about getting number put on businesses so they are easier to find in an emergency

Officer Denny Rich reported on code enforcement.

Charles Rush brought 4 bids for the City of Butler property and liability insurance. 1<sup>st</sup> is MO Rural Service with a bid of 121,359.00. 2<sup>nd</sup> is MOPERM with a bid of 119,253.00. 3<sup>rd</sup> is Trident with a bid of 119,132.00. 4<sup>th</sup> is Continental Western with a bid of 142,413.00. After discussing all the bids and different terms per company a motion was made by Osburn and second by Schnoebelen to stay with MO Rural Service. Motion passed unanimously with show of hands.

Affordable Homes is requesting an extension on land option until June 30, 2010. After much discussion it was decided to table for further information.

Chief Garnett informed the council that there is no contract with Dr. Sage for animal control services. City Attorney Thomas has drawn up a contract for animal control. Chief Garnett would like to take a copy of the contract to all 3 of the veterinarians and bring back for council to consider. Motion was made by Malan second by Phillips to distribute the contracts. Motion passed unanimously with show of hands.

Mayor Cook appointed Tom Addleman as City Attorney/City Prosecutor effective April 1, 2010. Motion made by Osburn, second by Simons to approve appointment. Motion passed by a vote of 7 to 1.

Tom Addleman inquired about office space at City Hall, said it would be more convenient for him, and is willing to pay for the space. Addleman stated he would prefer a 2 year contract if possible, and his address is wrong on the

current contract. If a 2 year contract is not possible he is acceptable with the 1 year contract.

There being no further business, motion was made by Malan, seconded by Brown to adjourn meeting.

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Mayor Jerry L. Cook

ATTEST

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City Clerk Casey Koehn