

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
APRIL 20, 2010**

The Butler City Council met in regular session on Tuesday, April 20, 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- Absent	Bob Schnoebelen
Pat Simons	Doug Wix

OTHERS PRESENT

Others present were Police Chief Garnett, City Administrator Mark Arbuthnot, City Clerk Casey Koehn, City Attorney Tom Addleman, Public Works Director Trent Diehl and Barb Scrogam

OTHER GUESTS

Other guests present to observe the proceedings were Eugene Miller Jr., Sara Dobson, David Dobson, Gayle Cook, George Ann Fisher, Kelli Schapeler, Crystal Treadwell, Sally Burg, Diana Dee Thomas, John M Green, Karen Malan, Paige Neighbors, Marna Tucker, Hank Klumb, Jamie McMorris, Jana Allen, Fred R Howell, Herman Thomas, Rodger Koehn, Chris Sage DVM, Vanessa Ragan, Macy Ragan, Brandon Conger, Dan Conger.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Simons to approve the minutes of the regular session of April 6, 2010. Motion passed unanimously by a show of hands. Motion by Schnoebelen, seconded by Phillips to approve bills, excluding Bates County Fire Safety, presented for payment. Motion passed unanimously by a show of hands. Motion by Brown, seconded by Malan to approve the bill from Bates County Fire Safety. Motion passed unanimously by a show of hands with Wix abstaining. Motion by Brown, seconded by Malan to approve travel and training. Motion passed unanimously by a show of hands. Motion by Simons, seconded by Fisher to accept Certified Election Results. Motion passed unanimously by a show of hands.

**PROCLAMATION
OLDER AMERICANS MONTH**

Mayor Cook proclaimed the Month of May 2010 and every year thereafter as OLDER AMERICANS MONTH. He urged everyone to take time this May to honor our older adults and the professionals, family members and citizens who care for them.

**OATH OF OFFICE
REORGANIZE THE CITY
COUNCIL**

City Clerk Casey Koehn administered the oath of office to Don Malan (Mayor), David Brown (Ward 1 Councilman), Thom Burg (Ward 2 Councilman), Jim Fisher (Ward 3 Councilman) and Brian Boyd (Ward 4 Councilman).

Mayor Cook expressed his thanks to his wife, Gayle, City Administrator Mark Arbuthnot, City Clerk Casey Koehn and the Council for all their hard work

and support while he served as Mayor for the past eight years.

ROLL CALL

David Brown
Brian Phillips
Thom Burg
Pat Simons

Jim Fisher
Brian Boyd
Doug Wix

WIX NEW MAYOR PRO TEM

Mayor Malan asked for nominations from the Council for Mayor Pro Tem. Phillips motioned to nominate Wix with Brown seconding the motion. An open vote was taken with a unanimous vote for Wix.

Mayor Malan stated his appointment for ward 3 Councilman will be announced at the May 4th Council meeting.

ADDITIONS

Addition to the agenda, Diana Thomas wished to address the council regarding a statement City Attorney Addleman made at the April 6th council meeting, about the court being in debt. Simons made a motion to accept the addition to the agenda, seconded by Wix. Motion passed unanimously by a show of hands.

SCHEDULED GUEST
DIANA THOMAS
KELLI SCHAPELER
LOCAL VETERINARIANS

Diana Thomas stated that the court cannot be in debt. It is not owed by the court, but by the defendants. Thomas stated as previous City Attorney she, along with the court staff, had worked to reduce the deficit. Current City Attorney Addleman apologized, saying if he was out of line, he did not mean any ill will.

Kelli Schapeler from the Butler Area Chamber of Commerce is requesting to use the area around the courthouse square for their City Wide Garage Sale on Saturday, May 8th. Motion made by Wix, seconded by Simons to close the area around the courthouse on May 8th. Passed unanimously with a show of hands.

The three local veterinarians Chris Sage, Trent Callahan and Bud Welborn were invited to the City Council meeting to discuss providing their services to the City for impounded animals and related services. Chris Sage was the only local veterinarian responding to the invitation to speak before the council. Dr. Sage explained he has been providing the veterinarian service for the city since 1995 and there has been no contract. Dr. Sage stated the contract that was presented to him, shackles his hands and he will not sign it. He further stated he provides veterinarian services to Adrian, Archie and Amsterdam and they do not require a contract. It was brought forth that the contract needs to be in place for liability purposes and for Dr. Sage to abide by city code. After much discussion, it was decided that City Attorney Addleman would draw up a more simplified contract and bring it back to the council for approval. Dr. Sage would fill out the proper paper work associated with each dog that is impounded.

BOARDS AND COMMISSIONS
AIRPORT COMMISSION

Airport Commission met on Thursday, April 8, 2010 at 6:30 p.m. at City Hall. The commission reviewed the year to date financial information and reviewed

the proposed projects for the Five Year Capital Improvement Plan with Ryan Manning of Burns & McDonnell. There was a report given by Airport Manager, Chris Hall, and it was also decided to contact a local electrician to look at repairing the rotating beacon

REPORTS
POLICE CHIEF
SHOOTING RANGE
PEDESTRIAN LIGHT

Chief Garnett reported that there is another possible site for the shooting range that is city owned. It is located 3 miles west of the city at the water plant. There is plenty of dirt for the berm. Chief Garnett stated this would be the best location as there are no houses for a mile to mile and a half. There would not be any cost at this time to get the range operational; in the future the possibility of setting up lights and a shelter house, as funds become available. The range will only be used by Law Enforcement and City employees, subject to change. Motion made by Burg, second by Phillips to approve the shooting range. Passed unanimously by a show of hands.

Chief Garnett reported Dennis Page contacted him about putting in a pedestrian light at Ft. Scott and High St. and would the city be willing to fund this project. City Administrator Arbuthnot reported on the pricing of the pedestrian lights. Caution lights run between 60 to 70 thousand dollars and a complete light system runs around \$250,000.00. The consensus of the council is to have Chief Garnett speak with Mr. Page regarding any financial help the school might be able to give and to inquire about applying for grants.

CITY ATTORNEY

City Attorney Addleman reported the court changes are coming together. Addleman stated city employees need to sign a waiver before using the shooting range for liability purposes.

CITY ADMINISTRATOR
ORIENTAION MAYOR &
COUNCILMEN

The City Clerk and City Administrator will be conducting an orientation session for the newly elected governing body members on Thursday, April 22nd at 10:00 a.m. at City Hall. Any of the City Council members are welcome to attend this session.

ELECTED OFFICIAL TRAINING

The Missouri Municipal League is conducting an Elected Officials Training Conference in Jefferson City June 17-18, 2010. Any City Council members wishing to attend this conference should advise the City Clerk so that registrations can be sent in. Information about the conference is included in the packet.

SPECIAL COUNCIL MEETING

Information is included in the packet regarding a Special City Council meeting that needs to be held on Thursday, April 29, 2010 at 6:30 p.m. to conduct a public hearing and then consider approval of the amended Floodplain Management Regulations. The City needs to approve these regulations for flood insurance through the National Flood Insurance Program to be continued to be offered to properties within the City limits.

The Planning Commission will be having a special meeting at noon on April 29th also to conduct a public hearing on these proposed amendments to the Floodplain Management Regulations and then make a recommendation to the

City Council

RECOMMENDATIONS FOR MAYORAL APPOINTMENTS OF COUNCILMEN

Mayor Malan appointed the Councilmen to the following Committees, Boards and Commissions.

Community Development: Brown (chair), Boyd, Phillips, Simons.

City Owned Facilities: Burg (chair), Brown, Boyd, Fisher

Finance: Wix (chair), Simons, Fisher

Personnel: Phillips (chair), Fisher, Boyd, Brown

Operations: Fisher (chair), Phillips, Wix, Burg

Public Safety: Wix (chair) Phillips, Brown

Airport Commission-Fisher

Cemetery commission-Burg

Industrial Marketing Commission-Brown, Simons

Planning Commission-Burg

Park & Recreation Commission-Simons

Zoning Board of Adjustment-Wix

Mayor Malan expressed his appreciation to his family for their support and attendance. Mayor Malan welcomed the new & returning councilmen.

COUNCILMEN BROWN

Brown welcomed the new Mayor and Councilmen.

Complaints-Citizen reported that on April 14, 2010 at around 2:00pm city employees were seen racing and driving dangerously. A citizen inquired as to why the city is painting the lines on the roads.

PHILLIPS

Phillips welcomed the new Mayor and Councilmen and stated the city made great strides under Mayor Cook and the city will continue to make great strides with Mayor Malan. Phillips expressed concern over a certain councilman harassing a local businessman and stated that the negative attitude of one councilman is not the attitude of the whole council.

BURG

Burg reported he will work hard for the people of Butler. Burg was approached by concerned citizens about cleaning up the City of Butler.

SIMONS

Simons reported it is going well at the ball park. Simons thanked City Administrator Arbuthnot for all his hard work.

BOYD

Boyd stated he is looking forward to the challenge and wants to be an asset to the community.

WIX

Wix welcomed the new Mayor and Councilmen. Wix expressed his desire to work together to achieve many accomplishments for the City of Butler.

Wix stated he had given more thought to the Affordable Homes extension. He feels the City is hurting itself by not granting the extension and is in favor of the extension. Phillips stated he agreed with Wix and the delay had been at the state level. Arbuthnot stated the Carmichael's are proceeding with their plans. Arbuthnot stated Marie Carmichael called and thanked the council for taking the time to listen to them. Brown stated that 6 days was not long enough for the local businesses to get their bids in. Motion made by Phillips, seconded by Wix to approve the extension. Motion failed with a 2 to 4 vote. Wix &

Phillips-aye, Brown, Burg, Simons, Boyd-nay.

NEW BUSINESS

Consider bids for leases on City property to be used for crop production. No bids were received on tracts No. 4 and 5. Two bids were received on the other properties-one from Kevin Umstatt and one from Danny Wainscott. The bids were as follows:

<u>Tract No. - Size(acres/use)</u>	<u>Bid Amt./Acre</u>	<u>Annual Total</u>	
<u>Bidder</u>			
Tract No. 1 – 56/crop Wainscott Bid includes brush removal and dirt leveling.	60	3360	
Tract No. 2 – 20/crop Umstatt	65	1300	
Tract No. 3 – 10/crop Wainscott	50	500	
Tract No. 4 – 10/crop Bids	0	0	No
Tract No. 5 – 10/hay Bids	0	0	No
Tract No. 6 – 21/crop (Note 1.) Wainscott	40	840	
<u>Tract No. 7 – 9/crop (Note 2.)</u> <u>Wainscott</u>	40	360	
Totals	255	6360	

Note 1. Bid includes area north of City Lake. Leave a 45' filter strip on south side, clean out brush and get land back into production.

Note 2. Bid includes area north of City Lake. If not in DNR program clean out brush and get land back into production.

Note 3. Tract No. 6 and Tract No. 7 were not in the original request for bids but were added after the bidder discussed these areas with the City Administrator and the Public Works/Utilities Director. The City has to verify that these can be farmed for crop production.

During the meeting it was also discussed as to how the actual acreage would be determined for making the lease payment. It was agreed that the Farm Service Agency could do an accurate measurement of these areas and compute the actual acreage after the crops were planted.

The lease payments would then be due to the City no later than November 1st and this was stated as the lease payment date on the Wainscott bids.

It is recommended that the bids be accepted as submitted for Tract No's. 1, 2 & 3 and that Tract No's.6 and 7 be added if it is determined that they can be used for crop production; the lease payments be due no later than November 1st and that the lease be for a two year period. It is also recommended that Tracts No. 4 and 5 be bid out again for hay production. Copies of the bids with tract information and lease agreements are included in the packet. Motion made by Simons, seconded by Wix to accept bids from Umstadd & Wainscott. Motion passed unanimously with a show of hands.

ADJOURNMENT

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

Mayor Don H. Malan

ATTEST

City Clerk Casey Koehn

