

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

The Butler City Council met in regular session on Tuesday, July 20, 2010 at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio with Mayor Malan presiding. The following Councilmen were present:

ROLL CALL

David Brown-absent	Harold Weil
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

OTHERS PRESENT

Others present were Administrator Arbuthnot, Police Chief Garnett, Public Works Director Trent Diehl, City Clerk Mary Jo Cook, City Attorney Tom Addleman and Barb Scrogam.

OTHER GUESTS

Other guests present to observe the proceedings were Eugene Miller, Diana Dee Thomas, Herman Thomas and John Daniel.

APPROVE CONSENT AGENDA

Motion by Fisher, second by Boyd to approve the minutes of the closed session of July 6, 2010. Motion passed unanimously with a show of hands. Motion by Wix, second by Phillips to approve the minutes of the regular session of July 6, 2010. Motion passed unanimously by a show of hands. Motion by Simons, second by Wix to approve the bills. Motion passed unanimously by a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion by Wix, second by Phillips to add John Daniel with DSWA to the agenda to present the 2009-2010 city audit information, also to add under new business, the contract with B & L Electric to do overhead line work associated with the upgrade in connection with the Country Club Addition project. Motion passed unanimously with a show of hands.

**SCHEDULED GUEST
DIANA DEE THOMAS
MOTION TO INTERVENE**

Attorney Thomas reported on the motion to intervene from the lawsuit filed in the circuit court (City of Butler vs. County Commission) in regard to Mark and Amy Muller proposing to establish a village on their 75 acre tract west of M-52, in which Thomas represented the City of Butler. Thomas stated the proposal was null and void in March because it was filed after the required deadline. Thomas reported the Caskey law office was not a party to the action in the motion to intervene. Thomas also reported the motion to intervene had been ruled upon and was taken off the docket that was set for July 15, 2010.

COMPARISON REPORT

Attorney Thomas disputed information that had been presented to the council at the July 6, 2010 council meeting from City Attorney Addleman concerning fees and fines collected from April 1, 2010 thru June 30, 2010. Thomas distributed a comparison sheet she had prepared for the dates of April 1, 2009 thru June 30, 2009 showing her numbers exceeded City Attorney Addleman's.

for the corresponding time periods.

**JOHN DANIEL FROM DSWA
2009-2010 CITY AUDIT**

John Daniel from DSWA presented the city audit for 2009-2010 fiscal year with recommendations for some improvements for the coming fiscal year. Motion by Wix, second by Phillips to accept the audit as given. Motion passed unanimously with a show of hands.

**COMMITTEES
CITY OWNED FACILITIES
COMMITTEE
BATES COUNTY FAIR BOARD
ELECTRIC UTILITY BILL
POWER LINE TO BIKE TRACK**

The City Owned Facilities Committee met July 6, 2010 at 6:30 p.m. The topic for the evening was the Bates County Fair Board's request for a discount on their electric utility bill during the Fair week and the request to extend electrical service to the bike track area. The Mayor contacted the Missouri Municipal League concerning the electric utility bill discount request. The MML informed the Mayor that reduction in utility rates is illegal. Motion by Burg, second by Fisher to extend a power line to the bike track area. Motion passed with a vote of 7 to 1 with Wix voting nay.

**BOARDS AND COMMISSIONS
ZONING BOARD
VARIANCE**

The Zoning Board of Adjustment met last week to consider a side yard variance for the construction of a garage at 114 W. Mill St. The Zoning Board approved the request.

**UNFINISHED BUSINESS
NEIGHBORHOOD ADVISORY
COMMITTEE**

Burg advised the council there was a name change for the Community Pride Committee to the Neighborhood Advisory Committee. Burg requested the Committee become a legitimate part of the council as a board or commission. Administrator Arbuthnot questioned whether the Neighborhood Advisory Committee should be incorporated into the Community Development Committee. After much discussion it was decided to discuss the issue at the next meeting of the Neighborhood Advisory Committee.

**REPORTS
POLICE CHIEF
COUNTY WIDE 911 SERVICE**

Chief Garnett reported he spoke with Terry from CenturyLink on Thursday. Terry came up with a total cost of implementing the county wide 911 service; Garnett stated it is going to be expensive. Garnett reported the Sheriff has 75% of the rural address completed for the 911 service.

**CITY ATTORNEY
NEW PROBATION PROCEDURES**

City Attorney Addleman reported the efforts to clean up the court and new probation procedures are being implemented; if a defendant fails to make a payment there is a more swift call back into the court.

**NEIGHBORHOOD ADVISORY
COMMITTEE**

Addleman reported he had attended the Neighborhood Advisory Committee meeting and he is excited about what the committee is trying to accomplish. He plans to attend more meetings in the future. Addleman stated he heard good things about the Shine On event.

REVENUE

Addleman stated in response to Diana Dee Thomas, he took the revenue amount and subtracted the expenses to get the figures he came up with. Addleman stated he wished Thomas would speak to him if there is a problem.

ADMINISTRATOR

Administrator Arbuthnot stated he is still on the mend and working half days. Arbuthnot also expressed his appreciation for all the cards and letters he received.

**OSAGE VALLEY MARAIS DES
CYGNES BASIN LEADERSHIP
INSTITUTE**

Arbuthnot reported Osage Valley is sponsoring the 2010 Marais Des Cygnes Basin Leadership Institute in regards to water quality on August 31, 2010 at the Bates County Museum in Butler. Anyone wanting to attend needs to return his registration to City Hall.

DEMOLITION

Arbuthnot reported the house demolition is progressing; there are three houses in the works of being demolished. The locations of the houses are 604 E. Dakota, 307 W. Pine and 305 N. Lyons. Arbuthnot stated he is giving an extension to Mr. Leemaster on the property at 307 N. Lyons St. Mr. Leemaster is working on removing the demolished house.

SALES TAX EXEMPTION

Arbuthnot replied to a question about the sales tax exemption in August for the back to school. If the council does not want to participate in the sales tax exemption they will have to take action not to participate. Arbuthnot made the recommendation to continue to participate in the sales tax exemption.

**MAYOR
COMMENDS PAT DECKER AND
CITY EMPLOYEES**

Mayor Malan expressed his thanks to everyone who helped and attended the Shine On event on July 19, 2010. He commended Pat Decker and the City employees for a job well done. Malan stated he was proud of all involved and the City.

**COUNCILMEMBERS
PHILLIPS**

Phillips-No complaints. Glad to have Administrator Arbuthnot back. Likes code enforcement report. Looks like things are moving along. Phillips commented later on in the meeting about the comparison sheet that the previous City Attorney Diana Dee Thomas passed out to the council comparing Addleman and Thomas revenues for the court. Phillips stated that the present City Attorney is doing a good job and the previous City Attorney did a good job but the comparison sheet is not needed and it is useless. Phillips stated it's time to move on-what's over is over. The consensus of the council was to move on.

BURG

Burg-Officer Rich doing a good job. There were three cases where Officer Rich informed the people of pending issues of code violations. After notifying the people the issues were taken care of. Glad to see things being taken care of.

SIMONS

Simons-Inquired about the ice cream vendors having a license and if a background check was completed.

WEIL

Weil-Commended Pat Decker on the Shine On event. No complaints.

FISHER

Fisher-Glad to have Administrator Arbuthnot back. Fisher and Public Works Director Trent Diehl are working with the Country Club Board on obtaining an easement. Fisher stated the Shine On event was great and there were people who came from other towns to participate in the event.

BOYD

Boyd-Had previously handed in 6 or 7 complaints and was glad to see some of the complaints had been taken care of.

Wix-Glad to have Administrator Arbuthnot back. One complaint of a refrigerator in a yard. Wix stated the Shine On event showed great spirit.

WIX

Consider the contract with B & L Electric. Motion by Simons, second by Wix to approve the contract with B & L Electric for \$38,750.00. Motion passed unanimously with a show of hands.

NEW BUSINESS

B & L CONTRACT

PRIVATE SEWER

Public Works Director Trent Diehl spoke on behalf of Mr. Leland Burnett. Mr. Burnett has 185 ft of private sewer line and would like to be connected to the city sewer line. Mr. Burnett is willing to pay for the expenses if he has to. After much discussion it was decided to take it to the Operations Committee.

**UTILITY BILLING AND
COLLECTION POLICY**

Consider amendment to the City Utility Billing and Collection Policy. Motion by Phillips, second by Burg to approve the amendment to the utility billing and collection policy. Motion passed unanimously with a show of hands.

There being no further business, motion was made by Wix, second by Burg to adjourn the meeting.

ADJOURNMENT

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook