

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
August 3, 2010

The Butler City Council met in regular session on Tuesday, August 3, 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	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 Attorney Tom Addleman and Barb Scrogam.

OTHER GUESTS

Eugene Miller, Jr.

APPROVE CONSENT AGENDA

Motion by Fisher, second by Wix to approve the minutes of the regular session of July 20, 2010 with the exception of correcting Brown not being present as stated in the Roll Call. Motion passed unanimously with a show of hands. Motion by Phillips, second by Wix to approve the bills. Motion passed unanimously by a show of hands. Motion by Wix, second by Brown to approve travel and training. Motion passed unanimously by a show of hands.

APPROVAL OF AGENDA
ADDITIONS OR DELETIONS

None

COMMITTEES
OPERATIONS

Met at 6:30 on August 3, 2010. Discussion about private sewers. A recommendation to prorate the fee for materials with the City providing the labor. Motion by Phillips, second by Burg. Motion passed unanimously by a show of hands.

NEIGHBORHOOD ADVISORY

Met at 6:30 on Monday, August 2, 2010. Council Rep to the committee, Tom Burg, reported they are getting a good start and stated the meeting was very productive. They are finding loopholes in the laws that need to be changed. Next meeting will be Monday, August 16, 2010.

BOARDS AND COMMISSIONS

None

UNFINISHED BUSINESS

None

**BILL ORDINANCES &
RESOLUTIONS**

ORDINANCE NO. 912

BILL NO. 2010-8

ORDINANCE NO. 912

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT AND BINDING UNILATERAL AGREEMENT WITH CRICKET COMMUNICATIONS, INC., AND RELATED ENTITIES RELATING TO PAYMENT OF BUSINESS LICENSE TAXES

Motion to adopt ordinance no. 912 by Wix, second by Weil. Motion passed unanimously with a roll call vote.

ORDINANCE NO. 913

BILL NO. 2010-9

ORDINANCE NO. 913

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT AND BINDING UNILATERAL AGREEMENT WITH T-MOBILE RELATING TO PAYMENT OF BUSINESS LICENSE TAXES

Motion to adopt ordinance no. 913 by Wix, second by Phillips. Motion passed unanimously with a roll call vote.

REPORTS

**POLICE CHIEF
NEW TOW & STORAGE FEES**

Vehicle tow and storage fees within the city limits to the customer were set at \$75.00 tow, 1 day free storage and \$15.00 storage fee a day for every day thereafter. The City's cost for the tow will be \$45.00 to the tow company for a straight tow, with the customer being charged the difference for anything above that when it is not a straight tow situation. Motion by Simons, second by Burg. Motion passed unanimously with a show of hands.

**VIDEO CAMERAS FOR
OFFICERS**

Testing on video cameras for officers to wear on uniform. Would like 10 cameras – one for each officer to keep in his possession. Two cheaper cameras were tested which showed poor sound synchronizing with the picture. Cost would be \$900.00 for cameras good on video and sound. Dash cams cost between \$1200.00 per unit up to \$5000.00 - \$6000.00 depending on quality wanted.

RESUSS-A-DOGGIE

County Emergency Management donated a "Resuss-A-Doggie" (valued at \$600.00) to the City. Roger Cecil and his wife took a first aid course on their own time and will be giving animal safety classes in the future.

**CITY ATTORNEY
TOM ADDLEMAN
ELECTION SIGNS**

Election sign ordinance need to be changed before the general election. There are some things that are wrong and need to be fixed. Signs should be 12' from the street and have a square foot limit of 10 sq ft.

PUBLIC DEFENDER FEES

Looking a revamping the public defender fees – whether to use a flat fee or have menu item fees.

ANIMAL ABUSE

Addleman requested citizens please contact police department if they see animal abuse.

ALCOHOL AT FAIRGROUNDS

Addleman stated there were questions regarding alcohol on the fairgrounds, specifically the beer garden. The fair board owns the building and is not controlled by alcohol inside. If it is on the outside of the building the City has control. There should be a meeting with the fair board to discuss this and other matters regularly. Administrator Arbuthnot informed the agreement with the fair board expires 2013.

**ADMINISTRATOR
FINANCE COMMITTEE
MEETING**

The Finance Committee will meet at 6:00pm on Tuesday, August 17th before the City Council meeting.

CITY OWNED MEETING

City Owned needs to meet to discuss proposed street and sidewalk improvements.

LIGHT PLANT

The Light Plant completed its certification run on Thursday, July 22nd for the amount of capacity credit that the City will receive on the monthly electric bills from MoPEP. This is done every two years and is a requirement of the MOPEP contract. The total recorded load that the Light Plant generated was 11.6 MW compared to 11.8 MW on the previous certification run. This will result in a reduction of \$191/month in the monthly credit that the City receives. Over a two year period this would be a reduction of \$4584 in credit and if you compare this against running the Light Plant again to try and increase the capacity credit amount back to the 11.8 MW the cost of fuel would be approximately \$5,000 plus any additional maintenance costs to do this so it is not economically feasible and at the higher loads the Light Plant starts to experience cooling problems with some of the generators. The capacity credit is currently \$10,984.87/month and this will be reduced by the \$191/month.

DOWNTOWN PROJECT

The City Administrator participated in two conference calls last week with staff from MoDOT(Missouri Department of Transportation), SHPO(State Historic Preservation Office), and HNTB(Engineering Consultant hired by City to complete design, construction specifications and plans and provide inspection during construction) last week to discuss the Butler Downtown Improvement Project status. The project has been put on hold until several issues can be resolved. The biggest issue is the fact that SHPO has issued an

adverse opinion as to what effect the project will have on the Bates County Courthouse because it is designated on the National Register of Historic Places. This opinion is largely based on the amount of brick that will be removed from the street areas where the crosswalks are to be reconstructed as part of the project. They indicated that they would reconsider their opinion if the project was revised and the amount of brick to be removed was reduced.

It was stated during the conference calls that the federal funds for the project would not be approved with the adverse opinion issued by SHPO. These grant funds are administered through MoDOT and account for 79% of the total project costs. The approved total project cost is \$418,579 with the grant funding paying \$330,678 of this and the City share being \$87,902. It was also stated if the scope of work for the project is substantially changed that the criteria that was used to approve the application for funding would no longer be applicable and that this could also result in the project approval being withdrawn by MoDOT for funding.

It was decided that a site visit would be made by MoDOT and SHPO staff to look at the project site and the Bates County Courthouse area again and discuss options to be considered in design changes that would allow SHPO to revise their adverse opinion and stay within the scope of work originally addressed in the approved application approved by MoDOT for funding and allow the approval by the Federal Highway Commission so that the project can be completed. The site visit will be scheduled in the next two to three weeks.

The Missouri Municipal League Annual Conference will be held in St. Charles, Missouri September 12-15, 2010. The deadline for advance registration is September 3, 2010. Registration fees increase after that date. Also hotel registrations have to be submitted by August 12, 2010 to receive the guaranteed room rates. If any of the City Council is planning to attend the conference please indicate at the August 3rd council meeting. The City Administrator is not requesting approval to attend this conference.

The City Administrator is requesting approval to attend the Missouri Public Utility Alliance Annual Conference that will be held in Osage Beach, Missouri September 29-October 1, 2010.

**MAYOR
COMMITTEES**

Mayor Malan stated he is pleased with all the committee work and that they are doing a good job.

COPPER AT AIRPORT

Public Works Director Trent Diehl was informed about copper lines being buried on the airport property. \$7000.00 worth of copper was retrieved.

**COUNCILMEMBERS
BROWN**

Brown-Complaints about standing water around the youth building. The bench at Douglas Park is concrete – where is it. Complaint about a large amount of trash at 306 E. Walnut.

PHILLIPS

Phillips-No complaints. Gave pat on back to Roger Cecil and his wife for making the effort to offer the CPR course for animals.

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.

Stated the Neighborhood Advisory Committee appreciated C.A. Moore and Jim Peters publicizing the cleanup efforts of the City.

SIMONS

Simons-Just a few are letting their properties go. 90% are taking care of their property.

Likes what Mark is doing regarding the sewers.

Complained the labor used on the new houses in Park West Estates is not local – except for Sutton Construction. He stated there is damage to Wix Lane due to the construction.

Wants to renegotiate the contract on the electric plant generators.

WEIL

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

FISHER

Fisher-Public Works Director Trent Diehl sent a letter to the Butler Country Club regarding the easement. He stated Mike Taranto is back in charge.

Received complaint about a tree growing up in the concrete on the south side of the square.

Complaint that the property at 109 S. Lyon needs to be mowed. There are also weeds on Broadway street.

Questioned if the property belonging to Les Akers could be cleaned up. The three homes are being auctioned, but the property is not.

BOYD

Boyd-Said he promised his neighbor something would be done about the tall grass when he was elected. He spent \$60.00 of his own money to get the lawn mowed because his nuisance complaints were not enforced.

Attended the Neighborhood Advisory Committee meeting. Said committee is motivated but the code's officer needs to keep it up.

WIX

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

NEW BUSINESS
SPEC BUILDING LEASE

Butler Milling requested a 90-day extension to store equipment in the industrial

spec building. Motion made by Burg to allow the extension, second by Wix. Motion passed unanimously with show of hands.

Consider revision to the City of Butler travel/training expenses reimbursement policy. Administrator Arbuthnot explained how the current policy worked – that it just needed to be implemented correctly. Motion to accept current policy made by Wix, second by Burg. Motion passed unanimously with a show of hands.

ADJOURNMENT

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

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook