

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
September 21, 2010

The Butler City Council met in regular session on Tuesday, September 21, 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-Arrived at 7:15

City Administrator Arbuthnot announced the Butler Airport Commission meeting will be in conjunction with the City Council meeting this evening.
Airport Commission present:

ROLL CALL

Jim Fisher	Bob Hardie
Thom Burg	Dennis Jacobs
Ron McCanles	Brad Vermaas

OTHERS PRESENT

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

OTHER GUESTS

Eugene Miller Jr., Ron McCanles, Bob Hardie, Brad Vermaas, Dennis Jacobs, Russell Epperson, Paula Payne and Carl Bordelon.

APPROVE CONSENT AGENDA

Motion by Phillips, second by Fisher to approve the minutes of the regular session of September 7, 2010. Motion passed unanimously with a show of hands. Motion by Burg, second by Boyd to approve the bills. Motion passed unanimously with a show of hands. Motion by Fisher, second by Brown to approve travel and training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion by Simons, second by Boyd to add Carl Bordelon to the agenda. Motion passed unanimously with a show of hands.
Motion by Simons, second by Fisher to add Russell Epperson to the agenda. Motion passed unanimously with a show of hands.

SCHEDULED GUEST
CARL BORDELON
604 E. DAKOTA ST. DEMOLITION

Carl Bordelon reported to the Council that the project at 604 E. Dakota is completed. City Administrator Arbuthnot inquired if the burn pile and the foundation would be taken care of. Bordelon explained he is waiting for cooler weather to burn the debris and the remains will be hauled off; also, the foundation remains will be hauled to the land fill by the motel. The Mayor and Councilmen commended Bordelon and Payne for their hard work on finishing the demolition project.

**RUSSELL EPPERSON
OPEN HOUSE**

Russell Epperson spoke on behalf of Dr. Long requesting permission to close off a few parking spaces for a cookout during their open house of Bates County Office Supply/Sporting Goods on Saturday, September 25, 2010. Motion by Simons, second by Phillips to approve the request to close the parking spaces. Motion passed unanimously by a show of hands.

**COMMITTEES
NEIGHBORHOOD ADVISORY
COMMITTEE
NEW MEMBERS**

Neighborhood Advisory Committee met September 20, 2010. Burg informed Council of the two new members Vickie Daniel and Pat Fredrick. Burg reported if a warning is issued for a code violation and there is no progress when the allotted time is up, a ticket will be issued.

RENTAL INSPECTION

The committee would like to have the Code Enforcement Officer involved in the rental inspection process before the city finalizes the process and utilities are turned on. The house may pass but the grounds may have code violations.

DOG ORDINANCE

The committee wants to see the dog ordinance cleaned up right away and feral cats added to the ordinance.

BURN HOUSES

Burn houses are being left for a long time. The committee wants the ordinance cleaned up so we can give insurance companies and property owners a much shorter length of time and hold back 25% of the money until the property is cleaned up.

SPOTLIGHT FOUR PROPERTIES

The Neighborhood Advisory Committee has chosen to spotlight four properties. The property owners will be expected to follow the city code or they will end up going to court. The four properties will be published in The News Express and the public will be kept informed on the progress of the four properties.

CONDEMNED HOUSES

Jay Payne spoke to the Mayor about tearing down condemned houses for the property. Administrator Arbuthnot informed the Council that typically the city does not receive the property.

**BOARDS AND COMMISSIONS
PLANNING COMMISSION**

The Planning commission met at 7:30 pm on September 14, 2010. Their agenda consisted of: 1) review of proposed sign regulations, 2) review of proposed changes to the Downtown Improvement Project and 3) review of the proposed MoDOT Transportation Enhancement Grant Application for the installation of sidewalks along Ft. Scott St. from Orange St. West to Fran Ave. Their actions on these items were as follows: 1) schedule a public hearing to be held on October 12, 2010 to consider amendments to the sign regulations, 2) accepted the removal of crosswalks to reduce the amount of brick being removed from the courthouse square and requested additional information be provided by the engineer with HNTB regarding costs for other items that could be added to the project which will be discussed at the October 12th meeting and 3) recommended that the City Council submit an application to MoDOT for Transportation Enhancement Funds for the installation of a sidewalk from Orange St. to Fran Ave on West Ft. Scott St. to provide for pedestrian safety and for the City Council to decide the location of the sidewalk on West Ft. Scott St.

UNFINISHED BUSINESS
MoDOT APPLICATION

The City of Butler Planning Commission reviewed the application at their meeting on September 14, 2010 and recommended the application be submitted to MoDOT District 7 for approval. The proposed application was also reviewed with Kaysinger Basin Regional Planning Commission Transportation Advisory Committee at their meeting on September 16, 2010. The total estimated cost of \$419,735.00 for the project is based on the cost of construction of the sidewalk on the south side which has a higher cost than the north side which is estimated at \$375,375.00. The maximum amount of Transportation Enhancement Program funding by MoDOT District 7 is \$300,000.00 with the City paying any additional costs which has to be a minimum of 20% of the overall project cost. Motion by Fisher, second by Simons to submit application to MoDOT. Motion passed unanimously with a show of hands.

REPORTS

POLICE CHIEF
BORDELON COMMUNITY
SERVICE/FINES

Chief Garnett reported to the Mayor and Councilmen the amount of Carl Bordelon fines which are \$3,673.37. Bordelon had a previous agreement with the court to work off his fines doing community service work. Bordelon turned in 114 hours at \$7.25 an hour. This left an amount of \$2,846.87 or 393 hours to work off. Chief Garnett asked the Council to expunge the remaining fines for Bordelon in conjunction with the clearing of the property at 604 E. Dakota St. It would have cost the City considerably more to clear this property. Motion by Burg, second by Phillips to expunge the fines pending the removal of the foundation and burn pile. Motion passed unanimously with a show of hands.

LLE GRANT

Chief Garnett stated he has applied for the LLE grant for \$10,000.00 for equipment- a 90/10 match. If the grant is approved, Chief Garnett intends to purchase the video recorders for the officers to wear and 10 new halo fire extinguishers.

FIRING RANGE

Chief Garnett reported Public Works/Utilities Director Trent Diehl and crew have started working on the firing range.

PD APPEARANCE

Chief Garnett responded to the piece in the paper about the PD appearance explaining he had received an offer from Jan Bukaty to volunteer time and paint to paint the PD. Chief Garnett will be meeting with Jan Bukaty to discuss what she is proposing.

CRISIS INTERVENTION
TRAINING

Chief Garnett responded to the material given to him by Councilman Brown. Chief stated the material is on Crisis Intervention Training which deals with mental health issues. It would be excellent training for the officers and he would like to have all the officers trained on this issue. They do deal with mental health issues at least once a month. Chief would like to see if the training could be done here and invite the Sheriff's Dept and other agencies as it would be beneficial to all.

CITY ADMINISTRATOR
SOLAR FARM

September 15, 2010 City Administrator Arbuthnot met with Heise-Meyer, Pave Guard/Solar Link and MPUA/MoPEP representatives to discuss the proposed solar farm project for the City Industrial Park property. It was

concluded after discussion about the proposed solar farm for Butler, that other cities may have interest in this type of renewable energy. Pave Guard/Solar Link will contact other MPUA/MoPEP member cities and make a presentation at the MPUA Annual conference, September 29, 2010 thru October 1, 2010 to the MoPEP Renewable Energy Committee. It was also discussed at the meeting that the initial projected electrical energy cost of 17-22 cents/kwh for the solar farm project and that this is not competitive with electrical energy costs charged by MoPEP of approximately 4 cents/kwh and that it would not be economically feasible for cities to participate in the project. A follow up meeting will be held after it is determined that other cities may be interested in the project.

MAYOR

Mayor Malan thanked the councilmen and Administrator Arbuthnot for their hard work.

COUNCILMEMBERS
BROWN

Brown had one complaint on Douglas park- tall grass. Brown presented material to Chief Garnett pertaining to sensitivity training for the PD and City Officials asking the Chief to look into this issue. Brown also reported a bus driver having issues with low hanging tree limbs on Park St. to Water St and Delaware St.

PHILLIPS

Phillips- hats off to Chief Garnett for going after the new fire extinguishers.

BURG

Burg reported that Sally and he went on a trip to help judge 7 cities in the Missouri Community Betterment group. These cities run around 4 to 5 thousand in population. Burg stated that in every city they were in, the community pulled together and volunteered their time to keep their city looking first-rate. Burg stated he would like to see the Butler community pull together and volunteer their time so our city will be first-rate.

SIMONS

Simons commented during the city wide cleanup that the city needs to do some cleaning. Simons reported the Farmers Market has moved to the Cory Lanyon parking area. Complaints are tall grass at 205 West St., tall grass at 212 Prospect St. on North St. there is basketball goal next to the street, Cox Feed tall grass in the back, 603 Park St. tall grass and Maple & Harrison old vehicle.

WEIL

Weil reported he had been approached by Rudi Stevenson concerning the Boy Scout Building. Stevenson would like to get a chapter of Cub Scouts started. The building is in need of repair and cleaning. Stevenson will be at the October 5, 2010 Council meeting. She was inquiring if the city would help with any of the repairs and cleanup of the building. Stevenson has some volunteers lined up. She also inquired if any of the people doing community service could help with the building. Stevenson explained that a retired Marine is willing to watch over the community service workers. Public Works/Utilities Director Trent Diehl has checked into the ownership of the Boy Scout Hall. The building is owned by the Boy Scouts of America.

Weil reported tall grass around the Fire Station and said we need to clean up our own property.

FISHER

Fisher has no complaints and reported there is a Habitat house being built between Hume and Foster if anyone would like to help with it.

BOYD

Boyd commended Carl Bordelon on his efforts It's amazing what was accomplished in a short time and it definitely sets an example for the City of Butler. Boyd inquired if there was any progress at 306 E. Walnut. Brown stated he had been informed a ticket has been issued, but the Court date has been postponed.

WIX

Wix applauds not only the efforts of the Bordelon's but also everyone working on their properties to keep them cleaned up. Wix reported several of the city properties need mowing.

NEW BUSINESS
ELKS LODGE REQUEST

Elks Lodge requested the use of the City's big bucket truck. They are planning to install window inserts in their haunted house and the bucket truck would be a great help in doing this job. Motion by Simons, second by Boyd to rent the bucket truck with an operator at the current rental fee. After more discussion, Administrator Arbuthnot informed the Council no action needed to be taken unless they wanted to wave the rental fees. The policy states we will rent the truck. Simons withdrew the motion.

JOINT MEETING WITH AIRPORT COMMISSION.

HAY BID

1) Hay bid- Doug Cox submitted a bid of \$1,200/year for the 80 acres at the airport. The bid is reduced to \$1,000/year if land as specified in the bid is needed for use by Skydive. The current farm lease expired June 24, 2010 and was with Doug Cox for \$1,000/year for hay ground at the airport. Administrator Arbuthnot spoke to Chris Hall about the area used by the skydivers. Hall stated he would pay the \$200.00. Motion by McCanles, second by Vermass to recommend the hay bid to Council. Motion passed unanimously with a show of hands. Motion by Simons, second by Brown to accept the recommendation from the Airport Commission for hay bid of \$1,000.00 from Doug Cox and \$200.00 from Chris Hall of Skydive for the area used by the skydivers. Motion passed unanimously with a show of hands.

MICRO SEAL AT AIRPORT

2) Micro Seal bids-two bids were received, Bishops Construction Co., Inc. base bid of \$118,956.05 bid alternate No.1 \$11,795.00 total bid of \$130,751.05. McConnell & Associates Corp base bid of \$130,631.79 bid alternate No.1 \$4,350.00 total bid of \$134,981.79. The combined base bid and alternate No.1 low bid, from Bishops Construction Co., Inc., exceeds the Engineer's estimate by 6.1 percent. Per FAA Order 5100.38C, Chapter 10, Section 1052.b, the low bid is acceptable. Ryan Manning of Burns & McDonnell recommended Bishops Construction Co., Inc as the low bid subject

to MoDOT approval. Public Works Director Trent Diehl and Al Church put together an estimate of \$3,000.00 to pave or lay concrete around the fuel tanks. Motion by Vermass, second by Hardie to recommend base bid with Bishop Construction Co., Inc., for the Micro Sealing of the Taxi/Apron Project to Council. Motion passed unanimously with a show of hands.

Motion by Vermass, second by Hardie to recommend the City to lay concrete or pave the fuel tank area based on the \$3,000.00 bid to Council. Motion passed unanimously with a show of hands.

Motion by Fisher, second by Wix to accept both of the recommendations from the Airport Commission.

**SUPPLEMENTAL AGREEMENT
NO.2**

3) Consider construction observation Supplemental Agreement No.2 with Burns and McDonnell not to exceed \$23,100.00. Motion by Vermass, second by McCanles to recommend Supplemental Agreement No.2 not to exceed \$23,100.00. Motion passed unanimously with a show of hands.

Motion by Phillips, second by Fisher to accept the Airport Commission's recommendation. Motion passed unanimously with a show of hands.

CONCRETE FLOOR

4) Consider request to lay a concrete floor in Robert Griffey hangar. After considerable discussion it was not recommended.

BILLBOARD REQUEST

Jacobs reported Randy Weiss made the request to put up a new sign by the highway. After some discussion it was not recommended to allow a new sign.

City Administrator Arbuthnot thanked the Airport Commission for coming to the Council meeting.

**BUTLER COUNTRY CLUB
EASEMENT**

Consider easement agreement with the Butler Country Club. Motion by Burg, second by Fisher to accept easement agreement. Motion passed unanimously with a show of hands.

ADJOURNMENT

There being no further business, motion was made by Burg, second by Wix to adjourn the meeting. Motion passed unanimously with a show of hands.

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook

