

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
October 5, 2010

The Butler City Council met in regular session on Tuesday, October 5, 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 Mark Arbuthnot, Officer Jarrett Wheatley, City Attorney Tom Addleman Public Works Director Trent Diehl and Barb Scrogam.

OTHER GUESTS

Rudi Stevenson, Lin Bartley and Officer Denny Rich.

APPROVE CONSENT AGENDA

Motion by Brown, second by Wix to approve the minutes of the regular session of September 21, 2010. Motion passed unanimously with a show of hands. Motion by Wix, second by Boyd to approve the bills. Motion passed unanimously with a show of hands.

SCHEDULED GUEST
RUDI STEVENSON BOY SCOUT HALL

Rudi Stevenson, Cub Master, approached the council with concerns over the Boy Scout Hall. Stevenson explained the condition of the hall is in sore need of repairs. The outlets are missing covers, the bathroom is non-working and the kitchen is unusable. She would like the hall to be safe, clean and comfortable. Stevenson stated if the hall was a rental, it would not pass an inspection. Stevenson reported after the article was in The News Xpress she received positive feedback from the community with volunteer labor and donations of art supplies. The question of ownership was brought to the forefront and information was brought out that the late Dr. C.W. Luter donated the land and funding for the building. Mayor Malan asked City Attorney Addleman to look into the ownership of the Boy Scout Hall. Mayor Malan will be taking a tour of the Boy Scout Hall along with Councilman Simons and Public Works Director Trent Diehl. Stevenson expressed her appreciation to the Mayor and the council.

COMMITTEES
NEIGHBORHOOD ADVISORY COMMITTEE
SPOTLIGHT PROPERTIES

Burg reported the Neighborhood Advisory Committee met October 4, 2010. The topic of discussion was the four properties to be spotlighted in The News Xpress October 8, 2010 edition. These properties will be followed from the start to the finish, keeping the public informed of the ongoing progress of the four properties.

**NEIGHBORHOOD ADVISORY
COMMITTEE SANCTIONED**

Mayor Malan stated at this time he would like to see the committee become a part of the City structure. Motion by Burg, second by Boyd to sanction the Neighborhood Advisory Committee as part of the City structure as a committee. Motion passed 7 to 1 with Weil voting nay.

NUISANCE FLYER COST

City Administrator Arbuthnot informed the council the cost of inserting the informational sheet with the nuisance codes and ordinances in the News Xpress would run around \$185.00 for a two sided one page flyer. Arbuthnot suggested doing a user friendly question and answer format. No action taken at this time.

**BOARDS AND COMMISSIONS
POLICE PERSONNEL BOARD
INTERVIEWS**

The Police Personnel Board met Wednesday, September 29, 2010 to interview applicants for a Reserve Police Officer position. The Board interviewed three applicants with the following recommendations to the Mayor and to Chief Garnett. Crystal Arbukle considered for the reserve position, Keith Miller considered for the reserve or a full time position if available and Paul Mangano considered for the reserve or a full time position if available.

**REPORTS
CITY ATTORNEY**

City Attorney Addleman informed the council after researching the issue of the City evicting citizens from their homes for not having utilities; Addleman stated he cannot suggest the City pursue any such action.

Addleman stated he is still looking into the public defender fees.

Addleman reported he has drafted a simple waiver of liability for park usage. Simply states the organization will hold the City harmless and anything they do is at their own risk.

Addleman reported he has drafted a letter to be sent to citizens with medical issues to set up a payment plan for unpaid utilities. Due to the City's policy of not turning off utilities on citizens with medical issues who have a doctor's note explaining the situation.

Addleman informed council he has drafted a contract with the Police Association to pay back the City for the water line materials used at the fairgrounds; the funds are to be paid back over a 5 year span-the first payment starting December 1, 2011.

Addleman reported he met with Animal Control Officer Rodger Cecil in regards to updating the dog ordinance making it easier to enforce and including feral cats in the ordinance.

**CITY ADMINISTRATOR
AL CHURCH**

City Administrator Arbuthnot stated we lost a valuable employee, Al Church Street Superintendent, who passed away at his home on Sunday, September 26, 2010. Al worked for the City of Butler for 31 years. He was dedicated and hard working and will be missed.

OSAGE VALLEY RC&D

Arbuthnot reported Osage Valley RC&D is proposing a water quality improvement project to stencil storm water drain inlet "Dump No Waste-

Drains to Stream” within the City. This is a program to educate and inform people that improper waste disposal can be a detriment to nearby streams, rivers, lakes and other areas which are conduits to groundwater.

RUSTY KIBBLE/CIVIL MATTER

Arbuthnot informed the council that Pat Decker, Executive Director of the Butler Area Chamber of Commerce, provided a letter from Rusty Kibble concerning the refund of her rent deposit. After discussing the issue, the conclusion is it’s a civil issue.

WASTEWATER TREATMENT PLANT

Arbuthnot reported the engineering firms of Allgeier, Martin and Associates, BWR, Larkin Group and Burns and McDonnell have all submitted statements of qualifications for the improvements that need to be completed at the Wastewater Treatment Plant for the City to meet the discharge permit requirements. A decision needs to be made as to which firms will be scheduled for interviews as part of the selection process. Motion by Phillips, second by Burg to proceed with the interviews of the four perspective Companies at a special meeting starting at 6:00 pm; each Company will be allotted time for its presentation on one of the following dates: October 21, 2010, November 4, 2010 or November 18, 2010. Motion passed unanimously with a show of hands.

BRUSH/COMPOST SITE

Arbuthnot stated the need to clarify; the City has been allowing commercial tree trimmers and Butler resident’s access to the brush pile by getting the key from the Police Dept. The question has come up about allowing commercial lawn service access to the compost pile. The consensus was to allow access provided they follow the same rules as the tree trimmers and Butler residents with the sites being accessible seven days a week from 8:00 am to 4:30 pm by obtaining a key from the Police Dept. The information will be placed in the News Xpress.

SANITATION FEES

Arbuthnot reported he received a call from a resident whose mother had passed, the resident had the water turned on to clean the home, and under the current policy you are charged a sanitation fee. Arbuthnot asked why pay for something you do not use. The woman stated she did not use the sanitation service. Arbuthnot asked the council to consider changing the utility policy regarding sanitation fees. Motion by Burg, second by Wix to authorize City Administrator Arbuthnot to draft a resolution amending the Utility Billing and Collection Policy regarding sanitation fees. Motion passed unanimously with a show of hands.

512 W. PINE PROPERTY

Arbuthnot received a call from Andrew Winters concerning the property at 512 W. Pine St. The City previously demolished a house at this location. Winters stated he harbors no ill feeling towards anyone. Winters inquired if the City would be interested in purchasing the property at 512 W. Pine St. for \$10,000.00. After much discussion it was decided to see what Mr. Winters owes the City in back taxes on the property and in unpaid utilities then make a decision based on the information.

DRURY UNIVERSITY

Arbuthnot reported the Center for Community Studies, Hammons School of Architecture at Drury University in Springfield, Missouri has a required class

for 4th year architecture students to be involved in a visioning process with cities and community organizations that they contract with to develop a tool kit to be used in the long term vision plan for the community and/or organization.

The Bates County Presiding Commissioner, Donna Gregory was made aware of this program through the West Central Missouri Community Action Agency and contacted City Administrator Arbuthnot to see if the City had any interest in the program. This program would involve a partnership between the City, Drury University, West Central Community Action Agency and the Missouri University Extension Office.

City Administrator Arbuthnot and Commissioner Gregory had a meeting on September 28, 2010 with Mr. Garrott, Director of The Center for Community Studies at Drury University to obtain more information about the program. Mr. Garrott supervises a class of 4th year architectural students that are required to do these visioning projects by providing research and assistance in the development of a "Tool Kit" for specific identified area(s) that can be used in the development of a long range vision plan. The only expenses for the program are to reimburse mileage, meals, lodging, production supplies, document printing and an administrative fee with all of the labor provided by the students as part of their required class work. An initial cost estimate of \$6,900 was discussed but it did not include costs for any overnight stays for lodging or meals so it will need to be revised to include these additional costs.

Eight students from the architecture class would be assigned to work on the visioning project. It is recommended that the City appoint 9 to 12 citizens to work with the students in the development of a plan.

One idea that was discussed as a possible project was the development of a Community Center Plan that would analyze the feasibility of renovation of the old high school into a community center compared to the building of a new community center facility.

Another idea for consideration could be future development and growth of the community. This could be done under the same format as the 1982 City Comprehensive Plan so it would be a very useful planning tool for future development and growth of the community.

Mr. Garrott indicated that he would be able to meet with the City Council and discuss the services that would be provided to the City. A letter of agreement would need to be approved by the school and the City reflecting the scope of the project to be worked on by the class and the financial commitment of the City.

It was decided to have City Administrator Arbuthnot set up a schedule with Mr. Garrott.

MAYOR

Mayor Malan expressed his sympathies to the Al Church family. Mayor Malan stated Al was hard working and dedicated.

COUNCILMEMBERS
BROWN

Brown expressed his sympathies to the Church family. Brown thanked Administrator Arbuthnot for doing an excellent job.

Brown reported one complaint on low hanging tree limbs. Brown asked about the street dept position. City Administrator Arbuthnot and Public Works Director Trent Diehl informed the council they are looking into the open position. Brown stated the property at 306 E. Walnut still has junk in the yard but the tenants have moved. Officer Rich stated they were served with a summons.

PHILLIPS

Phillips has no complaints. Phillips expressed his condolences to the Church family. Phillips stated he is opposed to a cat ordinance. Phillips explained it is easier to enforce the dog ordinance and, yes, there are a lot of cats, raccoons and opossums. Phillips stated the City has bigger fish to fry than dealing with extra cats. Phillips thinks the Neighborhood Advisory Committee is fantastic. Phillips thinks a cat ordinance should take a back burner to cleaning up the community.

BURG

Burg reported there are ditches that are too steep and are unable to be mowed. Burg questioned if there was some way the City could mow these ditches.

SIMONS

Simons stated Al Church was a dedicated worker of the City for 31 years. Simons was glad to see a lot of City employees at the funeral. Simons thanked Public Works Director Trent Diehl for doing a good job and it has been an advantage to have Public Works Director Trent Diehl over all the departments to get things done. Simons reported Apco needs mowed, 512 W. Adams needs mowed and at Maple and Harrison there is an old tuck. Simons asked about Mr. Akers if he showed up at his court date Officer Rich informed the council there is a warrant out for Mr. Akers because he did not show up at court.

WEIL

Weil expressed his condolences to the Church family.

Weil had no complaints. Weil stated the council needs to stay on the Scout Hall issue. Weil stated the young people of today are lacking respect and discipline. If the City can support and help out it would be a good investment into the younger generation.

FISHER

Fisher had no complaints. Fisher stated he went to the Church funeral and is going to miss Al Church. Fisher stated if the Scout building is the City's we need to keep it up to code so they can get some use out of it.

BOYD

Boyd expressed his sympathies to the Church family.

WIX

Wix reported he has known Al Church for a long time and will miss him and it will be hard to replace him. Wix stated he agreed with Councilman Phillips concerning the cat ordinance stating it would cause more headaches than we want. Wix reported there are stop signs blocked by tree limbs that need to be trimmed.

NEW BUSINESS

Consider fuel bid from MFA Oil with a margin of 7 cents per gal. Motion by Wix, second by Phillips to accept fuel bid from MFA Oil. Motion passed 6 to 2 with Weil and Simons voting nay.

ADJOURNMENT

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

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook