

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MARCH 1, 2011**

The Butler City Council met in regular session on Tuesday, March 1, 2011 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-Absent
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

OTHERS PRESENT

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

OTHER GUESTS

Rob Hatten, Mike McCrary, Brad Vermaas, Peggy Flint, Dwight Smith, Sonia McGuire, Eugene Miller Jr., Officer Brandon Plunkett, Julie Foot, Laura McKinney and Sarah McKinney

APPROVE CONSENT AGENDA

Motion by Phillips, second by Boyd to approve the minutes of the regular session of February 15, 2011. Motion passed unanimously with a show of hands. Motion by Wix, second by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Simons, second by Wix to approve Travel/Training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion Phillips, second by Boyd to add Peggy Flint as a scheduled guest and to enter into closed session for personnel issues at the end of the regular session. Motion passed unanimously with a show of hands.

**PUBLIC HEARING FOR FY
2011-2012 BUDGET**

A public hearing on the proposed FY 2011-2012 City Budget for all funds appropriating \$13,001,846 for maintenance and operation work performed by the various City departments and for other improvements that are utilized to provide services to the citizens of Butler. The budget year is April 1, 2011 - March 31, 2012. The City Council was previously provided a copy of the proposed line item budget. At the conclusion of the public hearing Ordinance No. 922 is to be considered by the council for approval and adoption of the proposed FY 2011-2012 Budget.

Mayor Malan opened the public hearing for the FY 2011-2012 Budget. There being no questions, Mayor Malan closed the public hearing.

**BILL NO. 2011-1
ORD NO. 922
1ST READING**

Motion by Phillips, second by Boyd for the first reading by title only of
**BILL NO. 2011-1 ORDINANCE NO. 922 AN ORDINANCE
APPROVING THE 2011-2012 FISCAL YEAR BUDGET OF THE CITY
OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE
FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR**

THE ADJUSTMENTS THEREOF, AND PROVIDING THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Aye
Jim Fisher-Absent
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-1
ORD NO. 922
2ND READING**

Motion by Boyd, second by Phillips for the second reading by title only of
BILL NO. 2011-1 ORDINANCE NO. 922 AN ORDINANCE APPROVING THE 2011-2012 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF, AND PROVIDING THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Aye
Jim Fisher-Absent
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-1
ADOPT ORD NO. 922**

Motion by Wix, second by Simons to adopt
BILL NO. 2011-1 ORDINANCE NO. 922 AN ORDINANCE APPROVING THE 2011-2012 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF, AND PROVIDING THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Aye
Jim Fisher-Absent
Brian Boyd-Aye
Doug Wix-Aye

**BUDGET HEARING FOR
2010-2011 BUDGET**

Motion by Simons, second by Phillips to set budget hearing for March 15, 2011 to amend the 2010-2011 budget. Motion passed unanimously with a show of hands.

**SCHEDULED GUEST
CAT ISSUES**

Mike McCrary addressed council concerning a cat problem in his neighborhood. Mr. McCrary stated he spoke with Animal Control Officer Cecil to get a trap to catch the cats in his neighborhood and he asked what to do with the cats when he had trapped them. Mr. McCrary stated Animal Control Officer told him to release the cats outside of City limits. Mr. McCrary stated he has trapped 14 cats in five days. Some of them are in bad health and none of them had a collar on. Mr. McCrary stated there have been complaints filed against him and an Officer came to his home for him to fill out a statement. Mr. McCrary explained he only did what the City told him to do and asked the City to do something about the cat issue.

Peggy Flint addressed council concerning the trapping of her family's pet cats. Mrs. Flint stated Mr. McCrary stole and abandoned these cats. He lured the cats onto his property with food to trap them.

After considerable discussion it was decided to take this issue to the Public Safety Committee which will meet March 15, 2011 at 6:15 p.m. before the regular council meeting.

SOLAR FARM

Loren Williamson, from Solar Link, Dave Meyer and Shane Spencer, from Meyer Companies, Inc and Corey McDonald, from Pave Guard addressed council with updates on the projected solar farm to be located at the Industrial park. Information covered consisted of solar farm design, land needed for the solar farm, economic benefits, out of pocket cost to the City and approval from the City to move forward. The proposal terms include the developer or its assignee would own the facility and pay all projects costs and arrange financing such that no cash outlay is required for the City. They would require a minimum of 13 acres and the City to transfer ownership of the property to the developer/investor and the consideration for the purchase would be that the developer would include as part of the cost of the project a \$350,000.00 allowance for the catalytic converter upgrades to the City's diesel generators. The initial per kwh rate will be \$.06 for the first five years and increasing \$.02 each five year period thereafter. The City would agree to meaningfully assist developer in receiving real estate and personal property tax abatement for the term of the PPA. The next step is to obtain a letter of approval from the council. Motion by Burg, second by Phillips to approve a letter of intent. Motion passed unanimously with a show of hands.

COMMITTEES **MAYOR'S NEIGHBORHOOD PRIDE COMMITTEE**

The Mayor's Neighborhood Pride Committee met February 28, 2011. One of the issues discussed was the parking situation in Butler. The committee is planning a spring project of cleaning up the trash along the main thoroughfare to 71 highway overpass. Burg stated lots of help is needed for this project and other agencies have volunteered to help. Mayor Malan commented we need to be proactive and encouraged the council members to participate in the project.

PROPERTY DEMO

City Administrator Arbuthnot explained to council a letter has to be sent to the property owner requesting permission to demolish the structure and the property owner has to commit \$1,000.00 to the project per the grant application with Kaysinger Basin to be submitted for the CDBG grant. City Administrator Arbuthnot would like to revise the letter where the City will put up the \$ 1,000.00 per demo along with the property owner's permission. Council approved the \$20,000.00 in the budget for the demolitions. Council was in agreement for City Administrator Arbuthnot to revise the letter and bring back the application for approval.

BOARDS & COMMISSIONS **PLANNING COMMISSION REZONING PETITION**

The Planning Commission met on Tuesday, February 22nd at City Hall at 7:30 p.m. They considered a rezoning petition submitted by Heiman Agri Services to rezone their property from C-3 Highway Service to I-1 Light Industrial to allow the construction of additional grain storage bins on their property. The Planning Commission Rezoning Certification recommending their approval of the rezoning is included in the packet. The City Council will consider this rezoning at a required public hearing at their meeting on April 5th. The Planning Commission also reviewed the parking report that Code Enforcement Officer Denny Rich had completed concerning the parking violations and problems that existed with the enforcement of the current regulations. After discussion by the Planning Commission they requested that proposed revisions and clarifications to the regulations be brought back to them for consideration.

**ZONING BOARD OF
ADJUSTMENT
CONDITIONAL USE PERMIT**

The Zoning Board of Adjustment met on Thursday, February 24th at City Hall at 6:30 p.m. to consider the application for a Conditional Use Permit to allow the property located at 108 E. Walnut St. to be used as a single family residence by the applicants John and Mary Miller. They approved the Conditional Use Permit as requested.

**REPORTS
POLICE CHIEF
911 SYSTEM**

Chief Garnett gave an update to the 911 proposal informing council Vernon County has pulled out due to the lack of funds. Chief Garnett stated Sheriff Anderson spoke to Commeco about a new bid and the price has dropped. The City's new amount is \$55,476.00 this does not including the maintenance fee of \$ 21,000.00 to \$ 22,000.00 for 5 years. At the end of 5 years Commeco will replace all the hardware. Sheriff Anderson is working on the financing of the 911 system.

MOLD/MOISTURE ISSUE

Chief Garnett reported he received two recommendations and one bid concerning the moisture and mold situation at the Police Department. It is recommended a mold remediation company do the removal of the contaminated insulation and sheetrock. The Police Department would have to be temporarily moved while the building is being renovated. Chief Garnett stated he has looked at several buildings and the north building at the Fire Station would work with some remodeling. After considerable discussion the decision is to have the City Owned Facility Committee meet at the Police Department on March 10, 2011 at 5:00pm to investigate the situation and to invite local contractors to inspect the building.

**CITY ATTORNEY
MUNICIPAL COURT**

City Attorney Addleman reported on new operating rules for Municipal Courts where if there is an overpayment of \$5.00 or less the City would be allowed to keep the funds. There has to be an agreement between the County and the City stating the City may keep the funds.

PET ORDINANCE

City Attorney Addleman remarked that the cat issue could be a nightmare. It would be difficult for an Officer to enforce a cat ordinance. Addleman stated he will contact other cities to inquire about their ordinance for cats and how they enforce it. City Attorney Addleman will continue to work on changes for a pet ordinance and will bring to council for approval.

307 PINE ST. PROPERTY

City Attorney Addleman reported Butler Abstract and Title is running a full history on the 307 Pine St. After Addleman receives the history he will proceed to petition for a quit title.

**CITY ADMINISTRATOR
CDBG FUNDING**

The Mayor has received notification from the Missouri Department of Economic Development that the CDBG project that was completed for Park West has been officially closed out so the City is now eligible to apply for CDBG project funding in the future. It took approximately eighteen months to complete the close out process.

DNR INTEREST FREE LOAN

Jon McCoy with McKinstry who made a presentation at the October 19, 2010 City Council meeting met with the City Administrator and Public Works/Utilities Director on Wednesday, February 23rd to advise the city that the Missouri Department of Natural Resources (DNR) had approved the interest free loan application for the City to make energy saving lighting

improvements to City facilities to reduce energy costs. Information about the government mandated phasing out T12 lighting is included in the packet. Jon McCoy assisted the City in completing and submitting the application to DNR based on the energy audit of the City facilities that was completed by his company. The City is waiting for the official notification from DNR which will stipulate the interest free loan amount that has been approved.

There was also discussion at the meeting about the City Wastewater Treatment Plant project to install the basin mixers and that this could possibly qualify as an energy efficiency project for a low interest bond financing program and discussion about a commercial water meter retrofit program.

RFQ

The City should consider issuing a Request for Qualifications (RFQ) from companies to provide guaranteed energy performance contracting services to assist the City with energy reduction projects for City facilities. The reduction in energy costs is guaranteed by the company and pays the capital costs for the improvements.

If the guaranteed savings amount is not achieved, the company has to pay the difference to the City.

The Missouri Revised Statutes require that the City request proposals for these guaranteed energy performance contracting services and make a selection after evaluation. Motion by Phillips, second by Wix to proceed with RFQ for energy service company. Motion passed unanimously with a show hands.

CEMETERY GRAVE SITES

Scott Mallatt has discussed with the City Administrator the City policy that does not allow grave sites in the Oak Hill Cemetery to be sold for more than the original purchase price. Scott says there are older grave sites that people have inherited but have no intention in using these and want to sell them, but when they are told they can't be sold for more than the original purchase price, they do not pursue trying to sell them. With the City looking at expansion of the cemetery for future grave sites, it might be worth considering a revision to this sale restriction to allow these to be sold for no more than what the City charges for a grave site or that the City purchase them back for the original purchase price or an established repurchase price and then reselling them to the public. This could be applied to all grave sites that were purchased before a certain date. This would allow for better utilization of the grave site spaces in the cemetery. It was decided to refer this issue to the Cemetery Commission for a recommendation.

2010 CENSUS DATA

The 2010 Census Data has been released for Missouri. It shows that Butler had an increase of 10 people for a total population of 4219. Bates County shows an increase of 396 people for a total population of 17,049.

MAYOR

Mayor Malan stated he appreciates the confidence of the council endorsing the possibility of hooking up the solar farm program. It's a good thing. We need to move forward and not stall out.

**COUNCIL MEMBERS
BROWN**

Brown-left due to work commitments

Phillips-stated he is excited about the solar farm program.

PHILLIPS

Burg-no complaints

BURG

Simons-pot holes have been filled in on Pine St. 600 Pine St. couch and chair, 301 N. High St. lumber, 406 N. Water St mattress on porch.

SIMONS

Weil-no complaints

WEIL

Fisher-absent

FISHER

Boyd-no complaints

BOYD

Wix-called a Public Safety Committee meeting for March 15, 2011 at 6:15pm.

WIX

Consider City Attorney/City Prosecutor agreement for services to be effective April 1, 2011. Motion by Burg, second by Simons to approve City Attorney/Prosecutor agreement for services. Motion passed unanimously with a show of hands.

NEW BUSINESS
ATTORNEY AGREEMENT

OVERPAYMENT OF COURT
FINES

Consider an agreement between the City and Bates County regarding overpayment of court fines that are less than \$5.00. Motion by Phillips, second by Boyd to approve an agreement between the City and Bates County regarding overpayment of court fines. Motion passed unanimously with a show of hands.

ADJOURNMENT

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

CLOSED SESSION

Motion by Wix, second by Phillips to go into closed session to discuss personnel issues under RSMo 610.021 (13). Motion passed unanimously with a show of hands.

ROLL CALL

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

CLOSED SESSION
ADJOURNMENT

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

ATTEST:

Mayor Don H. Malan

City Clerk Mary Jo Cook