

**CITY OF BUTLER  
MINUTES OF A MEETING OF THE CITY COUNCIL  
JUNE 7, 2011**

The Butler City Council met in regular session on Tuesday, June 7, 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-absent	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

**OTHERS PRESENT**

Others present were City Administrator Mark Arbuthnot, City Clerk Casey Koehn, Public Works Director Trent Diehl, Acting Chief of Police Randy Beshore, SGT Jarrett Wheatley, Officer Denny Rich, and City Attorney Tom Addleman.

**OTHER GUESTS**

Renee Hendrix, Samantha Dingfelder, Courtney Wix and Eugene Miller were also in attendance.

**APPROVE CONSENT AGENDA**

Motion by Fisher, seconded by Brown to approve the minutes of the regular session of May 17, 2011. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Boyd to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Simons, seconded by Brown to approve Travel/Training. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Simons to add Resolutions 370-375 to Agenda and to add a Closed session at end of regular meeting to discuss litigation and personnel matters. Motion passed unanimously by a show of hands.

**SCHEDULE GUESTS**

Mayor Malan called for Kimberly Hohenfeldt. She did not present herself.

**SAMANTHA DINGFELDER  
KAYSINGER BASIN  
WASTEWATER COMMISSION**

Samantha Dingfelder with Kaysinger Basin spoke about the City of Butler's wastewater assessment, including the system capacity in which no recommendations were given. The Commission did recommend, however, that City would need to gradually raise sewer rates over the next several years to ensure adequate income is received to fund maintenance and operation expenses for future improvements.

**RENEE HENDRIX  
FAIR BOARD PARADE**

Renee Hendrix with the Fair Board requested approval for the Fair Parade to be held on July 11<sup>th</sup>. Motion was made by Wix, seconded by Simons. Motion passed unanimously by a show of hands.

**COMMITTEES  
FINANCE COMMITTEE  
SOLAR FARM**

Wix reported that the Finance Committee met after the regular Council meeting on May 17<sup>th</sup>. Discussion took place concerning the Solar Farm and Council has decided to move forward awaiting more information from the

June 9<sup>th</sup> MoPEP meeting.

**CITY OWNED FACILITIES  
MOLD ISSUE AT PD**

Burg reported that the City Owned Facilities Committee met prior to the regular Council meeting held on June 7<sup>th</sup>. Discussion took place concerning the on-going issue with the mold at the Police Department and that more bids need to be obtained.

**BOARDS AND COMMISSIONS  
AIRPORT COMMISSION**

Administrator Arbuthnot reported that the Airport Commission met June 2<sup>nd</sup> and that Bishops Construction would start again on the Airport project to seal the taxiway and install the trench drain in front of Spencer's Hangar on Monday pending weather conditions.

**PARK BOARD**

Arbuthnot reported that the Park Board met on June 2<sup>nd</sup> and discussed and approved an additional time for private swimming lessons to be offered from 10:30 a.m. to 11:30 a.m. and the fee to be charged would be \$55.00 per person. The lifeguards would be paid their hourly wage while giving the swimming lessons.

**BILLS ORDS RESOLUTIONS**

Resolution No 370 to reinstate Clerk Koehn to the City bank accounts was presented to Council for approval. Motion was made by Wix, seconded by Brown to approve Resolution No 370. Motion passed unanimously by a show of hands.

Resolution No 371 to reinstate Clerk Koehn to the City bank accounts was presented to Council for approval. Motion was made by Burg, seconded by Fisher to approve Resolution No 371. Motion passed unanimously by a show of hands.

Resolution No 372 to reinstate Clerk Koehn to the City bank accounts was presented to Council for approval. Motion was made by Wix, seconded by Boyd to approve Resolution No 372. Motion passed unanimously by a show of hands.

Resolution No 373 to reinstate Clerk Koehn to the City bank accounts was presented to Council for approval. Motion was made by Fisher, seconded by Wix to approve Resolution No 373. Motion passed unanimously by a show of hands.

Resolution No 374 to reinstate Clerk Koehn to the City bank accounts was presented to Council for approval. Motion was made by Fisher, seconded by Wix to approve Resolution No 374. Motion passed unanimously by a show of hands.

Resolution No 375 to reinstate Clerk Koehn to the City bank accounts was presented to Council for approval. Motion was made by Wix, seconded by Brown to approve Resolution No 375. Motion passed unanimously by a show of hands.

## REPORTS

### **POLICE CHIEF**

LT Beshore reported that he received a grant for overtime worked. Body armor grant will be less than expected. He also asked about purchasing badges for the officers. The consensus of the Council was to purchase the badges.

### **CITY ADMINISTRATOR**

#### **FIRE DEPT LENDS A HAND IN JOPLIN**

Arbuthnot reported that the Butler Fire Department responded to a request for emergency assistance after the tornado hit Joplin on May 22, 2011. Fire Chief, Jim Henry, Assistant Fire Chief, Jason Bennett, and Firemen Doug Wix, Jason Wix, Jim Lewis, Dan Robinson and Jeff Hall responded along with one pumper truck and a support vehicle.

#### **MAYOR/COUNCIL TOUR LIGHT PLANT**

The Mayor and City Council held a work session at the Butler Power Plant on May 19<sup>th</sup>. During the session, it was determined that approximately 25 relays in the electrical switch gear are ten years old and are starting to fail and five have been replaced. The cost of each of these relays is \$3092, so funding will need to be considered in the very near future.

#### **911 SYSTEM**

Arbuthnot also reported that he met with the Bates County Commission about a joint 911 system and how it will be financed.

#### **DRURY UNIVERSITY**

Arbuthnot informed Council that the Drury University visioning project is scheduled for the fall semester and a committee needs to be appointed to work with the class on the project.

#### **MO SUPREME COURT RULES PILOT OK**

Admin Arbuthnot reported that he received information from MAMU concerning the Missouri Supreme Court case of Arbor Investment Company vs. the City of Hermann. The case challenged whether increasing the transfer of funds from the utility payments to the city general operations was a violation of the Hancock Amendment since voters did not have the opportunity to vote on utility rate increases. The court cited the previous Keller Court Case that demonstrated that user fees are not subject to the Hancock Amendment and affirmed the decision of the trial court. MAMU will provide follow up analysis of this court decision in the future.

#### **BULK WATER ISSUES.**

Arbuthnot reported that there have been unsanitary issues at the bulk water station and that people need to bring their own hoses to fill their tanks with water.

#### **BUTLER MILLING**

Butler Milling has removed all of their stored items from the Spec. Building and thanked the City for the use of the facility over the past year.

#### **GRANT FROM OSAGE VALLEY RC&D**

The City has received a grant not to exceed \$15,000, from Osage Valley RC&D premised on the City fulfilling certain requirements. Motion was made by Brown, seconded by Fisher to accept grant with requirements. Motion passed unanimously by a show of hands.

**PUBLIC WORKS DIRECTOR**

Diehl reported that the rock that is coming out of the construction from the new Wal-Mart will not be going to the City.

**MAYOR**

Mayor Malan reported that he visited Bates County Industries and stated that they are hard workers and it was an impressive sight to see. He also stated that the City employees need to be wearing hard hats.

**BROWN**

Brown stated that training needs to be a main priority for the City employees when transferring departments.

**PHILLIPS**

Absent

**BURG**

Burg reported that the weeds are getting bad around town and houses needs to be torn down.

**SIMONS**

Simons reported on various properties around town that need to be taken care of.

**WEIL**

Weil had nothing to report.

**FISHER**

Fisher had nothing to report.

**BOYD**

Boyd complimented Scott Mallatt and his crew for how beautiful the cemetery looked on Memorial weekend.

**WIX**

Wix asked about the status of the "In God We Trust" plaques.

**NEW BUSINESS**

**HAY BIDS**

One hay bid was submitted by Robert Shine for Tract 2 for \$25.00 per acre. Motion was made by Brown, seconded by Burg to accept the bid. Motion passed unanimously by a show of hands.

**HNTB SUPPLEMENTAL  
AGREEMENT NO 5 FOR THE  
DOWNTOWN IMPROVEMENT  
PROJECT**

Administrator Arbuthnot presented supplemental agreement no 5 with HNTB to Council for approval to complete the required documents in the project specification manual and to update cost estimates for the project as specified. This will allow the specification documents to be completed and the project to be put out to bid after approval by MoDOT, SHPO and the FHWA. The additional cost for this work is \$17,506.91 with the City paying the local match amount of 21% (\$3,676.45) of this amount and the MoDOT grant paying the balance. There are funds available in the budget for the City to pay the additional amount. Motion was made by Fisher, seconded by Wix to go ahead with project. Motion passed unanimously by a show of hands.

There being no further business, motion was made by Wix, seconded by Brown to adjourn the regular meeting and to enter into closed session. Motion passed unanimously with a show of hands.

ATTEST:

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City Clerk Casey Koehn

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Mayor Don H. Malan