

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
JULY 19, 2011

The Butler City Council met in regular session on Tuesday, July 19, 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
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 Police Chief Randy Beshore, Officer Jim Wheatley, and City Attorney Tom Addleman.

OTHER GUESTS

Eugene Miller, Bob Noel, Robert Ross, and Greg Mullinax were also in attendance.

APPROVE CONSENT AGENDA

Motion by Boyd, seconded by Fisher to approve the minutes of the regular session of July 5, 2011. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Simons to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Simons, seconded by Brown to approve travel and training. Motion passed unanimously by a show of hands. Recommendation was made by Wix to add discussion of purchasing a fire truck to new business. Motion was made by Boyd, seconded by Fisher to add to new business. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

MULLINAX FUNERAL HOME

Greg Mullinax of Mullinax Funeral Home spoke to Council about a parking concern when school is in session. After much discussion, it was decided and was the consensus of the Council to allow Mr. Mullinax to place bags over the "No Parking" signs near the Funeral Home when funerals and visitations were being held to allow for ample parking. He also thanked the City for always working with him on everything he has needed to get the funeral home completed.

ROBERT ROSS

Robert Ross with Serrano's Restaurant approached Council about selling tacos and tamales on the square to promote his new restaurant. Mr. Ross informed Council that all of his paperwork is in order and he is good to go. Motion was made by Phillips, seconded by Wix to approve Mr. Ross selling tacos and tamales on the square. After further discussion it was thought that maybe a 30-day trial period would be best. Phillips then rescinded his motion. Motion was made by Brown seconded by Simons to allow Mr. Ross to sell tacos and tamales for a 30-day trial period. Motion passed unanimously by a show of hands.

BOARDS AND COMMISSIONS
PARK AND REC

Simons reported that the Park and Rec Commission met on July 7, 2011. The lazy river at the pool has a leak and the fence at the JC Park is being worked on.

PLANNING COMMISSION

Burg reported that the Planning Commission met on July 12, 2011. Discussion took place about front yards being filled with toys and children's play equipment.

UNFINISHED BUSINESS

CARSON AND BARNES CIRCUS

After much discussion, it was the consensus of the Council to go ahead with the Circus.

BILLS ORDS RES

**BILL NO 2011-7 ORD 928 1ST
READING**

Motion was made by Burg, seconded by Brown for the first reading of **BILL NO 2011-7 ORD NO 928 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II, SECTIONS 5-31 THROUGH 5-58 OF THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

David Brown-yes	Harold Weil-yes
Brian Phillips-no	Jim Fisher-yes
Thom Burg-yes	Brian Boyd-yes
Pat Simons-yes	Doug Wix-no

**BILL NO 2011-7 ORD NO 928 2ND
READING**

Motion was made by Brown, seconded by Burg for the second reading of **BILL NO 2011-7 ORD NO 928 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II, SECTIONS 5-31 THROUGH 5-58 OF THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

David Brown-yes	Harold Weil-yes
Brian Phillips-no	Jim Fisher-yes
Thom Burg-yes	Brian Boyd-yes
Pat Simons-yes	Doug Wix-no

**BILL NO 2011-7 ORD NO 928
ADOPTION**

Motion was made by Simons, seconded by Burg to adopt **BILL NO 2011-7 ORD NO 928 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II, SECTIONS 5-31 THROUGH 5-58 OF THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

David Brown-yes	Harold Weil-yes
Brian Phillips-no	Jim Fisher-yes
Thom Burg-yes	Brian Boyd-yes
Pat Simons-yes	Doug Wix-no

REPORTS

POLICE CHIEF	LT Beshore reported that the Police Dept received a grant in the amount of \$500.00 from MODOT for overtime worked.
CITY ATTORNEY	Tom Addleman reported that he attended the Municipal Attorney Conference at the Lake of the Ozarks and brought back a lot of good information.
<u>ADMINISTRATOR ARBUTHNOT</u>	Administrator Arbuthnot reported that Officer Jim Wheatley took over duties as the Code Enforcement Officer.
WHEATLEY CODES OFFICER	Officer Jim Wheatley gave Council a report on what he has currently been working on since he took over as the Code Enforcement Officer.
KAYSINGER BASIN SAFE ROUTES TO SCHOOL GRANTS WERE NOT APPROVED	Arbuthnot reported the City has been advised by the Kaysinger Basin Regional Planning Commission that no MoDOT grant applications for the Safe Routes to School funding were approved in their seven county regions so the joint Butler School District and City application was not approved.
FEMA SNOW STORM	<p>The City received reimbursement of \$17,038.55 from FEMA for 75% of the City expenses associated with the February 1, 2011 snow storm.</p> <p>The Mayor and City Council held a work session on Tuesday, July 19, 2011. They toured the Aquatic Center, the Police Station and the Old High School.</p>
WWTP ANNUAL INSPECTION	Arbuthnot also reported that the annual inspection of the City WWTP was conducted by the Missouri Department of Natural Resources on June 7, 2011. The report issued by the inspector stated that there were no unsatisfactory features found at the time of the inspection.
ANNUAL SALES TAX HOLIDAY	The annual Sales Tax Holiday will be August 5-7. School items purchased will have no state or local tax.
NO BURNING ORDER	Fire Chief Jim Henry issued a no burning order due to the severe heat conditions.
POLICE CHIEF INTERVIEWS	<p>Police Board has six candidates to interview for the position of Police Chief.</p> <p>Council called a Special meeting on July 28, 2011 at 6pm to interview candidates for Police Chief.</p>
PUMPING FROM RIVER	Trent Diehl reported that they are pumping from the river for the City water supply.
MAYOR	Mayor Malan welcomed Officer Jim Wheatley to Code Enforcement.
BROWN	Nothing to report.
PHILLIPS	Nothing to report.
BURG	Burg Expressed his enthusiasm about Officer Wheatley coming to Code Enforcement.

SIMONS

Simons reported nuisance complaints.

WEIL

Weil inquired about the continuing phone line issue on Country Club.

FISHER

Nothing to report.

BOYD

Boyd complimented Officer Wheatley on a job well done.

WIX

Nothing to report.

NEW BUSINESS

JOPLIN REIMBURSEMENT

A letter was received from the City of Joplin thanking the City of Butler for providing emergency assistance from the May 22, 2011 tornado. The letter also allows for the City to request reimbursement for expenses associated with providing the emergency assistance. The City of Butler Fire Department had seven firefighters with three vehicles respond to the request for assistance. The consensus of the Council was not to ask for reimbursement from Joplin.

**POWER SUPPLY STUDY
ENGINEERING ASSOCIATES**

Bob Noel with Engineering Associates gave a presentation on a proposed power supply study for the City of Butler. The estimated cost to the City would be \$7,000-\$9,500. After much discussion, motion was made by Burg, seconded by Fisher to accept the proposal from Bob Noel with Engineering Associates to do a power supply study. Motion passed unanimously by a show of hands.

**FIRE TRUCK PURCHASE
DONATED FROM CALIFORNIA**

Councilman Wix informed Council of a fire truck in California that is for sale for \$12,500. Currently there is an offer on the truck but if the offer falls through, Wix informed Council of a donor who is willing to donate \$12,500 to purchase the truck for the Fire Department. The shipping of the truck from California to Butler would be of no expense to the City either. Motion was made by Burg, seconded by Fisher to purchase the truck with the donor. Motion passed unanimously by a show of hands.

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

ATTEST:

Mayor Don H. Malan

City Clerk Casey Koehn