

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
AUGUST 16, 2011**

The Butler City Council met in regular session on Tuesday, August 16, 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, Police Chief Jerry Boyd, and Officer Jim Wheatley.

OTHER GUESTS

Eugene Miller, Billy McKinzie, Jon McCoy, Mike Gallagher, Linn Nitsche and Denny Rich were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Boyd to approve the minutes of the regular session of Aug 2, 2011. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Burg to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Burg, seconded by Phillips to approve Officer Bearce's training. Motion failed. Motion by Wix, seconded by Simons to approve training for Lewis, Robey, Myer and Diehl and to send Police Dept training back to Police Chief for resubmit. Motion passed with a vote of 6-2.

Motion was made by Wix, seconded by Simons to add Billy McKinzie to the agenda to discuss working on the Police Station; to delete the Solar Link from new business and to add John McCoy to new business. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

BILLY MCKINZIE

Billy McKinzie spoke to about working on the Police Station. After much discussion, a motion was made by Phillips, seconded by Wix to contact the mold remediation company then bring McKinzie back along with other bidders then go from there to see exactly what work needs to be done. Motion passed unanimously by a show of hands.

COMMITTEES

FINANCE COMMITTEE

Wix reported that the Finance Committee met prior to the regular Council meeting. Cindy Byous (DSWA) reported on the FY 10-11 audit. The tax levy was approved. Motion was made by Simons, seconded by Wix for the following:

General Fund	0.5955 per \$100 assessed valuation
Park Fund	0.0350 per \$100 assessed valuation
Lake Fund	0.0150 per \$100 assessed valuation

Motion passed unanimously by a show of hands.

VISIONING COMMITTEE

Visioning Committee met on Aug 4th, 8th, and 15th. They discussed the needs of the community: community center, new police station and renovate the old high school.

BOARDS AND COMMISSIONS

PARK AND REC

Park and Rec met on Aug 4th with not enough to make a quorum. They found the leak in the lazy river.

Planning Commission met on Aug 9th. They held a public hearing on the proposed amendments to the City front yard parking regulations and the parking space requirements for different types of uses. Their recommendations regarding the proposed amendments will be considered by the City Council at a public hearing on September 6, 2011. They also approved a request by Clifford Smith to allow a non-conforming use of the property located at 307 S. Fulton Street. The last use of the property was for a doctor's office and the property is currently for sale.

AIRPORT COMMISSION

The Airport Commission met on Aug 11th. They reviewed reports from MODOT and items that need to be addressed and regulations that need to be followed.

BILLS ORDS RES

BILL NO 2011-9 ORD 930 1ST READING

Motion was made by Wix, seconded by Fisher for the first reading of **BILL NO 2011-9 ORD NO 930 AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, TO RE-ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.**

Motion passed with the following votes:

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

BILL NO 2011-9 ORD NO 930 2ND READING

Motion was made by Wix, seconded by Boyd for the second reading of **BILL NO 2011-9 ORD NO 930 AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, TO RE-ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.**

Motion passed with the following votes:

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

BILL NO 2011-9 ORD NO 930 ADOPTION

Motion was made by Wix, seconded by Phillips to adopt **BILL NO 2011-9 ORD NO 930 AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, TO RE-ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL**

INTERESTS FOR CERTAIN OFFICIALS.

Motion passed with the following votes:

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

Motion was made by Phillips, seconded by Wix for the first reading of Bill No 2011-10 ORDINANCE NO. 931 AN ORDINANCE ESTABLISHING THE 2011 TAX LEVY FOR THE CITY OF BUTLER

BILL NO 2011-10 ORD 931 1ST READING

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

Motion was made by Brown, seconded by Boyd for the second reading of Bill No 2011-10 ORDINANCE NO. 931 AN ORDINANCE ESTABLISHING THE 2011 TAX LEVY FOR THE CITY OF BUTLER

BILL NO 2011-10 ORD NO 931 2ND READING

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

Motion was made by Wix, seconded by Phillips to adopt Bill No 2011-10 ORDINANCE NO. 931 AN ORDINANCE ESTABLISHING THE 2011 TAX LEVY FOR THE CITY OF BUTLER

BILL NO 2011-10 ORD NO 931 ADOPTION

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

REPORTS

CITY CLERK

Clerk Koehn reported that the planning for the Circus was going well and proposed that all proceeds coming from ticket sales above and beyond expenses go to the Joplin tornado relief effort. Motion was made by Phillips, seconded by Simons to approve Koehn’s proposal. Motion passed unanimously by a show of hands.

POLICE CHIEF

Chief Boyd thanked Mayor and Council for the opportunity and said that he has been busy.

ADMINISTRATOR ARBUTHNOT

Arbuthnot reported that he and the Police Chief met with the Bates County Commissioners and the Sheriff on August 8th to discuss the proposed joint

911

purchase of 911 communication equipment for the City and Bates County dispatch centers. The Sheriff is going to contact the equipment supplier, Commenco and request an updated price quote and then provide this information to the City. The old estimate was \$76,057 for the City's share of the equipment costs. The City also needs to consider replacement of two radio transmitters estimated to cost \$15,000 that were budgeted for replacement last year but were not purchased to provide funding for the repairs needed at the police station. Bates County has determined that they will not be able to obtain a zero percent interest loan to finance the purchase of the equipment. It is now proposed that the City and County would individually pay their share of the costs and that any required financing of the equipment costs would be done individually by each entity. It is anticipated that the project will move ahead pending final City and County approvals with the equipment being installed later this year.

RIVER PUMP STATION

The river pump station bank stabilization engineering report was completed by Allgeier, Martin & Associates and Palmerton & Parrish and was submitted to Osage Valley RC&D for their review and approval. The final engineering costs were higher than the original estimate because of additional design and evaluation work that had to be performed and construction engineering oversight has to be provided to assure that the work is completed based on the final design as required by Osage Valley RC&D. These engineering costs total \$8,040 compared to the original estimated cost of \$2,500. Osage Valley RC&D indicated that their funding can be used to reimburse the City for these engineering costs.

DOWNTOWN PROJECT

The Federal Highway Administration wants to review the Downtown Improvement Project to determine if the original scope of services to be provided under the engineering services agreement is still being met with all of the supplemental agreements that have been submitted and approved for the project. If it is determined that the supplemental agreements do not meet the original scope of services then those associated engineering fees will not be eligible for using grant funds to pay for them and the City would have to pay all of those costs. A meeting is to be held in the next two to three weeks with MoDOT and the Federal Highway Administration to review the project file and make a determination so the project has been put on hold.

MAYOR

Mayor Malan appreciates all the hard work everyone is doing.

BROWN

Receiving complaints about tall grass and junk in yards.

PHILLIPS

City's website needs to be updated. Stated that he would donate 4 or 5 trees to North Park if the City would water them.

BURG

Commended City employees on a job well done.

SIMONS

Welcomed the Police Chief.

WEIL

Receiving complaints about phone lines on Country Club Dr that are not buried.

FISHER

Nothing to report.

BOYD

Welcomed Police Chief. Discussed need to bring back community service program.

WIX

Welcomed Police Chief. Thanked City employees for a job well done.

CODE ENFORCEMENT

Gave code report.

NEW BUSINESS

**JOHN MCCOY WITH
MCKINSTRY LOW INTEREST
LOANS**

John McCoy introduced to Council low interest loans for energy savings. Motion was made by Burg, seconded by Simons to fill out the application for a loan. Motion passed unanimously by a show of hands.

**COMMUNITY FIRST BANK
AWARDED PROPOSAL FOR
BANKING**

Clerk Koehn informed Council that she sent out proposals for banking to Adrian Bank, Community First Bank and Citizens Bank. Motion was made by Phillips, seconded by Wix to stay with Community First Bank. Motion passed unanimously by a show of hands.

Arbuthnot reviewed Capital Improvement Plan. Motion was made by Phillips, seconded by Wix to go ahead with CIP. Motion passed unanimously by a show of hands.

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

ATTEST:

Mayor Don H. Malan

City Clerk Casey Koehn