

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
SEPTEMBER 6, 2011**

The Butler City Council met in regular session on Tuesday, September 6, 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, City Attorney Tom Addleman, Police Chief Jerry Boyd, SGT Jerret Wheatley Code Enforcement Officer Jim Wheatley and Roger Cecil.

OTHER GUESTS

Eugene Miller, Debbie Adams, Deborah Foster, Michelle Schroeder, Linn Nitsche, Denny Rich, Billy McKinzie, Brenda Cecil and Denny Rich were also in attendance.

APPROVE CONSENT AGENDA

Motion by Boyd, seconded by Fisher to approve the minutes of the regular session of Aug 16, 2011. Motion passed unanimously by a show of hands. Motion by Brown, 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 travel and training. Motion passed unanimously by a show of hands. Motion was made by Fisher, seconded by Phillips to add Billy McKinzie to the agenda to discuss working on the Police Station. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

DEBORAH FOSTER

Deborah Foster (307 E Pine) spoke about homes in her neighborhood that are inhabitable specifically 306 E Walnut. She said that the animals have moved in and have become a nuisance. She also stated that she is paying someone to mow another home in her neighborhood.

**MICHELLE SCHROEDER
CHAMBER OF COMMERCE**

Michelle Schroeder with the Chamber of Commerce requested to have the square secured for Huckster's Day on October 1st along with a big stage and a little stage. She also requested to have a costume contest on Halloween (October 31st) on the square, and to turn the Christmas lights on December 7th for the Christmas Parade. Motion was made by Simons, seconded by Burg to approve all requests. Motion passed unanimously by a show of hands.

**ROB FRITZ REQUESTS YOUTH
FOOTBALL AND BEAR
BACKERS**

Administrator Arbuthnot read 2 requests from Rob Fritz (Butler Youth Football and Butler Bear Backers). The first request was to construct a building at the Youth Football field to house concessions, football equipment and to share with City of Butler equipment and if enough money was left over, which was donated, to construct restrooms. The second request was for the 3rd annual Butler Bear Invitational Mini-NASCAR Race. They would need to

take possession of the Fairgrounds beginning Saturday morning, September 24th, thru Sunday September 25th. The race will be completed Sunday evening. Motion was made by Phillips, seconded by Simons to approve both requests. Motion passed unanimously by a show of hands.

Billy McKinzie asked about the status of the Police Station. Council informed him that the mold remediation people would be here on Monday for an estimated 2-3 days.

COMMITTEES

VISIONING COMMITTEE

Phillips reported that Visioning Committee will be holding a Town Hall meeting on Friday Sept 9th at 4pm at City Hall with the Drury University students to collect ideas on a possible community center and any other ideas that are brought to the Committee.

BOARDS AND COMMISSIONS

PARK AND REC

Park and Rec met on Sept 2nd with not enough to make a quorum.

NEIGHBORHOOD PRIDE COMMISSION

The Neighborhood Pride Commission Met and discussed a day for another clean-up.

A Public Hearing was called to discuss BILL NO 2011-11 ORD 932. Public Hearing was closed.

BILLS ORDS RES

BILL NO 2011-11 ORD 932 1ST READING

Motion was made by Phillips, seconded by Burg for the first reading of **BILL NO 2011-11 ORD 932 AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-3, STREETS AND SIDEWALKS, ARTICLE I, BY ADDING POLICE STATIONS AS EXEMPT AND FURTHER REPEALING CHAPTER 21. STREETS AND SIDEWALKS, ARTICLE V, SECTION 21-135 THROUGH 21-145, PARKING REQUIREMENTS, OF THE BUTLER CITY CODE** Motion passed with the following votes:

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

BILL NO 2011-11 ORD 932 2nd READING

Motion was made by Boyd, seconded by Fisher for the second reading of **BILL NO 2011-11 ORD 932 AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-3, STREETS AND SIDEWALKS, ARTICLE I, BY ADDING POLICE STATIONS AS EXEMPT AND FURTHER REPEALING CHAPTER 21. STREETS AND SIDEWALKS, ARTICLE V, SECTION 21-135 THROUGH 21-145, PARKING REQUIREMENTS, OF THE BUTLER CITY CODE** Motion passed with the following votes:

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

BILL NO 2011-11 ORD 932 ADOPTION

Motion was made by Burg, seconded by Phillips to adopt **BILL NO 2011-11 ORD 932 AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-3,**

STREETS AND SIDEWALKS, ARTICLE I, BY ADDING POLICE STATIONS AS EXEMPT AND FURTHER REPEALING CHAPTER 21. STREETS AND SIDEWALKS, ARTICLE V, SECTION 21-135 THROUGH 21-145, PARKING REQUIREMENTS, OF THE BUTLER CITY CODE Motion passed with the following votes:

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

A Public Hearing was called to discuss **BILL NO 2011-12 ORD NO 933**. The Public Hearing was closed.

BILL NO 2011-12 ORD NO 933 1ST READING

Motion was made by Wix, seconded by Simons for the first reading of **BILL NO 2011-12 ORD NO 933 AN ORDINANCE REPEALING CHAPTER 26. ARTICLE VI, PARKING SPACE REQUIREMENTS 26-220 THROUGH 26-222, PARKING REQUIREMENTS, OF THE BUTLER CITY CODE**

| | |
|--------------------|-----------------|
| 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 2011-12 ORD NO 933 2ND READING

Motion was made by Phillips, seconded by Wix for the second reading of **BILL NO 2011-12 ORD NO 933 AN ORDINANCE REPEALING CHAPTER 26. ARTICLE VI, PARKING SPACE REQUIREMENTS 26-220 THROUGH 26-222, PARKING REQUIREMENTS, OF THE BUTLER CITY CODE**

| | |
|--------------------|-----------------|
| 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 2011-12 ORD NO 933 ADOPTION

Motion was made by Boyd, seconded by Wix to adopt **BILL NO 2011-12 ORD NO 933 AN ORDINANCE REPEALING CHAPTER 26. ARTICLE VI, PARKING SPACE REQUIREMENTS 26-220 THROUGH 26-222, PARKING REQUIREMENTS, OF THE BUTLER CITY CODE**

| | |
|--------------------|-----------------|
| 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 2011-13 ORD NO 934 1ST READING

Motion was made by Brown, seconded by Simons for the first reading of **BILL NO 2011-13 ORD NO 934 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II. DOGS AND CATS, SECTIONS 5-31 OF THE CITY OF BUTLER, MISSOURI**

| | |
|--------------------|-----------------|
| 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 2011-13 ORD NO 934 2nd
READING**

Motion was made by Boyd, seconded by Simons for the second reading of **BILL NO 2011-13 ORD NO 934 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II. DOGS AND CATS, SECTIONS 5-31 OF THE CITY OF BUTLER, MISSOURI**

| | |
|--------------------|-----------------|
| 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 2011-13 ORD NO 934
ADOPTION**

Motion was made by Simons, seconded by Boyd to adopt **BILL NO 2011-13 ORD NO 934 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II. DOGS AND CATS, SECTIONS 5-31 OF THE CITY OF BUTLER, MISSOURI**

| | |
|--------------------|-----------------|
| 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 Tax Sale on August 22nd went well.

POLICE CHIEF

Chief Boyd reported that the mold remediation company will be at the Police Station on Monday.

CITY ATTORNEY

Addleman reported that he will be implementing community service to aid in the clean-up of the City. He will also look into a pit bull ordinance.

ADMINISTRATOR ARBUTHNOT

**OSAGE VALLEY RC&D RAIN
BARREL**

Arbuthnot reported that the river pump station bank stabilization project is complete.

The Osage Valley RC&D rain barrel distribution project went well and 70 rain barrels being distributed with the City being reimbursed \$1,737.32 for 75% of the project costs.

SOLAR FARM

Arbuthnot had a meeting on Thursday, September 1st with the Solar Farm developer, Solar Link and the attorneys to review the Development Agreement and the Interconnection Services Agreement for the project. The developer is still negotiating with MoPEP over the Purchase Power Agreement and the Interconnection Services Agreement. There are still several items to be resolved in all three of these agreements. The Development Agreement and Interconnection Services Agreement will both need to be considered by the City Council for approval when they are finalized.

CITY WIDE CLEAN UP

The Fall 2011 City Wide Cleanup has been scheduled o start the week of October 10 – October 14 for residences located south of Ft. Scott St. and continues the week of October 17 – 21 for residences north of Ft. Scott St.

PUBLIC WORKS DIRECTOR Public Works Director Trent Diehl Stated that equipment is being removed from the Country Club Dr project.

CODE ENFORCEMENT Code Enforcement Officer Jim Wheatley gave his report.

MAYOR Mayor Malan attended Old Settlers Day and it went very well.

BROWN Brown offered to donate \$20.00 towards a hotel room for the Drury University students for their visit on Sept 9th.

PHILLIPS Phillips would like to see a 3rd City wide clean up in the summer. Commended City employees on a job well done.

BURG Burg had nothing to report.

SIMONS Simons had nothing to report.

WEIL Weil had nothing to report.

FISHER Fisher had nothing to report.

BOYD Boyd will be hosting community service on the 17th of Sept and offered to donate \$20.00 towards a hotel room for the Drury University students for their visit on Sept 9th.

WIX Wix had nothing to report.

NEW BUSINESS

STREET BIDS FOR MICRO SEAL

Street improvement bids were accepted by City Clerk Casey Koehn. Vance Bros submitted a bid for \$2.35/square yard to do micro sealing for approx 21,000 square yards on designated City streets. Motion was made by Phillips, seconded by Simons to accept bid from Vance Bros. Motion passed unanimously by a show of hands.

Arbuthnot reported that MoDOT is requesting that the City deed City property in the existing rights of way to MoDOT for the replacement of the bridge west of the Water Treatment Plant entrance on west Hwy. 52. MoDOT discovered when they were developing the plans for the replacement of the bridge that the property descriptions from 1920 were in error and that to correct the problem that the City and Ed Steele property both needed to have a 30' wide piece of property deeded to match the rights of way boundary. This does not require any new property from the City only deeding the property that was included when MoDOT established the rights of way boundary in 1920. Ed Steel has deeded over the property to MoDOT and now the City needs to consider action on this request from MoDOT. Motion was made by Wix, seconded by Brown to deed property to MoDOT. 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. Motion passed unanimously by a show of hands.

ATTEST:

Mayor Don H. Malan

City Clerk Casey Koehn