

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
JUNE 19, 2012

The Butler City Council met in regular session on Tuesday, June 19, 2012 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	Terry Agnew
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

OTHERS PRESENT

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

OTHER GUESTS

Mike Gallagher, Eugene Miller, Marla Kash, Linn Nitsche, James & Kay Conley, Jeremy Culler, Mike & Angie Culler, Rusty Smith, Al Hellebuyck, Marli Klumb, Sonjia McGuire, Rose Hunt, Peggy Flint, Jayson Flint, Bob Thomas, Hank Klumb and Anne Smith.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Wix to approve the minutes of the regular session of June 5, 2012. Motion passed unanimously with a show of hands. Motion by Wix, seconded by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands.

SCHEDULED GUEST
HANK KLUMB/EMPLOYMENT CONCERNS

Hank Klumb expressed his concerns over the closing and impending closing of two businesses in Butler the Thorco Plant and Bank of America. Mr. Klumb stated we need more manufacturing companies in Butler.

PEGGY FLINT/CAT ORDINANCE

Peggy Flint expressed her concerns over the cat ordinance. Mrs. Flint inquired if she put a collar and tag on her cats would she be able to let them outside. Mrs. Flint was informed cats have to have a collar and tags and stay in her yard or they would be considered at large and would be picked up.

PARK & RECREATION COMMISSION

The Park and Recreation Commission met at City Hall on Thursday, June 7, 2012 at 12:00pm. There being no quorum, meeting adjourned. The Park and Recreation Commission will meet at 12:00pm in the Park on July 5, 2012 to discuss the Trail of Memories.

POLICE PERSONNEL BOARD

The Police Personnel Board met at City Hall on Monday, June 11, 2012 at 6:00pm to interview Justin Shaffer for a part-time reserve Police Officer position. Mr. Shaffer was certified as meeting the qualifications and was hired to fill the position.

PLANNING COMMISSION

The Planning Commission had a meeting scheduled for Tuesday, June 12th at 7:30 p.m. at City Hall but due to not having a quorum, no meeting was held. A public hearing was scheduled to be held to consider amendments to the zoning regulations with regard to home occupations being allowed if a

conditional use permit is approved by the Zoning Board of Adjustment. The public hearing will be rescheduled for the Planning Commission meeting to be held on Tuesday, July 10th at 7:30 p.m. at City Hall.

AIRPORT COMMISSION

The Airport Commission had a meeting scheduled for Thursday, June 14th at 6:30 p.m. at City Hall but due to not having a quorum, no meeting was held. Items on their meeting agenda included: 1) review financial reports, 2) discuss future projects with Burns & McDonnell and consider a proposal for a geotechnical study and survey update of the airport property, 3) Airport Manager report. These items will be considered at a special Airport Commission meeting to be held on Tuesday, July 12th at 6:30 p.m. at City Hall.

NEIGHBORHOOD ADVISORY COMMISSION

Councilman Burg reported the Neighborhood Advisory Commission met on Monday June 18, 2012 at 7:00pm and having no quorum, adjourned.

PUBLIC HEARING/ REZONING OF PROPERTIES FROM R-2 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT

The Planning Commission held a Public Hearing on Tuesday, May 8th at 7:30 p.m. at City Hall to consider rezoning of properties from R-2 Single Family Residential District to C-3 Highway Commercial District that are located on the north side of W. Ft. Scott Street going east from Rice Road to Prospect Avenue. Eight property owners from this area attended the hearing and asked questions on how the proposed change in zoning would affect their residential properties. After the public hearing, the Planning Commission made a recommendation for City Council to approve the proposed rezoning for these properties. The City Council public hearing notice was sent to property owners and published in the newspaper. Information provided to the Planning Commission is included in the meeting packet. Depending on the action taken by the City Council after the public hearing an Ordinance will be prepared for consideration at the July 3, 2012 council meeting.

Mayor Malan opened the public hearing to consider rezoning of properties from R-2 Single Family Residential District to C-3 Highway Commercial District. Several residents expressed their concern over the rezoning and the added expenses the residents would incur with possible tax issues and insurance increases. Also in the event they would sell their homes the property would have to be sold as commercial property if council approved the rezoning. Mayor Malan closed the public hearing. Motion by Simons, seconded by Burg to have the City Attorney research the rezoning of R-2 Single Family Residential District to C-3 Highway Commercial District. Motion passed 7 to 1 with Brown voting nay.

**BILL NO. 2012-11
ORD NO. 949
1ST READING**

Motion by Phillips, seconded by Wix for the first reading by title only of
**BILL NO. 2012 - 2011 ORDINANCE NO. 949
AN ORDINANCE ESTABLISHING CONDITIONS FOR THE
ISSUANCE OF RESIDENTIAL OCCUPANCY PERMITS FOR
PROPERTIES LOCATED IN THE CITY OF BUTLER, MISSOURI.**

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Pat Simons-Aye	Doug Wix-Aye

**BILL NO. 2012-11
ORD NO. 949
2ND READING**

Motion by Phillips, seconded by Brown for the second reading by title only of
**BILL NO. 2012 - 2011 ORDINANCE NO. 949
AN ORDINANCE ESTABLISHING CONDITIONS FOR THE
ISSUANCE OF RESIDENTIAL OCCUPANCY PERMITS FOR**

PROPERTIES LOCATED IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Pat Simons-Aye	Doug Wix-Aye

Motion by Wix, seconded by Phillips to adopt

BILL NO. 2012 - 2011 ORDINANCE NO. 949

AN ORDINANCE ESTABLISHING CONDITIONS FOR THE ISSUANCE OF RESIDENTIAL OCCUPANCY PERMITS FOR PROPERTIES LOCATED IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Pat Simons-Aye	Doug Wix-Aye

**BILL NO. 2012-11
ORD NO. 949
ADOPTION**

RES NO 388

CITY OF BUTLER STATE OF MISSOURI RESOLUTION NO. 388

A RESOLUTION AUTHORIZING EXECUTION OF A GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES WITH MCC MISSOURI LLC AUTHORIZING USE OF CITY POLES. Motion was made by Wix, seconded by Burg to approve Resolution No 388. Motion passed unanimously by a show of hands.

**REPORTS
POLICE CHIEF**

Nothing to Report

CITY ATTORNEY

City Attorney Addleman reported on the changes made to the nuisance ordinance. After much discussion, Addleman will revise the ordinance and bring back to the July 3, 2012 council meeting.

CITY ADMINISTRATOR

City Administrator Arbuthnot informed council that Home Serve Co. is sending out letters to the Citizens of Butler again. The City does not endorse this company. City Administrator Arbuthnot gave a report on the Power Supply Study and possible EPA changes concerning the caterpillar engines and the possibility of filing for a one year extension on implementing the catalytic converters at the light plant. B & L Electric, along with Bob Knowles, inspected the area where the interconnection would be placed. Motion by Phillips, seconded by Wix to proceed with a formal proposal with council having the final approval. Motion passed unanimously with a show of hands.

**PUBLIC WORKS/UTILITY
DIRECTOR**

Public Works/Utility Director Diehl informed council some citizens are taking advantage of the water hydrant at the bulk water tower. Diehl inquired if council wanted the spigot removed. The consensus was to leave the spigot.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley gave his report to Mayor and Council.

**MAYOR
MML CONFERENCE
BOARD & COMMISSION
APPOINTMENTS**

Mayor Malan reported on the MML Conference he attended June 14th and 15th, stating it was very good and informative.

Mayor Malan appointed Councilmen and Citizens to the following Boards and Commissions:

Airport Commission: Council Rep Harold Weil

Planning Commission: Council Rep Brian Phillips, Jim Fisher and Misty

Brooks
Zoning Board of Adjustments: Council Rep Brian Phillips
Park and Recreation Commission: Council Rep Brian Boyd
Industrial Marketing Commissions: Council Reps Harold Weil and Brian Phillips
Cemetery: Council Rep Terry Agnew
Motion by Phillips, seconded by Brown to accept Boards & Commissions appointments.

COUNCIL MEMBERS

BROWN

Reported the lights on Page & Baker Streets are on continually.

PHILLIPS

Reported he had received complaints concerning the Relay for Life fireworks being discharged at 11:30pm.

BURG

No complaints

SIMONS

Reported concern over lights being left on at the ball field. Simons requested a closed session for Personnel Issue Under Section 610.021 (13) after the regular session.

WEIL

Complemented the Relay for Life teams for leaving the square in excellent condition.

AGNEW

Thanked Officer Jim Wheatley for the opportunity to ride along. Also commented the Aquatic Center is looking nice with the weeds gone. Also stated he found the MML Conference interesting, informative and mind boggling.

BOYD

Reported on the pot hole and disrepair on the east side of the square street and sidewalks.

WIX

No complaints

NEW BUSINESS

EUGENE MILLER VARIANCE APPLICATION

Consider a driveway variance application submitted by Eugene Miller for his property located at 523 N. Main St. in Butler. This request is for a driveway in front of his residence. The application is included in the meeting packet. A previous rear driveway variance application was approved by the City Council for his property. After much discussion, motion by Weil, seconded by Agnew not to rule on the application until the pending citation goes through the court system. Motion passed 7 to 1 with Wix voting nay.

MCKINSTRY ENERGY IMPROVEMENTS

Consider agreement for services with McKinstry to complete energy saving improvements to City buildings and facilities. These improvements will be financed with low interest loans that were approved by the Missouri Department of Natural Resources. Mike Gallagher with McKinstry presented council with a formal contract agreement for services. Due to council being unable to look over the formal contract it was decided to table making any decision until the July 3, 2012 council meeting.

CLOSED SESSION

Motion by Boyd, seconded by Burg to go into closed session for Personnel Issue Under Section 610.021 (13) after the regular session after regular session. Motion passed unanimously with a show of hands.

ADJOURN

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

Mayor Don H. Malan

ATTEST:

City Clerk Mary Jo Cook