

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
AUGUST 7, 2012**

The Butler City Council met in regular session on Tuesday, August 7, 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, Public Works/Utility Director Trent Diehl, Police Chief Jerry Boyd, Codes Officer Jim Wheatley, City Clerk Mary Jo Cook and Barb Scrogam.

OTHER GUESTS

Joe Christopher, Austin Mount, Emily Wilson, Eugene Miller and Phil Stump.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Burg to approve the minutes of the regular session of July 17, 2012. Motion passed unanimously with a show of hands. Motion by Wix, seconded by Phillips to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Phillips, seconded by Boyd to approve travel/training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-
ADDITIONS OR DELETIONS**

Motion by Boyd, seconded by Wix to add Joe Christopher to the agenda concerning the Farmers Market. Motion passed unanimously with a show of hands.

**SCHEDULED GUEST
PHIL STUMP RICH HILL CITY
ADMINISTRATOR/ROLLER**

Phil Stump, Rich Hill City Administrator, requested to rent the asphalt roller for Friday, August 10, 2012. Mr. Stump informed council training will be provided on the roller and a paver for the Rich Hill City employees, before the roller would be used. Mr. Stump stated they would provide transportation for the roller. Motion by Phillips, seconded by Wix to lend the roller to Rich Hill with a contract at no charge and the City of Butler employees receive training on the paver. Motion passed unanimously with a show of hands.

**JOE CHRISTOPHER/FARMERS
MARKET**

Joe Christopher requested parking spaces on the square for the Farmers Market to be held on Thursdays. Motion by Wix, seconded by Burg to approve the use of space on the square. Motion passed unanimously with a show of hands.

**AUSTIN MOUNT
LICATATION EDA** **KBRPC/APP**

Austin Mount, Executive Director for the Kaysinger Basin Regional Planning Commission discussed submitting an application to the Economic Development Administration (EDA) to complete an I-49 corridor study for Bates and Vernon counties. The study would look at potential growth areas along the corridor and how services would be provided to serve these areas which could require annexation. This would include the areas located at the

main exit for Butler. There was discussion pertaining to identifying transportation needs for the City streets that are on the State highway system. Cities and counties in the Kaysinger Basin Regional Planning Commission area are being asked to submit their transportation needs/wants so that this information can be provided to MoDOT for possible future funding. The following streets are proposed for submittal: Ft. Scott Street west from Orange Street to Fran Avenue. Problems include: railroad underpass to narrow, storm drainage problems under the roadway during high rainfall causing flooding conditions to adjacent property, and no sidewalks for pedestrians.

COMMITTEE REPORTS
FINANCE COMMITTEE

Finance Committee met on Tuesday, August 7, 2012 at 6:30 p.m. before the regular City Council meeting to discuss the proposed property tax rates for 2012. The proposed property tax rates are calculated based on the assessed valuation for property and the amount of property tax funds that were included in the FY 2012-2013 City Budget. The Finance Committee recommended the proposed 2012 Tax Levy.

Finance Committee also discussed the Special Tax Sale third year property at 415 S Mechanic St. concerning the amount to accept if the property goes to subsequent sale. The Finance Committee recommended to council to get any money they can out of the property at 415 S. Mechanic St. Motion by Simons, seconded by Burg to accept highest bid on property at 415 S. Mechanic St. Motion passed unanimously with a show of hands.

BOARDS AND COMMISSIONS
PARK & RECREATION

Park and Recreation Commission met on Thursday, August 2, 2012 at noon at City Hall. Items discussed were Trail of Memories to continue on the east side of High Street.

The development of regulations for banner advertising at soccer, football and baseball fields.

Park and Recreation Commission sponsorship for a softball tournament on September 15-16 and for 5K run on October 27, 2012. Motion by Simons, seconded by Burg to approve the 5K run to be held on October 27, 2012 and softball tournament to be held on September 15th and 16th 2012. Motion passed unanimously with a show of hands.

Recommended funds raised by the Park and Recreation Commission from banner advertising or special events to be dedicated for recreation facility improvements in the City budget. Motion by Simons, seconded by Brown to approve a dedicated line item for revenues and expenses for the funds that have been raised for improvements to recreation facilities. Motion passed unanimously with a show of hands.

Recommended that the City pay the \$874.00 for life guard uniforms this year. Motion by Burg, seconded by Phillips to pay the lifeguards portion of the invoice this year. Motion passed unanimously with a show of hands.

**NEIGHBORHOOD ADVISORY
COMMISSION**

Neighborhood Advisory Commission met August 6, 2012. Items discussed were the Code Officers report and the city wide clean up.

PUBLIC HEARING
TAX LEVY 2012

Mayor Malan opened the public hearing for the 2012 City property tax rates. No questions or comments. Mayor Malan closed the public hearing.

Motion by Burg, seconded by Burg for the following
General Fund 0.5379 per \$100 assessed valuation
Park Fund 0.0322 per \$100 assessed valuation
Lake Fund 0.0140 per \$100 assessed
valuation

Motion passed unanimously with a show of hands.

BILL NO. 2012-15
ORD NO. 953
1ST READING

Motion by Phillips, seconded by Burg for the first reading by title only of
BILL NO. 2012-15 ORDINANCE NO. 953
AN ORDINANCE ESTABLISHING THE 2012 TAX LEVY FOR THE
CITY OF BUTLER.

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. 2012-15
ORD NO. 953
2ND READING

Motion by Phillips, seconded by Boyd for the second reading by title only of
BILL NO. 2012-15 ORDINANCE NO. 953
AN ORDINANCE ESTABLISHING THE 2012 TAX LEVY FOR THE
CITY OF BUTLER.

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. 2012-15
ORD NO. 953
ADOPTION

Motion by Wix, seconded by Boyd to adopt
BILL NO. 2012-15 ORDINANCE NO. 953
AN ORDINANCE ESTABLISHING THE 2012 TAX LEVY FOR THE
CITY OF BUTLER.

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

ZONING REGULATIONS
AMENDMENTS/CONDITIONAL
USE PERMIT

Mayor Malan opened the public hearing concerning the amendments to the zoning regulations that will allow home occupations when a Conditional Use Permit has been approved by the Zoning Board of Adjustment in the A-1, R-1, R-2, R-3 and R-4 zoning districts. No questions or comments. Mayor closed the public hearing.

Mayor Malan opened the public hearing concerning the amendments to the zoning regulations that will allow home occupations when a Conditional Use Permit has been approved by the Zoning Board of Adjustment in the A-1, R-1, R-2, R-3 and R-4 zoning districts. No questions or comments. Mayor closed the public hearing.

BILL NO. 2012-16
ORD NO. 954
1ST READING

Motion by Phillips, seconded by Boyd for the first reading by title only of
BILL NO. 2012-16 ORDINANCE NO. 954
AN ORDINANCE AMENDING THE REGULATIONS FOR THE

ISSUANCE OF CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS WHEN APPROVED BY THE ZONING BOARD OF ADJUSTMENT FOR PROPERTIES THAT ARE LOCATED IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS 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. 2012-16
ORD NO. 954
2ND READING**

Motion by Burg, seconded by Simons for the second reading by title only of

BILL NO. 2012 -16 ORDINANCE NO. 954

AN ORDINANCE AMENDING THE REGULATIONS FOR THE ISSUANCE OF CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS WHEN APPROVED BY THE ZONING BOARD OF ADJUSTMENT FOR PROPERTIES THAT ARE LOCATED IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS 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. 2012-16
ORD NO. 954
ADOPTION**

Motion by Boyd, seconded by Brown to adopt

BILL NO. 2012 -16 ORDINANCE NO. 954

AN ORDINANCE AMENDING THE REGULATIONS FOR THE ISSUANCE OF CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS WHEN APPROVED BY THE ZONING BOARD OF ADJUSTMENT FOR PROPERTIES THAT ARE LOCATED IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS 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

**REPORTS
POLICE CHIEF**

Chief Boyd reported the 911 system is in place and now they are narrow band compliant.

CITY ATTORNEY/PROSECUTOR

City Attorney Addleman requested a closed session in accordance with RSMo 610.021. To discuss matters of litigation, legal actions and/or communication from the City Attorney as provided under section 610.021 (1).

**CITY ADMINISTRATOR
WASTEWATER TREATMENT
PLANT UV DISINFECTION
EQUIPMENT AND BASIN
MIXERS**

City Administrator Arbuthnot reported the Missouri Department of Natural Resources has approved the plans and specifications for the installation of the

DOWNTOWN IMPROVEMENT PROJECT

UV disinfection equipment and basin mixers at the Wastewater Treatment Plant. The request for bids has been advertised and bids are due back to the City by September 6, 2012 at 2:00 p.m.

CDBG UNSAFE STRUCTURE DEMOLITION

The Downtown Improvement Project continues to move forward. Several ADA accessibility issues had to be resolved in the final design of the project. The City's consultant and HNTB will revise the plans and specifications concerning the ADA issues and then submit them to MoDOT for final review and approval to advertise for bids.

The City is still waiting to be notified if the CDBG unsafe structure demolition application has been approved. The two garages, one located on Sunset View and one located on E. Dakota, that were not eligible to be included in the CDBG unsafe structure demolition application have been evaluated by the Public Works/Utilities Director, Trent Diehl to determine what it would cost the City to demolish them and then cleanup the sites. He has estimated that each garage would cost \$400 for a dumpster for demolition materials plus the City labor and equipment to demolish and cleanup. The total estimated cost is \$1,000 for each garage for demolition and cleanup. It is recommended that the property owners be contacted to confirm that they are still in agreement to have the unsafe structures demolished and removed from their property at no cost to them. After discussing the issue of the dilapidated garages a motion was made by Wix, seconded by Simons authorizing Code Enforcement Officer Jim Wheatley to speak with the owners of the properties concerning sharing the cost of the demolition of structure and cleanup of the site. Motion passed unanimously with a show of hands.

LIGHT PLANT

WATER LINE BREAKS

The Light Plant operated during on peak conditions for (2) hours on June 29th and (3) hours on July 26th since the start of the hot weather conditions

BLUE CROSS/BLUE SHIELD

The water department has repaired 17 water line breaks over a ten day period.

The City's health insurance provider, Blue Cross/Blue Shield (BC/BS) of Kansas City has advised the City that under the new Medical Loss Ratio regulations that they must pay out 80% of the insurance premium they receive as claims or on medical quality improvement expenses for all small groups and direct pay consumers, and 85% for large groups. The City is considered a large group. If they do not pay out the required percentage of premium they must refund the balance to the employer. This refund is referred to as a rebate. For 2011 BC/BS met the requirements for the health plan selected by the City and will not be issuing a rebate to the City. No large groups in Missouri will be receiving rebates from BC/BS for 2011. All covered employees will receive a notice from BC/BS with this information.

ELECTRIC RATE COMPARISON

City Councilman, Brian Phillips requested utility rate information for other cities and electric utility providers in our area. Information for the cities of Harrisonville, Adrian, Rich Hill, Nevada and for the electric utilities of KCP&L and Osage Valley Electric Cooperative were provided. City Administrator Arbuthnot stated a big thank you goes to Sharon Jones for working up the information- it was a time consuming process.

SUNSHINE LAW WORKSHOP

MEDIACOM INCREASING RATES

The Kaysinger Basin Regional Planning Commission is sponsoring a Missouri Sunshine Law Workshop on Wednesday, August 15, 2012 from 1-3p.m. at the Bates County Memorial Hospital in Meeting Room A-B.

**CITY ADMINISTRATOR
CONFERENCE**

The City has received notice from Mediacom that they will be increasing cable rates on or about September 1, 2012.

MML CONFERENCE

City Administrator Arbuthnot submitted a travel and training request for approval to attend the Missouri Public Utility Alliance Annual Conference, October 10 – 12, 2012.

CEMETERY/COLUMNS REPAIR

City Administrator Arbuthnot gave council information concerning the Missouri Municipal League Annual Conference, September 16 – 19, 2012. If the Mayor or City Council would like to attend the conference please turn in the completed registration form so that this can be sent in by the City.

**PUBLIC WORKS/UTILITY
DIRECTOR**

City Administrator Arbuthnot reported the need to do a change order on the Cemetery project concerning the columns at the entrance on H highway. The bid was \$2475.00 for this project but additional funds are needed to finish. Will need to increase the total amount to \$4030.00 because the columns bases are deteriorating are unlevel and there is no steel in them. City Administrator Arbuthnot stated \$6000.00 was budgeted for this project. Motion by Boyd, seconded by Phillips to approve the additional funds. Motion passed unanimously with a show of hands.

CODE ENFORCEMENT

Public Works/Utility Director Diehl informed council the City of Adrian requested to rent the lagoon pump to pump water from up stream of Archie. Allowing the use of the lagoon pump will benefit Adrian and Archie. After some discussion, it was decided we need to be neighborly. Motion by Brown, seconded by Wix to rent the lagoon pump to the City of Adrian with a contract to be reviewed by City Attorney Addleman and City Administrator Arbuthnot. Motion passed with a 7 to 1 vote with Burg voting nay.

MAYOR

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

**COUNCIL MEMBERS
BROWN**

Mayor Malan thanked city employees for their hard work with the temperatures being so high, also thanked the City Hall staff for all their hard work.

PHILLIPS

Nothing to report.

BURG

Nothing to report.

SIMONS

Complimented the Mayor for the 1/8 fire sales tax.

WEIL

Nothing to report.

AGNEW

Nothing to report.

BOYD

Agnew asked Code Enforcement Officer Wheatley about Dakota St. Officer Wheatley stated letters were sent out.

WIX

Boyd reported the fire sales tax was 556 yes, 172 no. Stated a job well done.

NEW BUSINESS

Wix thanked the citizens for their support and passing the sales tax.

**B&L ELECTRIC
PROPOSAL/DESIGN BUILD AT
LIGHT PLANT**

Consider the design-build proposal from Engineering Associates and B&L Electric to design and build a new 69/12.47kV substation at the Light Plant and to construct 1.25 miles of new 69kV transmission line from the KAMO 161kV substation to the new substation at an estimated cost of \$1.65 million. Under this design-build proposal Engineering Associates would provide the design and construction engineering services for the project and B&L Electric would construct the new substation and transmission line. The final contract price would be determined after completion of the design plans by Engineering Associates. Motion by Phillips, seconded by Boyd to approve the design build proposal. Motion passed unanimously with a show of hands.

CLOSED SESSION

Motion by Wix, seconded by Brown to go into closed session in accordance with RSMo610.021. To discuss matters of litigation, legal actions and/or communication from the City Attorney as provided under section 610.021 (1).

ADJOURN

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

ATTEST:

Mayor Don H. Malan

City Clerk Mary Jo Cook