

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
AUGUST 21, 2012**

The Butler City Council met in regular session on Tuesday, August 21, 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

Eugene Miller and Linn Nitsche.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Wix to approve the minutes of the regular session of August 7, 2012. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Phillips to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Phillips, seconded by Boyd to approve election results for the 1/8 fire tax. Motion passed unanimously by a show of hands.

BOARDS & COMMISSIONS

**AIRPORT COMMISSION
GEOTECHNICAL
STUDY/BOUNDARY SURVEY
ROTATING BEACON
OPEN HOUSE**

Airport Commission met on Thursday, August 9, 2012 at 6:30 p.m. at City Hall. The following items were considered: 1) monthly financial reports, 2) agreement with Burns and McDonnell for the runway Geotechnical Study and Boundary Survey has been submitted to MoDOT for their review and approval, 3) were advised that the rotating beacon is not functioning and that it will be checked out and repairs made as necessary, 4) Airport Open House scheduled for Saturday, September 8th, 10:00 a.m. to 2:00 p.m.

**PLANNING COMMISSION
REZONING PROPERTY
VACATING
KBRPC/I-49**

Planning Commission met on Tuesday, August 14, 2012 at 7:00 p.m. at City Hall. The following items were considered: 1) public hearing to consider rezoning of property located on north Orange Street from R-4 Multi-family Residential to C-3 Highway Commercial, recommendation from Planning Commission to approve the proposed rezoning, information included in meeting packet, City Council will hold a public hearing on September 18th to consider the rezoning, 2) public hearing to consider vacating that portion of Maple Street that is unopened and unimproved north of Lee Street, recommendation from Planning Commission to approve vacating Maple Street, information included in the meeting packet, City Council will hold a public hearing on September 18th to consider vacating the street, 3) discussed the KBRPC proposed I-49 Corridor Study for Bates and Vernon counties, 4) discussed future MoDOT road improvement projects to be submitted on the Bates County survey to KBRPC which will then be reviewed by the KBRPC Transportation Committee who will prioritize projects in the seven county

KBRPC area and then submit to MoDOT for consideration for funding in the State Transportation Plan, projects to be included are W. Ft. Scott Street, road TT west of Bus. 71 and a new interchange at road TT and I-49 to provide better access to the Industrial Park and the north side of the City, 5) update on Downtown Improvement Project.

RESOLUTION 389

Motion was made by Wix, seconded by Burg to pass **RESOLUTION NO. 389**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUTLER, MISSOURI, REGARDING THE INTENT TO REIMBURSE FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE PURCHASE AND INSTALLATION OF CATALYTIC CONVERTORS ON GENERATORS AT THE CITY POWER PLANT TO MEET EPA AIR QUALITY REGULATIONS AND TO CONSTRUCT A NEW SUBSTATION AND TRANSMISSION LINE TO TAKE POWER DIRECTLY FROM THE KAMO/BUTLER 161 KV SUBSTATION TO INCREASE THE CAPACITY OF THE SYSTEM TO ALLOW FOR THE PURCHASE OF ELECTRICITY FROM MOPEP TO SERVE THE ELECTRIC CUSTOMERS OF THE CITY OF BUTLER, MISSOURI.

Motion passed unanimously by a show of hands.

City Administrator Arbuthnot reported on the Missouri Sunshine Law Workshop sponsored by KBRPC on August 15, 2012 at the Bates County Memorial Hospital. The requirements for governing body meetings and open records was presented by Tom Durkin with the Missouri Attorney General's Office. Several areas need to be addressed to assure City compliance with these regulations. A new resolution to update Resolution No. 153 passed in 1987 on Open Meetings and Records needs to be considered.

RESOLUTION 390

Motion was made by Wix, seconded by Boyd to pass **RESOLUTION NO. 390**
A RESOLUTION OF THE CITY COUNCIL OF BUTLER, MISSOURI REGARDING THE MISSOURI SUNSHINE LAW WITH THE APPOINTMENT OF A RECORDS CUSTODIAN FOR THE CITY AND ESTABLISHING PROCEDURES FOR OBTAINING OPEN RECORDS AS REQUIRED FROM THE CITY OF BUTLER, MISSOURI. Motion passed unanimously by a show of hands.

REPORTS
POLICE CHIEF

Chief Boyd reported the painting has resumed on the Police Department building. Chief Boyd stated the remodel is progressing nicely.

CITY ADMINISTRATOR
SUNSHINE LAW
REQUIREMENTS

City Administrator Arbuthnot reported another item that was clarified at the workshop was the requirement that the City Council Committee meetings need to have meeting minutes recorded. This was done in the past but stopped several years ago. The City Council Committee Chairman would record the information and then submit it to the City Clerk. A form to record the City Council meeting minutes is included in the meeting packet. It is recommended that this practice be started again.

1/8TH FIRE SALES TAX RESULTS

The City Council needs to accept the August 7, 2012 1/8 cent Fire department sales tax certified election results from Bates County Clerk, Marlene Wainscott. The election results and other required documents have been sent to the Missouri Department of Revenue so that they can approve everything and provide the notice to local businesses to start collecting the sales tax on January 1, 2013.

DESIGN ENGINEERING BUILD

Public Works/Utilities Director and City Administrator have been working with Bob Noel with Engineering Associates on the design engineering to build a new 69/12.47kV substation at the power plant and to construct a new 69kV transmission line from the KAMO 161kV substation to this new substation. This will increase the capacity of the interconnection and allow the City to take more power. A tentative route for the transmission line has been determined and discussions with property owners regarding easements for the line will be initiated.

PAVEMENT ROLLER TRAINING

City of Rich Hill picked up the City's pavement roller and used it to lay asphalt. Four City Street Department employees and Public Works/Utilities Director Diehl participated in the training on the operation of the asphalt paving machine. City Attorney Tom Addleman prepared an equipment lease agreement that was used in providing the equipment.

**BOARDS, COMMISSIONS,
COMMITTEE APPLICATION**

Included in the meeting packet is a proposed City Volunteer Board/Commission/Committee Application. This application is patterned after a similar application used by the City of Clinton, Missouri. Linda Morgan found this when requesting some other information from the City of Clinton and provided it to the City Administrator. By requiring this application to be completed by a volunteer applicant, all of the necessary information is provided. It is recommended that the City implement the use of this application.

**DRINKING WATER NEWS
RELEASE**

Public Works/Utilities Director Diehl put a news release on the radio in response to complaints about a taste and odor problem with the City's drinking water.

CDBG APPLICATION

The City is still waiting to be notified if the CDBG unsafe structure demolition application has been approved.

MML CONFERENCE

City Administrator Arbuthnot reported the Missouri Municipal League Annual Conference will be held September 16-19 at Osage Beach.

City Administrator Arbuthnot informed council that due to a family reunion he will be out of the office August 31, 2012 thru September 4, 2012.

**PUBLIC WORKS/UTILITY
DIRECTOR
WATER TREATMENT**

Public Works/Utilities Director Diehl informed council the water situation is improving. Diehl reported they will be doing a second treatment of the water on August 22, 2012.

**CODE ENFORCEMENT
SCHOOL BUS PARKING**

Code Enforcement Officer Wheatley gave his report to Mayor and Council. Officer Wheatley informed council of complaints due to school buses parked on the side of the streets. Council requested Officer Wheatley to speak with Lisa Hager, head of the school transportation department, to request the buses be parked at school property.

MAYOR

Mayor Malan stated he has been invited to the Old Settlers Day program and he is planning on attending the MML conference for two days.

**COUNCIL MEMBERS
BROWN**

Stated a citizen commended Officer Mark Frost and the Police Department.

PHILLIPS

Received compliments on the Water Department guys and how pleasant they are.

BURG

Received compliments on the Police Department.

SIMONS

Stated brush is already being put out at the curb.

WEIL

Received complaint on grass in the street by the park.

AGNEW

Thanked Public Works/Utilities Director Diehl for getting the street light fixed on Howard St.

BOYD

Stated the streets are cracked and need to have slurry applied.

WIX

Nothing to report.

NEW BUSINESS

DOWNTOWN IMPROVEMENT PROJECT

Consider approval of requesting construction bids for the City Downtown Improvement Project. The tentative schedule for the project is as follows:
HNTB submit final PS&E to MoDOT for approval to take bids – 8/21/12
Bid advertisement – 9/14/12
Contractor mandatory pre-bid – 9/28/12
Open bids – 10/8/12
City Council consider bids for approval – 10/16/12
Contractor issued Notice to Proceed – 10/31/12
Final completion of project – 12/19/12
Motion by Burg, seconded by Phillips to approve taking bids for the Downtown Improvement Project. Motion passed unanimously by a show of hands.

ADJOURN

There being no further business, motion was made by Wix, 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