

**CITY OF BUTLER  
MINUTES OF A MEETING OF THE CITY COUNCIL  
SEPTEMBER 18, 2012**

The Butler City Council met in regular session on Tuesday, September 18, 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, City Attorney Tom Addleman, Public Works/Utility Director Trent Diehl, Police Chief Jerry Boyd, Codes Officer Jim Wheatley, City Clerk Mary Jo Cook and Barb Scrogam

**OTHER GUESTS**

William Haynie, David Haynie, Vance Neal with Larkin, Eugene Miller, James R. Baldeice, Sue Avants, Greg Mullinax, Richard Vaughn, Robin Thurman and Andrew Diehl.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Boyd to approve the minutes of the regular session of September 4, 2012. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Brown to approve the bills presented for payment. Motion passed unanimously by a show of hands.

**SCHEDULED GUEST  
GREG MULLINAX/CHAMBER OF  
COMMERCE**

Greg Mullinax spoke on behalf of the Butler Chamber of Commerce requesting the inside of the square to be closed for the following events: 1) Huckster's Day on October 8, 2012. 2) BBQ at Fairgrounds on October 25-27, 2012. 3) Halloween contest on October 31, 2012. 4) Christmas Parade on December 1, 2012. Motion by Burg, seconded by Simons to approve the request of closing the inside of the square for special events. Motion passed unanimously by a show of hands.

**COMMITTEES  
FINANCE COMMITTEE/CITY  
USE TAX/SALES TAX**

Finance Committee met at 6:15 p.m. on Tuesday, September 18, 2012 before the City Council meeting to discuss the following items: 1) City use tax to replace City sales tax on purchases of motor vehicles, trailers, boats and motors outside the State of Missouri. No action was taken at this time. 2) New City sales tax for funding equipment, projects or other designated uses. It was determined to continue the discussion at the next finance committee meeting.

**BOARDS & COMMISSIONS  
PARK & RECREATION  
COMMISSION  
BANNERS/TRAIL OF MEMORIES**

Park and Recreation Commission met on Thursday, September 6, 2012 at noon at City Hall. Items discussed and considered are as follows: 1) Reviewed proposed partnership policy and fees for banners and other forms of advertisement at the City Park facilities, will discuss further at October 4<sup>th</sup> meeting. 2) Updated on the Dusk till Dawn Co-ed Softball Tournament on September 15-16 at Comets Field. 3) Updated on 5k run to be held October 27, 2012. 4) Updated on the progress of the Trail of Memories extension work. 5)

Reviewed the Park Superintendent's monthly report.

**POLICE PERSONNEL BOARD  
NEW OFFICERS**

Police Personnel Board met on Tuesday, September 11, 2012 at 6:00 p.m. at City Hall. They interviewed three applicants for full time Police Officer and one applicant for a part time Reserve Police Officer. All of the applicants were certified as qualified. Additional part time Reserve Police Officers are used to fill in and cover work shifts as needed. Andrew Schmick was hired for the full time position and Wayne Schramel was hired for the part time position.

**PUBLIC HEARING  
REZONING R-4 RESIDENTIAL  
TO C-3 HIGHWAY  
COMMERCIAL**

Mayor Malan opened the Public hearing to consider rezoning from R-4 Multi-Family Residential District to C-3 Highway Commercial District for undeveloped property located on the east side of North Orange Street and north of the property located at 1223 North Orange Street. The Planning Commission held a public hearing at their meeting on August 14<sup>th</sup> and they are recommending approval of the rezoning. Mayor Malan closed hearing.

**BILL NO. 2012-17  
ORD NO. 955  
1<sup>ST</sup> READING**

**BILL NO. 2012-17 ORDINANCE NO. 955  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF  
CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER,  
MISSOURI**

Motion by Brown, seconded by Simons for the first reading by title only of

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. 2012-17  
ORD NO. 955  
2<sup>ND</sup> READING**

**BILL NO. 2012-17 ORDINANCE NO. 955  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF  
CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER,  
MISSOURI**

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

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. 2012-17  
ORD NO. 955  
ADOPTION**

**BILL NO. 2012-17 ORDINANCE NO. 955  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF  
CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER,  
MISSOURI**

Motion by Boyd, seconded by Brown to adopt.

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

**PUBLIC HEARING**

## **MAPLE STREET**

Mayor Malan opened the Public hearing to consider a petition to vacate the platted but unopened and unimproved right of way for Maple Street that extends north of Lee Street in the Stephen's Subdivision. The Planning Commission held a public hearing at their meeting on August 14, 2012 and they are recommending approval of the petition to vacate Maple Street in this area. Richard Vaughn and Robin Thurman requested a three month postponement before a decision is made about closing Maple Street. After much discussion a motion by Simons, seconded by Burg to table the issue and requested more information as to proposed development. Motion passed unanimously by a show of hands. Mayor Malan closed the public hearing.

## **REPORTS POLICE CHIEF**

Chief Boyd reported hiring Andrew Schmick as a full time officer and Wayne Schramel as part time officer investigator. Chief Boyd informed council Officer Weiss and Smokey are in K-9 training and Officer Frost and Officer Correa will be in training at the MSSU for Crime Scene Investigation training.

## **CITY ADMINISTRATOR NEW SERVER**

City Administrator Arbuthnot informed council due to failed computer system backups and other issues with the server it needs to be replaced. Incode emailed three different options and after looking over the options decided to go with option one which is a new server with a better backup tape drive. The cost of option one is \$7775.00. Motion by Brown, seconded by Phillips to approve purchasing a new server. Motion passed unanimously by a show of hands.

## **TRANSPORTATION ENHANCEMENT GRANT**

The City was notified by MoDOT that several grant opportunities are available . Those we can apply for are Transportation Enhancement Grants for sidewalks, pedestrian trails, bicycle trails and landscaping projects. The City applied for sidewalks on W. Ft. Scott Street from Orange Ave. west to Fran Ave. in 2010 but it was not approved. \$300,000 maximum grant with a minimum 20% local match, application deadline is November 5, 2012, notification of approved projects by January 7, 2013. The City must be able to begin construction on or before spring 2014. Motion by Burg, seconded by Wix to prepare and return to council with the application for approval. Motion passed unanimously by a show of hands.

## **SAFE ROUTES TO SCHOOL GRANT**

Safe Routes to School Grants for projects within a two mile radius of a grade school (K-8) for sidewalk improvements, crosswalks, bicycle facilities and walk to school promotional programs, walking school bus programs, bicycle/pedestrian safety education, etc., Butler R-V School District previously applied for this grant in 2011 and the City agreed to help with the construction of the sidewalks as an in kind local match but it was not approved, 100% grant funding for projects, application deadline is November 5, 2012, notification of approved projects in January 2013. The MoDOT application information has been emailed to the School Superintendent, Alan Stauffacher to see if they will be submitting an application. City Administrator Arbuthnot spoke with Superintendent, Alan Stauffacher and, at this time, Mr. Stauffacher did not know if they would apply for the grant.

## **MOBILE RADIOS**

Mayor Don Malan received notification from the State of Missouri Department of Public Safety that the City was awarded communications equipment of two mobile radios through the Missouri Communication Assistance Program. This was a grant program that was previously applied for by the City. The radios will be programmed with regional talk-groups and statewide talk-groups. One

**UNSAFE STRUCTURE  
DEMOLITION**

radio will be in the Police Department and one radio will be in the Fire Department. The City will be notified when the radios can be picked up and training provided for their use.

**CITY ADMINISTRATOR  
SURGERY**

City Administrator Arbuthnot inquired if council wanted to move ahead with the standard demolition process and cleanup of unsafe structures. After some discussion it was stated to proceed with the standard demolition process.

**PUBLIC WORKS UTILITY  
DIRECTOR**

City Administrator Arbuthnot informed council he will be having knee replacement surgery on November 14, 2012 and will be out of the office for 4 to 5 weeks but will be working from home after the first week of surgery.

**CODE ENFORCEMENT**

Public Works Director Diehl informed council WaterOne of Johnson Co. donated an estimated 1,000 touch pad centers to the Cities Water Distribution Department. The touch pad centers cost \$15.99 each and the City replaces 10 to 15 per month. Public Works Director Diehl informed council he sent a letter of appreciation to WaterOne of Johnson Co.

**MAYOR**

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

**COUNCIL MEMBERS  
BROWN**

Mayor Malan informed council he received a call from a former citizen who is thinking about opening a business in Butler and asked if the City of Butler had any incentives for incoming business. Mayor Malan stated we need to work on a plan for new businesses wanting to come to town.

**PHILLIPS**

Called a Community Development meeting for October 2, 2012 at 6:00 pm.

**BURG**

Nothing to report.

**SIMONS**

Nothing to report.

**WEIL**

**AGNEW**

Reported the growth of weeds in various areas of Butler.

**BOYD**

Reported receiving complaints about utility bills.

**WIX**

Reported receiving a complaint about the traffic on Ft. Scott and High St.

**NEW BUSINESS  
WWTP IMPROVEMENTS BIDS**

Reported four community service workers showed up to help with the cleanup of property on Olive & Atkinson. Boyd commended Larry Welston (Spud) for picking up all the rubbish and Steve Pitts for the use of his dump truck to put cardboard and other trash in the truck. Boyd also commended the community service works, which worked hard and accomplished a lot in two hours.

Called a Finance Committee meeting October 2, 2012 at 6:30 pm.

**LEASE PURCHASE AGREEMENT**

Consider bids for the Wastewater Treatment Plant improvements that include installation of UV Disinfection and Basin Mixers to meet the Missouri Department of Natural Resources discharge permit requirements for the plant. Motion by Simons, seconded by Wix to approve the low bid of \$560,000.00 from McClanahan Construction Co., Inc for the Wastewater Treatment Plant improvements and alternate bid No1 changing the two new buildings to masonry block for an additional \$12,000.00 with a total bid of \$572,000.00. Motion passed unanimously by a show of hands.

**90 DAY EXTENSION ON LOAN AGREEMENT**

Consider a ten year MPOA lease purchase agreement for 911 communication center, WWTP improvements and Collection system work with a fixed rate of 2.72 % for 5 years and at the end refinance the second 5 years. Motion by Wix, seconded by Simons to approve the fixed rate of 2.72 % for 5 years. Motion passed unanimously by a show of hands.

**EASEMENT/OSAGE VALLEY ELECTRICAL COOPERATIVE**

Consider a 90 day extension to the Missouri Department of Natural Resources Loan Agreement for energy efficiency improvements to City facilities. An extension is needed as the work under this agreement will not be completed and invoiced by McKinstry by the deadline of September 30, 2012. This will extend the project completion date to December 31, 2012. Motion by Phillips, seconded by Simons to approve the 90 day loan extension. Motion passed unanimously by a show of hands.

Consider approving an easement for the existing Osage Valley Electric Cooperative electrical line that goes through Oakhill Cemetery. Earlier this year the cooperative contacted the City regarding the electrical service that they provide to the building at the cemetery. It was determined that the City has never paid for the electrical usage and that there was no easement for their existing electrical line. They have agreed to waive any past due amounts that would be due from the City and the City will start paying for the electrical usage starting January 1, 2013. Based on the electrical usage for 2011 the City will be paying an estimated \$900/year for electrical usage. Motion by Wix, seconded by Boyd to provide Osage Valley Electric with an easement with the following attachments. To use care anytime accessing the line and to give notice when entering the cemetery. When doing any excavating or proposed installation of any underground facility, subject to approval. Motion passed unanimously by a show of hands.

**CLOSED SESSION**

Motion by Wix, seconded by Simons 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 Wix, seconded by Brown to adjourn the regular meeting. Motion passed unanimously with a show of hands.

ATTEST:

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City Clerk Mary Jo Cook

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Mayor Don H. Malan