

**CITY OF BUTLER  
MINUTES OF A MEETING OF THE CITY COUNCIL  
OCTOBER 2, 2012**

The Butler City Council met in regular session on Tuesday, October 2, 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, Joyce Fitzpatrick, David Weiss, Dennis Jacobs, Lynn Snapp, Andrew Culbertson, Jim Arnold, Officer Denny Rich and SGT Jerret Wheatley

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Wix to approve the minutes of the regular session of September 18, 2012 and closed session of September 18, 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 Simons, seconded by Wix to approve training/travel. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Simons to approve the three additional boxes of court records for destruction. Motion passed unanimously by a show of hands.

**APPROVAL OF AGENDA-  
ADDITIONS OR DELETIONS  
JIM ARNOLD**

Motion by Boyd, seconded by Brown to add Jim Arnold to the agenda. Motion passed unanimously by a show of hands.

**SCHEDULED GUESTS  
JOYCE FITZPATRICK 5K RUN**

Joyce Fitzpatrick addressed council requesting approval to put up directional signs for a 5K run sponsored by the Food Pantry in Butler to be held on Saturday October 6, 2012. Motion by Burg, seconded by Simons to approve the directional signs for the 5K run. Motion passed unanimously by a show of hands.

**ANDREW CULBERTSON  
BUILDING PERMIT EXTENSION**

Andrew Culbertson was in attendance and provided an update on the improvements to the house located at 206 N. Fulton Street. Motion by Boyd, seconded by Burg to approve a 6 month extension to his building permit.

**DENNIS JACOBS HELICOPTER  
RIDES**

Dennis Jacobs spoke to council requesting approval for helicopter rides with Johnny Roland's from KC Copters at the Bates County Fairgrounds on October 27, 2012 from 10:00 to 2:00 in conjunction with the BBQ Contest. Dennis Jacobs spoke with Fire Chief Henry and he has no problem with them using a clear area on the west side as long as it is secured from the public except for access to and from the helicopter for the rides. Motion by Simons,

seconded by Burg to approve the helicopter rides. Motion passed unanimously by a show of hands.

**JIM ARNOLD/LYNN SNAPP  
DRIVEWAY/VARIANCE**

Jim Arnold and Lynn Snapp from the Immanuel Baptist Church came before council to request approval of installing a driveway 110 ft long and 10 ft wide which will connect to West Dakota St. Mr. Arnold and Rev. Snapp also requested a variance to use gravel on the driveway that is to be installed. Motion by Burg, seconded by Wix to approve the installation of the driveway connecting to Dakota St. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Weil to approve the variance. Motion passed 6-2 with Boyd and Phillips voting nay.

**BOARDS & COMMISSIONS  
COMMUNITY DEVELOPMENT  
COMMITTEE**

Councilman Brown reported the Community Development Committee met at 6:00 p.m. on Tuesday, October 2, 2012 before the City Council meeting and discussed incentive ideas for potential new businesses.

**FINANCE COMMITTEE**

Councilman Wix reported the Finance Committee met at 6:30 p.m. on Tuesday, October 2, 2012 before the City Council meeting and discussed a proposed new City sales tax for funding equipment, projects or other designated uses that will require voter approval.

**NEIGHBORHOOD ADVISORY  
COMMISSION**

Councilman Burg reported the Neighborhood Advisory Commission met on Monday October 1, 2012. The topic of discussion was on the demolition of unsafe structures.

**REPORTS  
CITY CLERK/OFFICE MANGER  
UTILITY BILLING**

City Clerk/Office Manager Mary Jo Cook reported on the possibility of the utility billing being printed locally. After considerable research it was determined that it would not be cost effective to change from the City's current company.

**POLICE CHIEF  
NO PARKING SIGNS**

Police Chief Boyd reported Mr. Mullinax from Mullinax Funeral Home requested the no parking signs in front of the Funeral Home be removed. Chief Boyd stated he did not have a problem with the signs being removed. Chief Boyd reported he has been watching the traffic on Ft. Scott St. in the afternoons when school is dismissed and there does not appear to be an issue with the traffic at that time. It was discussed that the issue is in the mornings. Chief Boyd stated he would investigate the issue.

**PRESCRIPTION DRUGS**

Chief Boyd reported 62lbs and 4ozs of prescription drugs were turned in during the Prescription Turn In at the Bates County Health Center.

**CITY ADMINISTRATOR  
SEWER COLLECTION SYSTEM  
I&I**

City Administrator Arbuthnot reported the Sewer Collection System I&I improvements Notice for Invitation to Bid will be published in the newspaper on October 5, 2012 and the bids will be due back on November 5, 2012. The bids will be on the November 6, 2012 City Council meeting agenda for consideration.

**UNSAFE STRUCTURES**

City Administrator Arbuthnot reported the property owner of an unsafe structure located at 109 S. Mechanic St. is requesting the city to demolish the house at this location. This house was previously included on the CDBG Unsafe Structure Demolition Application that was not approved for funding by the Missouri Department of Economic Development. The previous property owner had agreed to have the house demolished if the application was approved. City Administrator Arbuthnot advised the current property owner that when the

City demolishes and cleans up an unsafe structure the property owner is responsible for reimbursing the city for the costs to complete this work. If the property owner does not pay the costs then a special tax lien is placed on the property for the amount due the City. City Administrator Arbuthnot recommended that City undertake the demolition of unsafe structures other than those that require demolition and cleanup through the unsafe structure abatement process in the City code. Motion by Phillips, seconded by Simons to continue with the current abatement process in the City code of unsafe structure demolition. Motion passed unanimously by a show of hands.

**SEWER BILL**

City Administrator Arbuthnot informed council an elderly couple's son spoke with him concerning a high sewer bill. The water hose was left on with the usage being 27,500 gallons of water. The sewer cost is \$123.00. The son requested the sewer cost to be averaged over the last four months and they would pay the water usage costs. Motion by Simons, seconded by Wix to average the sewer cost over the last four months for the current bill and to allow the City Administrator to handle future sewer issues on a case by case bases. Motion passed unanimously by a show of hands.

**PUBLIC WORKS/UTILITY  
DIRECTOR  
RIGHT OF ENTRY AGREEMENT  
FORM**

Public Works Director Diehl was contacted regarding an overgrowth of weeds and trees in a ditch behind Howard St. & Lonsinger St. Public Works Director Diehl relayed to council the need of a right of entry agreement form so as to enter upon personal property. Motion by Phillips, seconded by Simons to adopt a right of entry agreement form. Motion passed unanimously by a show of hands.

Public Works Director Diehl stated he was contacted by Brookside housing complex concerning the sidewalk curb being too tall for wheelchairs to go over. They inquired if the City would demo the curb and prepare it for an ADA compliant ramp. Brookside would have the concrete poured at their expense. Motion by Simons, seconded by Burg to approve the demo and preparation of the ADA Ramp. Motion passed unanimously by a show of hands.

**CODE ENFORCEMENT  
619 & 621 PINE ST.**

Code Enforcement Officer Wheatley gave his report to Mayor and Council. Code Enforcement Officer Wheatley requested approval to abate the properties at 619 & 621 W. Pine St. Motion by Phillips, seconded by Burg to approve the request to abate 619 & 621 W. Pine St. Motion passed unanimously by a show hands.

**MAYOR**

Mayor Malan reported he attended the Kaysinger Basin meeting and it was very informative.

**COUNCIL MEMBERS  
BROWN**

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

**PHILLIPS**

Inquired about installing a carport on the east side of the Police Department. He was informed funds had not been budgeted for the carport.

**BURG**

Nothing to report.

**SIMONS**

Reported gravel pile at Dakota & Fulton.

**WEIL**

Nothing to report.

**AGNEW**

Nothing to report.

**BOYD**

Reported the house at 306 E. Walnut has electricity. He questioned if it was on the demo list. Boyd was informed the property was sold to someone else and the utilities have not been turned on at 306 E. Walnut.

**WIX**

Called a Finance Committee meeting for October 16, 2012 at 6:30 pm.

**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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Mayor Don H. Malan

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City Clerk Casey Koehn