

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
NOVEMBER 6, 2012

The Butler City Council met in regular session on Tuesday, November 6, 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 Clerk Casey Koehn, Public Works/Utility Director Trent Diehl, Police Chief Jerry Boyd and Codes Officer Jim Wheatley.

OTHER GUESTS

David Burris, Shannon Barth, Cindy Wainscott, Eugene Miller, Linn Nitsche, Mary Jo Cook, and Barbara Scrogam were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Burg to approve the minutes of the regular session of October 16, 2012. Motion passed unanimously by a show of hands. Motion by Phillips, seconded by Wix to approve the bills presented for payment. Motion passed unanimously by a show of hands.

Motion by Boyd, seconded by Simons to delete Resolution No. 392 from the agenda and to add Cindy Wainscott (Dr. Minor's Office) and Casey Koehn (Butler Chamber of Commerce) to the agenda. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS
BUTLER CHAMBER OF
COMMERCE

Casey Koehn (Butler Chamber of Commerce) requested to have the Christmas lights on the square turned on December 1 for the Christmas parade. Motion was made by Burg, seconded by Simons to approve request. Motion passed with a vote of 6-2.

CINDY WAINSCOTT

Cindy Wainscott (Dr Minor's Office) requested to have the parking spaces in front of the office blocked off for customer appreciation day. Motion was made by Boyd, seconded by Burg to approve request. Motion passed unanimously by a show of hands.

COMMITTEES
COMMUNITY DEVELOPMENT

Brown reported that the Community Development Committee met prior to the Council meeting to discuss incentives for new businesses.

FINANCE

Wix reported that the Finance Committee met prior to the Council meeting to discuss the sales tax. Arbuthnot informed Council that the highest rate that can be enacted in ½ cent.

BOARDS & COMMISSIONS

The Park and Recreation Commission had a meeting on Thursday, November 1st at noon at City Hall. Items they discussed and considered were as follows:

PARK AND REC

1) recommending to the City Council a banner program fee of \$1,000 for banners at all (5) fields with an additional \$50 fee for a banner at a special event, 2) updated on 5K run/walk that they received \$370 in entry fees, 3) reviewed a tentative list of events to be sponsored next year, 4) recommending to the City Council do the Holiday Lighting Contest again this year with the same guidelines as last year (minimum entry of (500) lights, credit applied to City electric bill of \$100 for first place, \$75 for second place, \$50 for third place and \$10 for each qualified entry), 5) reviewed the superintendent's monthly report (copy in packet), 6) reviewed the Aquatic Center Income Statement for 2012 (copy in packet).

BILLS, ORDS, RESOLUTIONS

**BILL NO 2012-19 ORD NO 957
1st READING**

Bill No 2012-19 Ord No 957 AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 12-021a-1 FUNDING FOR THE BUTLER MEMORIAL AIRPORT PLANNING, LAND/EASEMENT APPRAISALS AND ACQUISITIONS, SURVEYING, ENGINEERING DESIGN, CONSTRUCTION PROJECT.

Motion was made by Phillips, seconded by Simons for 1st reading of Bill No 2012-19 Ord No 957 Roll Call:

David Brown-aye	Doug Wix-aye
Brian Phillips-aye	Brian Boyd-aye
Thom Burg-aye	Terry Agnew-aye
Pat Simons-aye	Doug Wix-aye

**BILL NO 2012-19 ORD NO 957
2nd READING**

Bill No 2012-19 Ord No 957 AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 12-021a-1 FUNDING FOR THE BUTLER MEMORIAL AIRPORT PLANNING, LAND/EASEMENT APPRAISALS AND ACQUISITIONS, SURVEYING, ENGINEERING DESIGN, CONSTRUCTION PROJECT.

Motion was made by Phillips, seconded by Boyd for 2nd reading of Bill No 2012-19 Ord No 957 Roll Call:

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

**BILL NO 2012-19 ORD NO 957
ADOPTION**

Bill No 2012-19 Ord No 957 AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 12-021a-1 FUNDING FOR THE BUTLER MEMORIAL AIRPORT PLANNING, LAND/EASEMENT AP PRAISALS AND ACQUISITIONS, SURVEYING, ENGINEERING DESIGN, CONSTRUCTION PROJECT.

Motion was made by Boyd, seconded by Wix for adoption of Bill No 2012-19 Ord No 957 Roll Call:

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

**BILL NO 2012-20 ORD NO 958
1st READING**

Bill No 2012-20 Ord No 958 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 16. NUISANCES, ARTICLE II, SECTION 16-34. WEEDS, VEGETATION AND DEBRIS OF THE CITY OF BUTLER, MISSOURI

Motion was made by Phillips, seconded by Boyd for 1st reading of Bill No 2012-20 Ord No 958 Roll Call:

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

**BILL NO 2012-20 ORD NO 958
2nd READING**

Bill No 2012-20 Ord No 958 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 16. NUISANCES, ARTICLE II, SECTION 16-34. WEEDS, VEGETATION AND DEBRIS OF THE CITY OF BUTLER, MISSOURI

Motion was made by Phillips, seconded by Burg for 2nd reading of Bill No 2012-20 Ord No 958 Roll Call:

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

**BILL NO 2012-20 ORD NO 958
ADOPTION**

Bill No 2012-20 Ord No 958 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 16. NUISANCES, ARTICLE II, SECTION 16-34. WEEDS, VEGETATION AND DEBRIS OF THE CITY OF BUTLER, MISSOURI

Motion was made by Burg, seconded by Boyd for adoption of Bill No 2012-20 Ord No 958 Roll Call:

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

**BILL NO 2012-21 ORD NO 959
1st READING**

Bill No 2012-21 Ord No 959 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE VI, SECTION 26-280. POLITICAL SIGNS OF THE CITY OF BUTLER, MISSOURI

Motion was made by Wix, seconded by Phillips for 1st reading of Bill No 2012-21 Ord No 959 Roll Call:

**BILL NO 2012-21 ORD NO 959
2nd READING**

Harold Weil-aye	Pat Simons- aye
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Terry Agnew-aye
Brian Boyd-aye
Doug Wix-aye

Thom Burg- aye
Brian Phillips- aye
David Brown-aye

Bill No 2012-21 Ord No 959 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE VI, SECTION 26-280. POLITICAL SIGNS OF THE CITY OF BUTLER, MISSOURI

Motion was made by Phillips, seconded by Wix for 2nd reading of Bill No 2012-21 Ord No 959 Roll Call:

**BILL NO 2012-21 ORD NO 959
ADOPTION**

David Brown -aye
Brian Phillips -aye
Thom Burg -aye
Pat Simons -aye

Doug Wix - aye
Brian Boyd - aye
Terry Agnew - aye
Harold Weil -aye

Bill No 2012-21 Ord No 959 AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE VI, SECTION 26-280. POLITICAL SIGNS OF THE CITY OF BUTLER, MISSOURI

Motion was made by Wix, seconded by Phillips for adoption of Bill No 2012-21 Ord No 959 Roll Call:

**BILL NO 2012-22 ORD NO 960
1st READING**

Harold Weil-aye
Pat Simons -aye
Terry Agnew-aye
Thom Burg -aye

Brain Boyd- aye
Brian Phillips - aye
Doug Wix - aye
David Brown-aye

Bill No 2012-22 Ord No 960 AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF BUTLER, MISSOURI

Motion was made by Burg, seconded by Brown for 1st reading of Bill No 2012-22 Ord No 960 Roll Call:

**BILL NO 2012-22 ORD NO 960
2nd READING**

David Brown-aye
Brian Phillips-aye
Thom Burg-aye
Pat Simons-nay

Doug Wix- aye
Brian Boyd-aye
Terry Agnew-aye
Harold Weil-aye

Bill No 2012-22 Ord No 960 AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF BUTLER, MISSOURI

Motion was made by Brown, seconded by Boyd for 2nd reading of Bill No 2012-22 Ord No 960 Roll Call:

**BILL NO 2012-22 ORD NO 960
ADOPTION**

David Brown-aye
Brian Phillips-aye
Thom Burg-aye
Pat Simons-nay

Harold Weil-aye
Terry Agnew-aye
Brian Boyd-aye
Doug Wix-aye

Bill No 2012-22 Ord No 960 AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING COMMISSION FOR THE CITY OF BUTLER, MISSOURI

REPORTS

POLICE CHIEF

Motion was made by Phillips, seconded by Wix for adoption of Bill No 2012-22 Ord No 960 Roll Call:

CITY ATTORNEY

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

CITY ADMINISTRATOR

DOWNTOWN PROJECT

Chief Boyd reported that Cpl Brandon Plunkett resigned. Officer Victor Correa was chosen as the new Dare Officer and will go to training soon. The tow lot auction will conclude on November 9th.

Tom Addleman reported that the City cannot abate a property without full notice and due process.

REVISION TO DOWNTOWN FIGURE

MoDOT has advised the City Administrator that the plans and specifications have been approved and funds have been allocated by the Federal Highway Administration for the Butler Downtown Improvement Project. In discussing this with Tom Rottinghaus with HNTB he stated that the project costs would go up if we went ahead and bid it now for construction due to the anticipated winter weather season. He is recommending that the City wait and place the advertisement for bids the first week of January, 2013 which would result in the project starting in early March and project completion by May. MoDOT does not have a problem with delaying the bidding of the project to January and then completion in April of next year. It is recommended that the City Council approve delaying the advertisement for bids for the Downtown Improvement Project until January 2013. Motion was made by Phillips, seconded by Burg to solicit bids in January 2013. Motion passed unanimously by a show of hands.

WWTP UV DISINFECTION

HNTB has advised the City Administrator that there is an accounting/addition error on the HNTB Supplemental Agreement #6 that was approved by the City Council on April 17, 2012. The total contract amount shown for their services should be \$181,712.22 not the amount of \$172,389.10. This does not change the scope of services to be provided by HNTB. It is recommended that the City Council approve this revision. Motion was made by Phillips, seconded by Wix to approve revision. Motion passed unanimously by a show of hands.

306 E. WALNUT

The City Administrator received notification of approval from MoDNR of the bid documents and the contract with McClanahan Construction to complete the Wastewater Treatment Plant UV Disinfection and Basin Mixer Improvements. A pre-construction meeting was held on October 23rd with City staff, Larkin Group, McClanahan Construction and MoDNR to discuss the Wastewater Treatment Plant UV Disinfection and Basin Mixer project. The Notice to Proceed for the project was issued to the contractor and they have scheduled the project to begin on March 1, 2013 based on estimated times for equipment delivery and approval of shop drawings by the engineer. The estimated completion date for the project is July 20, 2013.

STATEMENT OF VIOLATION FOR UNSAFE STRUCTURES

The Transportation Enhancement application for funding of sidewalks on W. Ft. Scott Street has been submitted to MoDOT for their consideration. The house and small storage shed at 306 E. Walnut St. were inspected by the

MPUA LEASE-PURCHASE

City on October 16, 2012 and the notice declaring it a nuisance was posted on the house on October 19th and the notice to vacate, repair, clean up, maintain and/or demolish the structures was delivered to the property owner on October 22, 2012. The owner of the property was issued a demolition permit for the structures on the property by the Fire Chief/Building Official on October 22, 2012.

SOLAR FARM

The Statement of Violation Notices for unsafe structures for 108 S. Havana St. and 501 N. Mechanic St. were mailed to the property owners last known addresses and they both were returned as undeliverable. The City will now schedule the required hearings with the property owners to determine if the unsafe structures should be abated by the City. Notices for the individual hearings will have to be published in the newspaper starting on November 9, 2012 for three consecutive weeks and the hearing scheduled at least (30) days from the date of the first publication of notice. The hearing date for these is scheduled for December 20, 2012.

LEVELIZED UTILITY BILLING

The MPUA Lease-Purchase for the ten year financing of 911 Communication Center Equipment, WWTP UV Disinfection and the Wastewater Collection System I&I Improvements was completed on Tuesday, October 23, 2012. The City will begin making payments on December 1, 2012.

PUBLIC WORKS

As reported at the October 16th City Council meeting the City Administrator was notified on October 8th by Tom Davis representing Solar Link that the 3MW Solar Farm Project for Butler is back on track. The City Administrator has had meetings with representatives of two different companies besides Solar Link and they both expressed interest in constructing a Solar Farm in Butler if the Solar Link project does not move forward. The City Administrator has a meeting with John Grotzinger with MPUA on November 5th to discuss the City's and MPUA's options with regard to this new interest in constructing the Solar Farm in Butler.

GIB LYMAN PROPERTY

At the last City Council meeting there was a question if the City provided monthly level utility billing to those who requested it. The answer is yes and it is calculated based on a customer's current monthly bill plus their last eleven months bills and plus or minus any adjustments. There are (30) customers who use the level utility billing.

PIONEER PARK FOOTBALL FIELD

The first City Council meeting for January 2013 falls on Tuesday, January 1st so the City Council will need to reschedule this meeting for a different day. Motion was made by Boyd, seconded by Phillips to move the Council meeting to Wednesday, January 2nd. Motion passed unanimously by a show of hands.

LAZY RIVER

Diehl reported that Gib Lyman has purchased the property at the north end of Water St. and is requesting an electric service. After surveying the area, it would be most feasible to extend the primary across the Andrew Diehl property. This will serve the Vaughn property, the Lyman property, the Diehl property and the Linard property. Routing the electric in this proposed area will reduce the materials for the project by half. Diehl contacted Andrew and requested a 10-15 ft. easement along the north side of his property. He would give up an easement if the City would work with him on a service to a future detached garage in his back yard. It is recommend the Council consider accepting his offer to trade a standard 200 amp residential electric service charge of \$200.00 for a 10-15 ft easement. Motion was made by Simons, seconded by Burg to approve agreement. Motion passed unanimously by a show of hands.

At an earlier meeting the Council approved to match \$5000 towards the construction of a multi-purpose building at the Pioneer Park Football Field.

WASTE OIL HEATER

This structure will be made up of storage for Youth Football, concessions, storage for the Parks Department and restrooms. The Youth Football Association has \$5500.00 to donate to this project. Local contractors have offered to donate equipment and labor for dirt work and site preparation, and City forces will construct the building. It was recommended that the Council consider approving to move forward on this project. Motion was made by Simons, seconded by Burg to approve project. Motion passed unanimously by a show of hands.

CODE ENFORCEMENT

Scott Bitner, the Parks and Recreation Supt. has requested \$4500.00 to pour a concrete pad in the center area of the Lazy River. This is to take the place of the wood chips that are currently there. This concrete area will have an additional use when completed as it will expand the deck space. There will need to be additional railing installed, but this will be budgeted at a later date.

MAYOR

Jim Herrell Const. has offered to donate his assistance and one of his employees to complete this project. Money is available in the operational line items to fund this project. It was recommended that the Council consider the approval to fund this project. Motion was made by Phillips, seconded by Simons to approve the project. Motion passed unanimously by a show of hands.

COUNCIL MEMBERS

BROWN

**PHILLIPS
BURG**

**SIMONS
WEIL**

AGNEW

BOYD

The City has been awarded a grant in the amount of \$4,750.00 from the Department of Natural Resources to help purchase a used oil heater for the City maintenance shop. The cost of the heater is \$6,750.00 and the City budgeted \$2,000.00. I recommend the Council consider approving the purchase of the heater at a cost of \$2,000.00 (City match) and to accept the DNR grant of \$4,750.00. Motion was made by Simons, seconded by Wix to approve the purchase of the heater.

Motion passed unanimously by a show of hands.

WIX

Code Enforcement Officer Jim Wheatley gave his report to Council.

Mayor Malan thanked Codes Officer Jim Wheatley for acquiring equipment from the state.

**NEW BUSINESS
GRANT APPLICATION**

Brown reported that he has received complaints about parking on Havannah and Pine streets. A no parking sign needs to be considered on this corner.

Nothing to report.
Nothing to report.

ADJOURN

Nothing to report.
Nothing to report.

Agnew reported that a street on Birch St is out.

Boyd stated that he would like a paper copy of the code book. It was decided that if any Council member wanted a hard copy of the code book to stop in to the City Clerk's office for an update.

ATTEST:

Nothing to report.

City Clerk Casey Koehn

Arbuthnot reported that bids for the Wastewater Collection System I&I Improvements were submitted to the City Clerk's office. Motion was made by Simons, seconded by Wix to accept the bid from Institutum Technologies. Motion passed unanimously by a show of hands.

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.

Mayor Don H. Malan