

CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
JULY 2, 2013

The Butler City Council met in regular session on Tuesday, July 2, 2013 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
Gayle Stark	

OTHERS PRESENT

Others present were City Administrator Mark Arbuthnot, City Clerk Mary Jo Cook, Deputy City Clerk Barb Scrogam, City Attorney Tom Addleman, Officer Mark Frost and Code Enforcement Officer Jim Wheatley.

OTHER GUESTS

Cindy Wainscott, Gwen Dice, Marilyn Eneff, Carla Keough, Teresa Shobe, Edwin E. Nelson and Linn Nitsche were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Brown to approve the minutes of the regular session of June 18, 2013 and closed session of June 18, 2013. Motion passed unanimously with a show of hands.

Motion by Phillips, seconded by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-
ADDITIONS OR DELETIONS**

Motion by Brown, seconded by Phillips to add to the agenda Cindy Wainscott, Marilyn Eneff, and Edwin Nelson. Motion passed unanimously by a show of hands.

**SCHEDULED GUESTS
CARLA KEOUGH/TAXI**

Carla Keough requested permission for the Senior Taxi to be in the Bates County Fair Parade on July 15, 2013. Motion by Burg, seconded by Brown to approve the Senior Taxi to participate in the Bates County Fair Parade. Motion passed unanimously by a show of hands.

**MARILYN ENEFF SEWER
CHARGES**

Marilyn Eneff informed council she has paid sewer charges and she is on a septic system. Council requested permission for Public Works Director Trent Diehl to inspect the system at 307 W. Dakota.

**EDWIN NELSON BUILDING
PERMIT EXTENSION**

Edwin Nelson requested another extension on his building permit. Motion by Boyd, seconded by Brown to give a 30 day extension on the building permit for 305 S. Mechanic St. with the following requirements: a plan of action and a progress report. Motion passed unanimously by a show of hands.

**CINDY WAINSCOTT CUSTOMER
APPRECIATION**

Cindy Wainscott, with Dr. Minor's Family Chiropractic office requested four parking spaces to be blocked off for their patient appreciation event on Thursday, July 18, 2013. Motion by Burg, seconded by Boyd to approve blocking four parking spaces for the patient appreciation event. Motion passed unanimously with a show of hands.

FINANCE COMMITTEE

Councilman Weil reported the Finance Committee met on Tuesday, July 2, 2013 before the regular City Council meeting at 6:15 p.m. at City Hall to discuss: 1) special property tax sales for 2013 and 2) proposed street improvement projects and micro sealing streets. The consensus is to make Pine St. a priority on street repairs. City Administrator Arbuthnot requested abatement on the special tax concerning the property at 306/308 N. Main St. due to the legal ramifications of not knowing which address the assessment was attached to. Motion by Brown, seconded by Boyd to approve the abatement on 306/308 N. Main St. Motion passed unanimously by a show of hands.

NEIGHBORHOOD ADVISORY COMMISSION

Councilman Boyd reported the Neighborhood Advisory Commission met on July 1, 2013 at 7:00 pm at City Hall. They discussed the issue of things going backwards with tall grass and weeds and trash on the curbs. They will be putting something together to present to council at the next meeting.

BILL, ORDINANCES, RESOLUTIONS AND POLICIES
RESOLUTION NO.402

RESOLUTION NO.402
ORGANIZATION RESOLUTION AND AGREEMENT FOR CREDIT CARD PROGRAM.

Motion by Phillips, seconded by Burg to pass Resolution No.402.
Motion passed unanimously by a show of hands.

BILL NO. 2013-12
ORD NO. 973
1ST READING

Motion by Brown, seconded by Phillips for the first reading by title only of
BILL NO. 2013-12 ORDINANCE NO. 973
AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, TO RE-ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	

BILL NO. 2013-12
ORD NO. 973
2ND READING

Motion by Boyd, seconded by Agnew for the second reading by title only of
BILL NO. 2013-12 ORDINANCE NO. 973
AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, TO RE-ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	

BILL NO. 2013-12
ORD NO. 973
ADOPTION

Motion by Phillips, seconded by Boyd to adopt.
BILL NO. 2013-12 ORDINANCE NO. 973
AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, TO RE-ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL

CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Start-Aye	

**BILL NO. 2013-13
ORD NO. 974
1ST READING**

Motion by Phillips, seconded by Brown for the first reading by title only of
BILL NO. 2013-13 ORDINANCE NO. 974

AN ORDINANCE AMENDING SECTION 21-75.3 REGARDING AGREEMENTS AND FEES RELATED TO THE ATTACHMENT OF PRIVATE FACILITIES ONTO POLES OWNED BY THE CITY AND ADOPTING PENALTIES AND PROCEDURES RELATING THERETO

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	

**BILL NO. 2013-13
ORD NO. 974
2ND READING**

Motion by Brown, seconded by Phillips for the second reading by title only of
BILL NO. 2013-13 ORDINANCE NO. 974

AN ORDINANCE AMENDING SECTION 21-75.3 REGARDING AGREEMENTS AND FEES RELATED TO THE ATTACHMENT OF PRIVATE FACILITIES ONTO POLES OWNED BY THE CITY AND ADOPTING PENALTIES AND PROCEDURES RELATING THERETO

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	

**BILL NO. 2013-13
ORD NO. 974
ADOPTION**

Motion by Boyd, seconded by Brown to adopt.

BILL NO. 2013-13 ORDINANCE NO. 974

AN ORDINANCE AMENDING SECTION 21-75.3 REGARDING AGREEMENTS AND FEES RELATED TO THE ATTACHMENT OF PRIVATE FACILITIES ONTO POLES OWNED BY THE CITY AND ADOPTING PENALTIES AND PROCEDURES RELATING THERETO

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Brian Boyd-Aye
Gayle Start-Aye	

**REPORTS
CITY ATTORNEY**

**CITY ADMINISTRATOR
TEXTCASTER**

City Attorney Tom Addleman introduced his new associate Mr. Andrew Esselman.

CATALYTIC CONVERTORS

City Administrator Arbuthnot reported to council the training was completed for the TextCaster notification system on Wednesday, June 26, 2013. It will be available for sign up under “**Butler Connection**” on the City web site at www.butlermo.com the week of July 1, 2013.

**DOWNTOWN IMPROVEMENT
PROJECT**

City Administrator Arbuthnot reported installation of the catalytic convertors on two of the Caterpillar generators at the Light Plant by Foley Power Systems is scheduled for completion the week of July 1, 2013. After completion of the work, the generators will need to be operated, tested and certified as meeting the EPA Air Quality Regulations.

UV DISINFECTION

City Administrator Arbuthnot reported the progress meeting for the Downtown Improvement Project on June 25, 2013 it was reported that National Streetscape is on schedule for completion of the project by August 6, 2013.

CODE ENFORCEMENT

City Administrator Arbuthnot reported McClanahan Construction is working on the installation of the UV disinfection equipment and the basin mixers at the Wastewater Treatment Plant. This project is scheduled for completion in September.

MAYOR

Code Enforcement Officer Wheatley gave the code enforcement report.

Mayor Malan informed council he is still looking for a replacement for the vacant council seat in ward 4. Mayor Malan hopes to fill this seat next council meeting.

**COUNCIL MEMBERS
BROWN**

Nothing to report.

PHILLIPS

No complaints. Just a little food for thought, not going to light any fires but we have \$72,000.00 to pay the downtown improvement project in our budget and we're getting ready to write another check. And out of a \$16,000,000.00 budget we're putting on the brakes and throw up flags about \$50,000.00 annual budget for police cars. Don't ask me to do the percentages of \$50,000.00 or \$50,000.00 out of \$1,200,000.00 police budget but we have no problem paying \$72,000.00 for a downtown improvement project which I voted for. But we won't go ahead and say yes, we'll come up with even \$40,000.00 a year for new police cars. Food for thought. That's all I got.

BURG

Nothing to report.

STARK

Nothing to report.

WEIL

Nothing to report.

AGNEW

Nothing to report.

BOYD

ADJOURNMENT

Street light out on Court St.

CLOSED SESSION

Motion by Brown, seconded by Phillips to adjourn the regular session and enter into closed session. Legal Actions and/or Communication from the City Attorney as provided under Section 610.021 (1),

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Gayle Stark-Aye

Harold Weil-Aye
Terry Agnew-Aye
Brian Boyd-Aye

ATTEST

Mayor Don H. Malan

Barbara Scrogam
Deputy City Clerk