

CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
SEPTEMBER 3, 2013

The Butler City Council met in regular session on Tuesday, September 3, 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	Shawn McVey
Gayle Stark	Kyle DuBray

OTHERS PRESENT

Others present were City Administrator Mark Arbuthnot, Public Works Director Trent Diehl, City Clerk Mary Jo Cook, Deputy City Clerk Barb Scrogam, City Attorney Tom Addleman, Chief Randy Beshore and Code Enforcement Officer Jim Wheatley.

OTHER GUESTS

James Fisher, Bob Thomas, Jim King, Dave Owsley, John Pursley, Janie Pursley, Kathleen M. Panley, Stephan S. Panley, Linn Nitsche, Robert G. Hardie, Pat Simons, Nelson Myers, Mary Welston, John Grotzinger, Lee Ullman, Tom Davis, Betty Roby, Hank Klumb, Ruben Campos, Darin Carter, Carolyn Forhy, Marli Klumb, Harold R. Kershner, Gail Tiller, Israel Carlin, Mike Gillespie and Mike Taranto were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Burg to approve the minutes of the regular session of August 6, 2013 and the closed session of August 6, 2013. Motion passed unanimously by a show of hands.
Motion by Brown, seconded by Phillips to approve the bills presented for payment. Motion passed unanimously by a show of hands.
Motion by Brown, seconded by Burg to approve travel/training. Motion passed unanimously with a show of hands.

SCHEDULED GUESTS
MARY WELSTON-704 W. FT.
SCOTT

Mary Welston spoke to the City Council regarding the property at 704 W. Ft. Scott Street she purchased at the third year delinquent property tax sale at the Bates County Courthouse on Monday, August 26, 2013. The City demolished a house and cleaned up the property so the City has a special tax lien on the property for \$6,113.28 plus interest charges of \$489.06 for a total of \$6,602.34. Mrs. Welston inquired if the City would reduce the amount owed against the property. The decision was to take it to the Finance Committee for discussion and Mrs. Welston would be notified to return to a future council meeting for a decision.

BOARDS & COMMISSIONS
NEIGHBORHOOD ADVISORY
COMMISSION

Neighborhood Advisory Commission was cancelled due to the Labor Day holiday and will meet on September 17, 2013 at 7:00 pm.

PUBLIC HEARING
EL DORADO MEXICAN

Mayor Malan opened the Public Hearing to consider an exception to the City's alcohol beverage regulations as stipulated in Chapter 4. Alcoholic Beverages,

RESTAURANT & CANTINA

Section 4-11. Sales prohibited near schools and churches. (c) Exceptions, to allow the El Dorado Restaurant & Cantina to serve alcoholic beverages in their business located at 1 East Dakota Street. The distance requirement is 300 feet separation and their business is 85 feet from the Ohio Street Methodist Church building at 7 East Dakota Street.

Betty Robey-I've lived here all my life, and I think what has happened to the restaurant is an embarrassment. You guys issued them a license, obviously, and that's what you did, now you are saying you were in error to do that. Well, it seems like the ones who voted for it obviously didn't know what your own ordinances says.

Mayor Malan-we made a mistake and we are trying to clear it up right now. That's why we are having this public hearing right now.

Betty Robey-I think another point I might add is it's such an asset to our town to have that corner cleaned up. So I wonder now that we have a church that has come on to the square within so many feet of an establishment that serves liquor, is that ok.

Mayor Malan-the restaurant was there before the church.

Betty Robey-I'm talking about the establishment on the corner. That he sells and serves liquor. And now we have a church over there. Is that not a conflict for the church to come in so close to a establishment that serves liquor? Same principal.

City Administrator Arbuthnot-It's not a conflict. Let me comment, there is a provision in the ordinance that says if a church moves in after an establishment is there, they do it at their own choice. It is allowed. It does not have to meet the 300 feet requirement.

Betty Robey-I would say the people who voted on this should be knowledgeable about what they are voting for.

Mayor Malan-There was no vote on this. It was a clerical error we made. It was a mistake downstairs.

Betty Robey-You will have to prove that to me. Thank you.

Mike Taranto-I think we should do all we can to keep businesses in town that are in town and support those that are willing to invest money on our square. The decision is pretty simple in my mind.

Mayor Malan-Exactly. I agree with you.

Dave Owsley-I'm the pastor of the Ohio Street United Methodist Church which was two doors down before the restaurant was open. We've been in that building for a number of years. Despite some of the rumors around town, it should be clarified the church was not consulted at any time prior to the issuing of the license and the church was not consulted at any time prior to the suspension of the license. This is the first and only time anyone from the

church has officially talked about whether or not the restaurant should have a license. Our executive board and I agree with this discussion unanimously. I want to say even if the license was issued in error, it was issued. These people spent thousands of dollars opening a restaurant. The greater mistake would be to not allow them to have the license.

Mayor Malan-I agree with that completely. I've said that from the outset, let's not discourage business from coming to town. We have a lot of vacant buildings around the square. Let's try to fill them. Let's have an attitude of being friendly. Let's try to invite people to come to town instead of discouraging them.

Mike Gillespie-I don't necessarily have all the facts. I got the news you guys sent me a letter. That I could come because I have a business next door, I guess. I don't see a thing wrong. I think these guys have a nice restaurant. If they haven't done anything wrong, I don't think they should be punished by having their license taken away. It's nice to have another good business in town.

Mayor Malan-Well the thing about it is, it's exactly that-it's a restaurant. It serves food and they have a bar. It's not a beer joint. It's not a tavern. It's a nice clean, well run professional establishment that serves good food. I've been in there and the margaritas are great, by the way. Hate to discourage businesses from coming to town.

Jim Fisher-It's a screw up that they got the license. You're stuck now with trying to figure some way to solve it. I think you need to look at the process and make sure we don't continue these little screw ups. They don't help our City any way, shape, or form.

Mayor Malan-It was a mistake. That's what it was. A pure mistake.

John Pursley- As most of you probably know, I have an office directly across the street from El Dorado. I just want to state I'm in support of them being issued a license and being allowed to continue this business. We need them.

Hank Klumb-The restaurant across the street from Mr. Pursley is a fine restaurant and if we need businesses on the square, that's a prime example of a great business to have on the square in Butler.

Mayor Malan-I appreciate everyone's comments. I agree with you completely. Let's make sure we try to be friendly and invite people to come to town and open business. These guys spent a lot of time and a lot of effort and I'm sure a lot of money on that thing. They worked on it long and hard for a long time. I would hate to see them be discouraged in their business.

Jim King-I look around this room and I don't see many people that are older than I am around here. But if you all recall, some 70 years ago there was an establishment on North Main Street that sold beer. It was probably a block from the Methodist church grounds. At the same time there was an establishment on West Dakota Street that sold beer. It was less than a block from the Methodist Church grounds, but at that time, there wasn't anything to keep them from doing that. We had one City Marshall and one Part-time

Police officer and there was no problem from that.
Mayor Malan closed the public hearing.

RESOLUTION NO. 403

RESOLUTION NO. 403

A RESOLUTION OF THE CITY OF BUTLER, MISSOURI TO APPROVE AN EXCEPTION AS ALLOWED UNDER CHAPTER 4. ALCOHOLIC BEVERAGES, SECTION 4-11. SALES PROHIBITED NEAR SCHOOLS AND CHURCHES, (C) EXCEPTION, IN THE BUTLER CITY CODE.

Motion by Phillips, seconded by McVey to pass Resolution No.403.
Motion passed unanimously by a show of hands.

PUBLIC HEARING
BUTLER SOLAR FARM
CHAPTER 353
REDEVELOPMENT AREA PLAN

Mayor Malan opened the Public Hearing to consider the revised Butler Solar Farm Chapter 353 Redevelopment Area Plan submitted by the Butler Solar Farm Civic Redevelopment Corporation.

Tom Davis-It's good to be back. I appreciate your authorizing reexamination of the price sheet. I don't intend to go through the booklet you received and revision you received. You got all that. I don't want to read those things to you I want to accomplish two things. One, I would like to answer some of the questions raised at the Finance Committee meeting to a little bit more detail. Second, impair what we propose with the requirements that you put out on your web site as requirements for a 353 outline. How we think we stack up. With respect to the questions and concerns raised last time. (First, one had to do with or not our Company fulfilled our commitments and had to do with number of extensions on closing.) We went back and looked. The original closing date was March 15, 2013. It had to be extended five times. First couple of times, those had to do with internal approval processing by the investor and bank that's to do the lending. The last three have all been related to the tax abatement ordinance and title company, which is a Butler firm, in getting all the paper work out. During that second period, roughly from May till the last meeting, our money was at the title company for the closing. It was there for two months or more waiting for closing. The technicality just didn't get taken care of. Our firm believes we do live up to what we say and these extensions are things well beyond our control. Second question, I think, is just to put it in perspective. I think there is some misconception what the revenue stream is likely to be in this project. I think there was a comment about the calculator and doing the calculation. Our revenue stream in year one for the sale of power is just a little over \$300,000.00 that's what it will be annually for the first seven or eight years. It goes up slightly because there is some increase in the rates-small increases in rates. Later on in that period of time, but also point in time, panels start to degrade. Put it in perspective, if a Wal-Mart was here asking for abatement, they would have annual revenues. Well the data we looked up comes from somewhere between \$10,000,000.00 to \$30,000,000.00. We're at \$300,000.00 so you're talking about 30-100 times as much revenue coming in without tax abatement. The assessment and the expected tax bill could be as high as \$147,000.00 on our side. That would be a 46% tax rate, just for us, so again just a matter of perspective. I think there is a misconception out there about how much money solar plants generate and they're really not a high revenue producer. This is why I told you last time if we can't access this federal funding through the tax cuts, it's not a viable project. That's the way it is.

We had a little discussion about employment jobs. I think it was you that talked about jobs. I think that your 353 uses have largely been job creation but they aren't exclusive. That and again, the manufacture or the Wal-Mart comparison-if somebody is generating \$10,000,000.00 to \$30,000,000.00 of revenue, they ought to justify it through employment. That's what it is. The solar plant is very capital intensive. Once you build it, you put it out there. It generates the revenue for a long period of time. Its economic benefit to the City is found in other ways. It's not through employment, but it is through things like stable power rates. It's things like cutting down the wheeling cost which you know is \$40,000.00 to \$50,000.00 a year now and likely to increase. Cuts down stress on the power generator plant you have. This is probably not a good analogy but it's more like hiring a fire truck than hiring a fireman. It is a capital investment to try and to improve your overall situation. So I think the knowledge we don't have, lots and lots of employment for the long haul, there will be substantial amount of employment during the construction period. Our policy to hire additional people is always hire locally. Three or four sub-contractors who have already been identified through local sub-contractors who will have this portion of work. There are a number of impacts that will happen through local employment, if this is approved.

The last thing that I recall is a question or concern having to do with the portion of this, is the City responsibility we talked about. How we connect to the grid. The connection to the grid is built into the design. Your obligation is spelled out in the inter-connection agreement. Your concern I heard raised was what happens if there is cost over-runs or delays. Well the fact of the matter is that the output you are obligated is capped anything above that is the responsibility of the developer. I think it is a very predictable amount. Your engineers have been involved in the design. In fact, your engineers developed the cost basis which the numbers were put in. It's capped. It is what it is. The return on the investment is very high. That's sort of my quick but little bit more thorough responses to the questions I heard raised last time. The next thing we did was go to your web site to look at-ok what do you want 353's to do? There are six sort of criteria to evaluate. One is, does it comply with the statute? That's why we gave you all the books. All the lawyers have looked at it. Your lawyers have looked at it, it does comply. It has to include a capital investment of more than \$2,000,000.00 or \$500,000.00 if it's an expansion. But \$2,000,000.00 is the one we have to go against at this point in time. The project is a total investment in the range of \$8,000,000.00. Third one was, can the Company that's going to develop and own it carry this thing out? Does it have the capacity and ability to do that? We have been working with MJEMC, City, Bank and investors for all most of three years. I think we've been checked out every way you can be checked out and we represent to you that we have demonstrated numerous ways that we can in fact. Fourth one was, no jurisdiction can receive less tax by virtue of the abatement less than it's currently receiving. As you know, the tax today is zero. It's not going to be less than that but there was a comment about the fact there was an income off the land through crop lease and things like that. We believe the crop lease, when the price was negotiated, the crop lease was taken into account. I think it was the Mayor, but one of you pointed out there has been no other activity of significance for 13 years. So the probability that the Pilot (payment in lieu of taxes) being well in excess of what you had received or can reasonably expect to get in the near term, that is our response to number four. We think we met all of those demonstrations of a public purpose and an economic benefit again

without revisiting all of it. This kind of installation unlike maybe a store or factory plant, this one benefits all the citizens of Butler. This is power flowing into your grid that will be distributed so the consumer can access power. Often it is a hedge against rising rates because these rates are predictable and low and good for 25 years. Your members have talked. It elevates the image of Butler in terms of economic development. The control of the wheeling cost is real. This is something that could obviously increase over time and is already a substantial savings for you and it creates activity on a site that has had no activity for the last 13 years. I would harken back just to the Mexican restaurant. One of the things that is said there, activity begets activity. I think it's a truism that even for no other reason at all if there is just activity out there, there will be more interest. It doesn't mean somebody is going to walk in immediately and sign up just because there is a solar plant there. But it's the right kind of activity. It's the kind of activity that will be meaningful to some of the people looking for industrial sites. The last one is the But 4 Clause. It says without the tax abatement question is raised, But 4, the tax abatement, can the project go forward. I will tell you that there is no way any business can pay 46% or 47% property tax rate against its total revenue. So without that, it can't be done. I also made the point last time that we got confirmation in a letter today that without predictability of the tax through the Pilots-bare in mind, Pilots are a tax. They are just a contract for taxes as opposed to the assessment process-without that predictability, they really could not do the project. Therefore, the federal money could not be accessed and the project couldn't go. I think we meet all six of your requirements. It is with a lot of humility, we come back and we're sorry about the process that lead to some of the misunderstandings and whatnot. But we ask for your approval with the latest numbers that were provided. I will be glad to answer your questions.

Mayor Malan-I think you are exactly right when you say things attract to other things and I believe that. I think if we put something out there, just getting out there, will make us look bigger and a little bit more aggressive and progressive . I would hate like the devil to see this thing get away from us, frankly. That's my view. I think this is an opportunity for us to put this thing on the ground. We have nothing there now. Questions have been raised about, well, we're going to lose property tax. We have no property tax now, so let's put something out there and move forward. This is the time to move forward. It's time to move forward is my view.

Pat Simons- I thought when they first came, they weren't going to ask for any tax abatement. The citizens of Butler have had three this year.

Tom Davis-Since the very first meeting, tax abatement has been part of the process. It's been in there as the same essential level for all the years after. I don't think it changed. The process for tax abatement has changed some. The lawyers have changed from a chapter 100 to a chapter 353.

Jim Fisher-When they first came to us, they did ask for tax abatement. Then they came back and said they could do it without tax abatement, so we approved it. Now they come back and want tax abatement. Make up their minds. I hate for it to go under too, but at the same time, they keep dangling this carrot in front of us long enough. Something needs to happen one way or another.

City Administrator Arbuthnot-This is John Grotzinger. John is with MPUA. He is the Vice President of Engineering, Operations and Power Supply.

John Grotzinger-Yes, I represent the Missouri Joint Municipal Electric Utility Commission which is the power supplier for the City of Butler and 34 other Cities around the state. Pilots are pretty standard with power plant projects. You can look up the road at Pleasant Hill. We're involved in the dogwood plant. There is a Pilot relationship on that one. We've been involved with many joint projects. Pilots are a fairly typical aspect of that. I think it was referenced if the City of Butler or our organization were to build a facility, we're tax exempt, so there would be no tax base in that circumstance. We have discussions in working with the City of Butler, MC Power for about three years now. Lots of interest has been in developing a variety of power supply sources. Most recently looking at the renewable resources, we felt like this solar project is a very unique opportunity. The City of Butler was the first site expressed for that, but I have to tell you, other Cities have expressed interest in this type of project. We're looking to develop this in Butler. They were first farthest along. We're anxious to see this go ahead and move forward. The project in negotiating price obviously we're someone on the other side, so we want to drive it as low as possible to get the best rates for the City. It was our understanding that there were tax abatements for the beginning so as to make this work on tax abatements. We have not been involved in your council meetings on this, so I'm speaking on it from a contractual relationship we have with the City and with MC Power.

City Administrator Arbuthnot-John can you explain how the contract works.

John Grotzinger-Let me do this in two steps. We have a contract with the City of Butler and 34 other Cities for power supply. We bring that from a variety of other sources-coal plants, gas plant up in Pleasant Hill-a variety of sources. So we are the supplier for the City. We typically enter into contract with the developers and power suppliers. Like MC Power to put together these packages we've worked with folks as I mentioned up in Pleasant Hill at the dogwood project. So we have a contract for the full requirements for the City of Butler. We have entered into contract with MC Power for supplying the solar project as a part of the total resource for the City of Butler and 34 other Cities.

Councilman Burg-Can you change the word Pilot to some other word. Simple like a payment.

John Grotzinger-Yes. It is a payment in lieu of taxes.

Councilman Burg-It is a payment via another name.

Councilman Weil-Do you think if we give this tax abatement that they requested, this will set a precedent for everybody that comes to town to want 100% tax abatement.

John Grotzinger-I wouldn't think so. I would think this is a very unique project compared to typical now. Folks maybe approach for tax abatement, but it

wouldn't be for a project like this.

Mayor Malan-I think the precedent we are going to establish is moving forward. Is what I think. I think we don't want to let this get by us.

Councilman Burg-As far as people coming to town looking for a tax abatement , they are not beating down our door for anything. I haven't seen a whole lot of companies in line in front of City Hall asking to come here, if they can get tax abatement.

Mayor Malan-If you want people to come to town, you have to think long term . Can't think what can we get out of these people when they come.

Councilman Burg-We lost companies because we wouldn't work with them and now we have none.

City Administrator Arbuthnot-The length of the contract is 25 years to buy the solar power.

John Grotzinger-25 years to buy the output of the solar plant. There is an option for us to take ownership after seven years. Typically in those circumstances we would honor the pilot agreement that has been worked out. As I said though, if we were developing a new project, we are tax exempt so there would be no taxes.

Carolyn Forhy-So in 25 years after you made your money and you come in and bought the property and paid no tax, the life expectancy for the solar plant is 25 years. You made your money then you just get up and leave and we're stuck with the stuff you left.

Tom Davis-The life expectancy of the plant is more like 50 years.

Carolyn Forhy-Who said so?

Tom Davis-I'm the representative.

Carolyn Forhy-Yes sir, I understand. My question is whose guidelines say it's going to last 25 years?

Tom Davis-The manufacture.

Carolyn Forhy-The manufacture does.

Tom Davis-Manufacture guarantees that at the end of the 25th year, it will be producing 80% of the amount of power that it produced on the first day or more. 80% or more. At the end of the 25 years, at that point in time the degradation of the panels tends to run about 1% a year. Which means that the 50th year it would still be producing. If you didn't do any upgrades, didn't replace any panels, didn't do anything else, it would still be producing about 55%. What it did on the very first day, they were in place. Those are the manufacture specs. They're all UL rated. They've been tested. They've been in place.

Carolyn Forhy-So without hiring any employees to maintain that, how will you know?

Tom Davis-Oh there will be employees. It's just won't be large quantities. There will be one or two involved almost full time over the years in taking care of the site. Replacing parts that wear out, there are other components to this besides the panels themselves that wear out and will have to be replaced or maintained with upgrades.

Carolyn Forhy-Another thing I wanted to say is, by having them here you say other people might join. When you drive out through Kansas and look at the solar farms out there, when I drive through there, I have not seen any companies that want to be next to or build next to a solar farm.

Jim King-I would like to know how much investigation this body has made. This company that's going to do this, as I understand if the electricity that this plant will generate is sold to this gentleman and his company, there association and we buy the electricity back from them. How are we going to be guaranteed a price on that, and another thing I would like to question, is how many other places that have put in solar plants have you investigated? None that I have heard of. Maryville, Missouri started one of these up there and it ended up that the company that put it in ended up over rating what they put in and it wouldn't come up to standards. KC Power & Light was going to buy the electricity from them. KC Power & Light pulled out. It's setting up there not operating and nobody there. They got government money. They got City money and they are gone. So now what do you do. You're going to do the same thing here. Have you investigated this company? Have you investigated the people that run the company? What kind of background have they got? Before you invest in all this to see if you are going to abate their taxes. I have figured up between the government, this state and the City in the last year with the new tax base, it will cost me \$1,500.00 a year at least in taxes and when you give somebody a tax abatement you're going to give up taxes we have to make up as individuals. Now this town is made up of probably 65-70% of senior citizens and welfare. So how much are you going to get for that? It is costing them. They're the ones keeping the City going right now the senior citizens-not the employment. There are other ways of getting employment other than giving money away.

John Grotzinger-Concerning the investigating, we did since we are the counter party in the contract. We did examine MC Powers records, backgrounds. We looked at a variety of other solar projects across the country. This is unique for Missouri and it's the largest but it's not the only solar project in the area. So we have looked at some of those backers. We have looked at the counter party we're involved in.

Jim King-May I say something else? This gentleman seems to be very influential with this company. I don't know who he is. I don't know about the company, but it seems like he's working for the company.

Darren Carter-I'm the Superintendent of Schools. I won't take up much of your time here. I just wanted to say that I was at the last meeting that they were

here at. I've had time to do some investigating just on my own, and I talked to some other area superintendents. It is unique in the fact that the financial part of the school district has no gain right now, from the way its set up right now. The City does and that's fine. I guess what I'm trying to say is the school district is not opposed to this at all. I have three kids in school and I can tell you as a parent there's kind of some exciting peripheral things that would be a benefit. And I know in that the big picture that you guys have to look at, may not mean much to you, but I don't know where else my kids could be in a district that has a cutting edge technology facility like that up the road. Our science department and math department, there are some pretty cool things we could do that is a small piece of everything you guys have to measure. I'm new to Butler. I can tell you I'm very happy to be here, and I don't know all the background about what's happened. What I can tell you is, in my own opinion, unless we get business like this started, it seems kind of stagnant. But I don't have a dog in this fight. I'm not the one putting up the money. I'm not the one doing that. Above everything as a representative of the school, I want to work well with the City. So regardless of what we are talking about, I want you guys to know you have a tough decision, and I get that and I'm with you either way you go. But I can tell you I see more benefits to going forward with it and I think the school personal would support that too. So for what it's worth, I just wanted to say that.

Mayor Malan-I think stagnant is a good word. That's a good word for us for a long, long time. I think we need to get over it.

Councilman Brown-I would like to make a comment if I could and that is listening to everybody talk, especially the school superintendent, you know it's a part of the future and it seems to be a bump now but it's a part of the future and I think that thinking ahead, ideals should be considered of installing solar panels on top of schools, even on top of public buildings. I mean it's coming.

Mayor Malan-It's the latest technology there all over.

Councilman Brown-We either get on board somehow now. If we don't get on board now, we won't get on board.

Darren Carter-Just another personal comment. I have a brother who is an electrical foreman at K.U. I was talking to him about it. He knows about it and he said what you said about it. Hey we've got one of those on our campus building. We have a science team that has it hooked up to a monitor and computer. It's part of the course work. I thought how cool is that. That kind of educational opportunity might be out there.

Mike Taranto-First very interested in seeing something going into the industrial park. It's in need and I'm very involved with the solar energy industry. I'm very familiar with it. It is coming and I think from the beginning, because I was involved peripherally from conversations and I had meetings with these people, the Enterprise Zone Board viewpoint had a discussion with them about what all we had to play with as the Enterprise Board to assist them and by statute we couldn't do what would give them all smiles. But my thoughts are it's a good thing for the City short term and long term it would be nice if, for example, to have a maintenance man or electrician or somebody

that's doing this. That they go to one of our experienced electrical firms in town find somebody there that's qualified and could do some training at their facility somewhere, but be a resident here so there is a tangible benefit. Someone the average guy can see. Not somebody that drives down from somewhere, else once a month and does something. Something that feeds the community a bit so we see something tangible. I personally I would have liked the City to lease the property to these guys so you had some ongoing revenue stream but that's too far down the road for that. I think there's a need to find a solution. I just like to be clear. In everybody there's some benefit, no matter how small, there's some benefit today. Butler needs every dime it has. It's going to cost somebody. These buys aren't doing it because it's not a money maker. They're not saying let's spend \$8,000,000.00 and not get an ROI on it, that's significant just because solar is cool. I mean it's far better to know where to invest and how to invest. They're not doing this for an even deal for 25 years, believe me.

Mayor Malan-Well you know any business has to operate at a profit or you do n't continue to operate. Just pretty simple.

Mike Taranto-But we don't see any from the City standpoint other than something good could happen.

Mayor Malan-Long term benefits are exactly that. Long term benefits.

Mike Taranto-I think they are there. We need some short term tangible benefits.

Mayor Malan closed the public hearing.

Motion by Phillips, seconded by Burg for the first reading by title only of

**BILL, ORDINANCES,
RESOLUTIONS AND POLICIES**
BILL NO. 2013-19
ORD NO. 980
1ST READING

BILL NO. 2013-19 ORDINANCE NO. 980
**AN ORDINANCE APPROVING THE BUTLER SOLAR FARM
CHAPTER 353 REDEVELOPMENT AREA PLAN, DECLARING THE
REDEVELOPMENT AREA DESCRIBED IN THE REDEVELOPMENT
PLAN TO BE BLIGHTED, AND APPROVING A REDEVELOPMENT
AGREEMENT AND A NOVATION AGREEMENT BY AND AMONG
THE CITY OF BUTLER, MISSOURI, MCP-BUTLER, L.P., AND THE
BUTLER SOLAR FARM CIVIC REDEVELOPMENT
CORPORATION.**

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Aye

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

BILL NO. 2013-19
ORD NO. 980
2ND READING

BILL NO. 2013-19 ORDINANCE NO. 980
**AN ORDINANCE APPROVING THE BUTLER SOLAR FARM
CHAPTER 353 REDEVELOPMENT AREA PLAN, DECLARING THE
REDEVELOPMENT AREA DESCRIBED IN THE REDEVELOPMENT
PLAN TO BE BLIGHTED, AND APPROVING A REDEVELOPMENT
AGREEMENT AND A NOVATION AGREEMENT BY AND AMONG**

THE CITY OF BUTLER, MISSOURI, MCP-BUTLER, L.P., AND THE BUTLER SOLAR FARM CIVIC REDEVELOPMENT CORPORATION.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Aye

Motion by Phillips, seconded by DuBray to adopt.

**BILL NO. 2013-19
ORD NO. 980
ADOPTION**

BILL NO. 2013-19 ORDINANCE NO. 980
AN ORDINANCE APPROVING THE BUTLER SOLAR FARM CHAPTER 353 REDEVELOPMENT AREA PLAN, DECLARING THE REDEVELOPMENT AREA DESCRIBED IN THE REDEVELOPMENT PLAN TO BE BLIGHTED, AND APPROVING A REDEVELOPMENT AGREEMENT AND A NOVATION AGREEMENT BY AND AMONG THE CITY OF BUTLER, MISSOURI, MCP-BUTLER, L.P., AND THE BUTLER SOLAR FARM CIVIC REDEVELOPMENT CORPORATION.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Aye

Motion by Phillips, seconded by McVey for the first reading by title only of

**BILL NO. 2013-18
ORD NO. 979
1ST READING**

BILL NO. 2013-18 ORDINANCE NO. 979
AN ORDINANCE ESTABLISHING THE 2013 PROPERTY TAX LEVY FOR THERE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Aye

Motion by Brown, seconded by McVey for the second reading by title only of

**BILL NO. 2013-18
ORD NO. 979
2ND READING**

BILL NO. 2013-18 ORDINANCE NO. 979
AN ORDINANCE ESTABLISHING THE 2013 PROPERTY TAX LEVY FOR THERE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Aye

Motion by Brown, seconded by Stark to adopt.

**BILL NO. 2013-18
ORD NO. 979
ADOPTION**

BILL NO. 2013-18 ORDINANCE NO. 979
AN ORDINANCE ESTABLISHING THE 2013 PROPERTY TAX LEVY FOR THERE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Aye

Thom Burg-Aye
Gayle Stark-Aye

Shawn McVey-Aye
Kyle DuBray-Aye

REPORTS
CITY ADMINISTRATOR
PURCHASED POWER
ADJUSTMENT

City Administrator Arbuthnot reported the City has been working with Robb Woolsey with Sprocket Communications. Mr. Woolsey represents Sprint who has a contract with the State of Missouri to provide telephone equipment and services under a flat rate program to School Districts, State, County and Local Governments so the City of Butler is eligible. Under this program phones are made available to Emergency Management Offices, Police, Fire, School Districts, Election Officials and Public Utilities. The free Mil-spec phones are provided with no monthly charges and are activated and ready to use. Usage is billed at a flat rate of \$.06 per minute in six second increments. These can be used for communications during emergency situations but can also be used for other communication purposes. There is no limitation on the use of the phones. There is no contract term with the phones and, if damaged or lost, they will be replaced at no charge. Other governmental agencies and school districts in Bates County are considering participating in this program. The City has requested the following phones for City departments to participate in the Sprint plan for emergency and other communication needs. The City is requesting (20) phones for the Public Works Department, (20) phones for Police Department and (25) phones for Fire Department. Each department will keep their allotment of phones and then assign them to personnel for use based on the emergency or other situations. The billings from Sprint will be separated by department so each department will be responsible for their own charges for usage. If there is an emergency event that is eligible for funding from FEMA, then the City will request reimbursement for any charges that are incurred. Motion by Burg, seconded by McVey to approve receiving the phones for emergency communication needs. Motion passed unanimously by a show of hands.

City Administrator Arbuthnot reported Fire Chief Jim Henry has requested a Proclamation be made by the Mayor, Don Malan, for National Preparedness Month, September 2013.

City Administrator Arbuthnot reported the Fall City Wide Cleanup for residential properties is scheduled to start the week of October 7th on the north side of Ft. Scott Street and then continue the week of October 14th for residential properties on the south side of Ft. Scott Street. The City in cooperation with Bates County Disposal will complete the cleanup.

City Administrator Arbuthnot reported the work on the Downtown Improvement Project was completed by the contractor, National Streetscape on Friday, August 30, 2013 and a final inspection of the project was conducted by the City, MoDOT, HNTB and National Streetscape. A final project change order for National Streetscape based on final quantities for the work performed and an amendment to the agreement with HNTB for additional project engineering/inspection services will be provided at a future council meeting for approval.

PUBLIC WORKS DIRECTOR

Public Works Director Diehl reported the sewer at 307 W. Dakota St. was dug up by the property owner and the property is connected to the City sewer system.

Code Enforcement Officer Wheatley gave the code enforcement report.

CODE ENFORCEMENT

MAYOR

Mayor Malan reported he will meet with Fire Chief Henry to sign the Proclamation for National Preparedness Month, September, 2013.

COUNCIL MEMBERS

BROWN

Brown-nothing to report. Inquired about what committee would handle issue of reducing the amount owed against the property Mary Welston purchased. City Administrator Arbuthnot said it would be the Finance Committee.

PHILLIPS

Phillips-no complaints. Stated he was glad it all worked out for El Dorado Mexican Restaurant & Cantina.

BURG

Burg-inquired about the power outages. It was explained there was a bad insulator on the pole on one of the outages and a squirrel got into the transformer on the other outage.

STARK

Stark-nothing to report

WEIL

Weil-received complaints from Wal-Mart concerning 17 outages since they open the new store. Public Works Director Diehl explained the City Engineer Bob Knoll will be reconfiguring the circuits and looking into the issue.

AGNEW

Agnew-nothing to report.

MCVEY

McVey- nothing to report.

DUBRAY

DuBray- nothing to report.

NEW BUSINESS

BUTLER CHAMBER OF COMMERCE

Consider a proposed agreement with the Butler Area Chamber of Commerce to provide \$600.00 for the upgrade/relocation of their public address/sound system for the Historic Butler Square. Motion by McVey, seconded by DuBray to approve the agreement with the Butler Area Chamber of Commerce for \$600.00. Motion passed unanimously by a show of hands.

SOUND SYSTEM

Consider proposals for a new sound and video system for the City Council meeting room in City Hall. The FY 2013-14 Budget includes \$10,000.00 in funding for this expenditure. Motion to approve the proposal from Direct Pro Audio for \$6689.91 for a new sound and video system for the Council Chamber. Motion passed unanimously by a show of hands.

ADJOURNMENT
CLOSED SESSION

Mike Taranto said he would donate an 8' video screen if it will work. It was agreed to check into this to see if it was feasible.

Motion by Brown, seconded by McVey 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
Shawn McVey-Aye
Kyle DuBray-Aye

ATTEST

Mayor Don H. Malan

Barbara Scrogam
Deputy City Clerk