

**CITY OF BUTLER**  
**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**NOVEMBER 5, 2013**

The Butler City Council met in regular session on Tuesday, November 5, 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, City Clerk Casey Koehn, Public Works Director Trent Diehl, City Attorney Tom Addleman, Police Chief Randy Beshore and Code Enforcement Officer Jim Wheatley.

**OTHER GUESTS**

Angie Kauffman, Jim Fisher, Brad Stephens, Linn Nitsche, Corey Snead, Julie Lines and Doug Wix were also in attendance.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by McVey to approve the minutes of the regular session of October 15, 2013. Motion passed unanimously by a show of hands. Motion by McVey, seconded by Phillips to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Brown, seconded by DuBray to approve travel/training. Motion passed unanimously with a show of hands.

**SCHEDULED GUESTS**  
**ANGIE KAUFFMAN- 5K FOR**  
**STEPHANIE LEWIS**

Angie Kauffman requested to hold a 5k on Nov 23, 2013 for a local woman, Stephanie Lewis, who has cancer. Motion was made by Burg, seconded by Brown to approve the 5k. Motion passed unanimously by a show of hands.

**COMMITTEES**  
**NONE**

NONE

**BOARDS & COMMISSIONS**  
**NEIGHBORHOOD ADVISORY**

Burg reported that the Neighborhood Advisory Commission met on Nov 4<sup>th</sup> and discussed the CDBG grant. They also discussed proposing an ORD requiring landlords to transfer utilities out of their name once the property is rented.

**PUBLIC HEARING**  
**REZONE 104 SUNSET VIEW DR**  
**FROM R2 TO C3**

The Public Hearing was opened. Arbuthnot informed Council that the Planning Commission met and recommended to approve the rezoning of 104 Sunset View Dr from R2 to C3. The Public Hearing was closed.

**BILLS ORDS RES**

**BILL NO 2013-23 ORD NO 984**

Motion by Phillips, seconded by Brown for the first reading by title only of **Bill No 2013-23 Ord No 984 AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE 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 2013-23 Ord No 984 AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI** Motion passed with the following votes:

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

Motion by Phillips, seconded by Dubray to adopt **Bill No 2013-23 Ord No 984 AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI** Motion passed with the following votes:

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

**REPORTS**

**CITY CLERK**

**CITY ADMINISTRATOR**

Clerk Koehn introduced Corey Snead, the new Accounts Payable Clerk.

City Administrator Arbuthnot reported that the Mayor and City Council toured the Aquatic Center, Ball fields, Police Department and Old High School facilities on October 28, 2013.

A copy of the news release issued by Cunningham, Vogel & Rost, P.C. on October 18<sup>th</sup> was included in the meeting packet regarding the City's participation in legal action with several other Missouri cities that has resulted in two recently passed State laws, HB 331 and HB 345 that were to take effect on August 28<sup>th</sup> and having a final judgment issued on October 17<sup>th</sup> by the Cole County Circuit Court blocking their enforcement. This judgment could be appealed to the State Supreme Court and will probably result in new legislation being proposed in the 2014 legislative session.

**EMPLOYEE BONUSES**

**CODE ENFORCEMENT**

Arbuthnot requested the already budgeted City employee Christmas bonuses for \$135.00 be approved. Motion was made by Burg, seconded by Brown to approve bonuses. Motion passed unanimously by a show of hands.

**MAYOR**

Code Enforcement Officer Wheatley gave the code enforcement report.

**COUNCIL MEMBERS**

**BROWN**

Mayor Malan had nothing to report.

**PHILLIPS**

Brown called a Public Safety Committee meeting before the next Council meeting.

**BURG**

Phillips welcomed Corey Snead and thanked the Police Department for a job well done.

**STARK**

**WEIL**

Burg had nothing to report.

**AGNEW**

Stark had nothing to report.

**MCVEY**

Weil had nothing to report.

**DUBRAY**

Agnew reported that some concerned citizens had questioned the incorporation date of the City of Butler.

McVey had nothing to report.

**NEW BUSINESS**

DuBray had nothing to report.

Arbuthnot asked Council to consider an agreement with the Missouri Department of Economic Development for funding of the Community Development Block Grant (CDBG) application that was approved for the demolition of 35 residential and 3 commercial unsafe structures in Butler. The CDBG funding was approved for \$195,625 with the City local matching funds of \$50,000 which were included in the budget and an additional in kind amount of \$13,675 for City inspection and site cleanup for a total project cost of \$259,300. Kaysinger Basin Regional Planning Commission was pre-approved by the City and the Missouri Department of Economic Development to help with the administration of the grant. Motion was made by Phillips, seconded by McVey to approve the agreement. Motion passed unanimously by a show of hands.

Diehl requested to purchase a pool vacuum for the Aquatic Center. The low bid was \$4,350. Motion was made by McVey, seconded by Stark to approve the purchase. Motion passed unanimously by a show of hands.

He also requested to purchase a Point of Sale system for the Aquatic Center concession. The low bid was \$2,849. Motion was made by Phillips, seconded by Stark to approve the purchase. Motion passed unanimously by a show of hands.

Bids were taken for the purchase of the Fire Department tanker truck. Volunteer Fireman Doug Wix requested Council to accept the low bid of \$164,230 from Deep South. Motion was made by Burg, seconded by McVey to purchase the truck from Deep South. Motion passed unanimously by a show of hands. Financing bids were also taken for the purchase of the truck. Security Bank was the low bid at 2.5%. Motion was made by McVey, seconded by Burg to accept the financing from Security Bank. Motion passed

unanimously by a show of hands.

Arbuthnot requested to purchase a new bucket truck for the Electric Department. The purchase price is \$52,500 which was not budgeted. The funds will be taken from line system improvements. Motion was made by Burg, seconded by Phillips to purchase the truck. Motion passed unanimously by a show of hands.

Arbuthnot asked the Council to consider a proposal from B&L Electric for installation of the City's interconnection facilities for the Solar Farm. The City is providing the materials needed for the interconnection facilities. B&L Electric worked on the design of the interconnection facilities with Bob Noel with Engineering Associates. The budget includes \$215,000 to fund the interconnection facilities materials and installation costs. Motion was made by Phillips, seconded by Burg to approve the installation. Motion passed unanimously with a show of hands.

**ADJOURNMENT**

There being no further business, motion was made by Brown, seconded by Phillips 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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Casey Koehn  
City Clerk