

CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
NOVEMBER 19, 2013

The Butler City Council met in regular session on Tuesday, November 19, 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

Chad Anderson, Lee Anna Schowengerdt, and Linn Nitsche were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by McVey to approve the minutes of the regular session of November 5, 2013. Motion passed unanimously by a show of hands.

Motion by McVey, seconded by Dubray to approve the bills presented for payment. Motion passed unanimously by a show of hands.

Motion was made by Brown, seconded by Phillips to add a closed session to discuss personnel matters at the end of the meeting.

SCHEDULED GUESTS

**LEE ANNA SCHOWENGERDT-
CHAMBER-CHRISTMAS LIGHTS**

Lee Anna Schowengerdt (Butler Chamber) requested that the Christmas lights be turned on Nov 25th for ladies night out on the square and left on. She also requested to have a 'countdown' on Dec 7th for the annual Christmas parade. Motion was made by Agnew, seconded by Brown to approve the request. Motion passed unanimously by a show of hands.

**CHAD ANDERSON- CHAMBER-
BBQ AND HUCKSTER'S DAY**

Chad Anderson (Butler Chamber) requested to hold the annual Chamber BBQ contest and Huckster's Day on the Butler square on the same weekend. Lee Anna Schowengerdt polled the business owners and only had 2 that were opposed. The square would have to be shut down from Thursday night until the end of the contest. After much discussion, it was decided to hand the issue over to the City Owned Facilities Committee.

COMMITTEES

PUBLIC SAFETY COMMITTEE

Phillips reported that the Public Safety Committee met prior to the Council meeting to discuss changing city code to require renters to have utilities in their names instead of the property owners'. After much discussion, Phillips recommended to fine tune the communication between the Fire Chief and the Code Enforcement Officer and to leave the code as is with more enforcement of it.

BOARDS & COMMISSIONS
PARK AND REC

Arbuthnot reported that the Park and Recreation Commission met on Thursday, November 7th at noon at City Hall. They discussed plans for Sunset Park regarding vehicle parking, a shelter, a playground structure and perimeter fence locations.

SUNSET PARK

Recommendation was made to City Council to proceed with the installation of the playground structure donated by the developer and to defer the shelters for North Park and Sunset Park to next year's budget. Motion was made by McVey, seconded by Stark to approve recommendation. Motion passed unanimously by a show of hands.

**CHRISTMAS LIGHTING
CONTEST**

Motion was made by Phillips, seconded by McVey to approve the Christmas lighting contest based on electric bill credits of \$100 for first place, \$75 for second place and \$50 for third place and that all contest entries would receive a \$10 credit. Motion passed unanimously by a show of hands.

FENCE SUNSET PARK

Motion was made by Phillips, seconded by Stark to install the 6' fence at Sunset Park. Motion passed unanimously by a show of hands.

The Commission approved the use of banner and event fund raising fees collected for infield dirt work on Osage Field and pitcher's mound and work on East Field and Comets Field, estimated at \$500.00.

REPORTS

CITY ADMINISTRATOR

City Administrator Arbuthnot reported that the Mayor and City Council toured the River Pump Station, City Lake, Water Treatment Plant and Wastewater Treatment facilities on November 11, 2013.

He also reported that Dan Vogel, attorney with Cunningham, Vogel & Rost, P.C. has advised the City that an appeal to the October 17th judgment issued by the Cole County Circuit Court blocking the enforcement of HB 331 and HB 345 has been filed by the State of Missouri with the Missouri State Supreme Court. An appeal has been filed by AT&T in the Court of Appeals relating to the denial of intervention by the Cole County Circuit Court.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley gave the code enforcement report.

MAYOR

Mayor Malan reported that the Taxi Dinner was wonderful.

Mayor appointed citizens to the following Boards and Commissions:

Airport Commission: Dennis Jacobs (2016) and Brad Vermaas (2016)

Police Personnel Board: Danny Robinson (2017)

Planning Commission: Vicki Daniel (2017), Denny Rich (2017), and Marna Tucker (2017)

Zoning Board of Adjustment: Ernie Koehn(2014)

Park and Recreation Commission: Scott Mallatt (2016) and Marna Tucker (2016)

Industrial Marketing Commission: Terry Davis (2014), Corey Snead (2014), Danny Robinson (2016) and Denny Rich (2016)

Cemetery Commission: Carol Henry (2015)

Neighborhood Advisory Commission: Carol Henry (2015), Crystal Treadwell (2014), Terry Davis (2016), Vicki Daniel (2014), Bill Nieder (2017), Stella Nieder (2015), Corey Snead (2016) and Linn Nitsche (2015)

COUNCIL MEMBERS
BROWN

Brown had nothing to report.

PHILLIPS Phillips reported that City facilities tour was great.

BURG Burg reported that City facilities tour was great.

STARK Stark reported a nuisance at 307 W Dakota.

WEIL Weil asked when the light poles around the Square were going to be fixed.

AGNEW Agnew reported that the Taxi Dinner was great.

MCVEY McVey had nothing to report.

DUBRAY DuBray had nothing to report.

NEW BUSINESS
NONE

ADJOURNMENT There being no further business, motion was made by Brown, seconded by Phillips to adjourn the regular meeting and go into closed session. Roll Call:

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

ATTEST _____
Mayor Don H. Malan

Casey Koehn
City Clerk