

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
FEBRUARY 16, 2010**

The Butler City Council met in regular session on Tuesday, February 16, 2010 at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio, with Mayor Cook presiding. The following Councilmen were present:

ROLL CALL

David Brown	Brian Phillips
Justin Osburn	Pat Simons
Don Malan	Jim Fisher
Bob Schnoebelen	Doug Wix

OTHERS PRESENT

Others present were City Administrator Mark Arbuthnot, Police Chief Garnett, City Clerk Casey Koehn, and Barb Scrogam.

OTHER GUESTS

Other guests present to observe the proceeding were Eugene Miller, Edwin Nelson, Roland G Hardie, and Jim Baldwin

APPROVE CONSENT AGENDA

**MINUTES AMMEDNED TO SHOW
ATTORNEY THOMAS CHANGES
FOR FEB 2**

City Clerk Koehn brought before the council a request made by the City Attorney Thomas requesting the minutes of Feb 2, 2010 be corrected; with the following information: There was some discussion as to whether the whole council or a committee would review the proposals for City Attorney, and conduct the interviews; after some discussion a motion was made to revise the Feb 2, 2010 minutes. Motion made by Wix, seconded by Malan. Motion passed unanimously by a show of hands.

Motion by Osburn, seconded by Brown to approve the minutes of the regular session of February 2, 2010 with the change. Motion passed unanimously by a show of hands. Motion by Phillips, seconded by Wix to approve the bills excluding Don's Tire and Service and Butler Tow. Motion passed unanimously by a show of hands. Motion by Fisher seconded by Wix to approve bills from Don's Tire and Service and Butler Tow. Motion passed unanimously by a show of hands with Malan and Osburn abstaining. Motion by Wix, seconded by Phillips to approve travel and training. Motion passed unanimously by a show of hands.

OPERATIONS COMMITTEE

**BARBARA AARON PROPERTY
OSAGE VALLEY**

The Operations Committee met following the Feb 2nd Council meeting to discuss the request by Barbara Aaron to transfer to Osage Valley Electric Cooperative for electric service. Admin Arbuthnot met with Osage Valley on 2-11-

10 about taking over the Aaron property. Osage Valley asked for a formal request for compensation regarding the service request by Barbara Aaron. Admin Arbuthnot will research this information and send a letter to Osage Valley for their consideration. Other items discussed with Osage Valley included the development of a territorial agreement to deal with future service issues, the solar farm that is being considered for the Industrial Park, and the City connecting to the electrical substation south west of the City.

BOARDS AND COMMISSIONS
PARK AND REC COMMISSION

The Park and Recreation Commission met on February 4th at 12:00pm at City Hall. It was reported there was not a quorum. Reported that Scott Bitner is working on the slide at the aquatic center, and is considering punch cards for admission and concessions.

AIRPORT COMMISSION

The Airport Commission met February 4th at 6:30pm at City Hall. There was not a quorum, so agenda items were reviewed and these included year to date financial reports and a meeting with the engineer from Burns & McDonnell, Ryan Manning to discuss the proposed projects in the Five Year Capital Improvement Plan (CIP). Robert Griffey was also in attendance at the meeting to discuss building additional hangars at the Airport with the commission. He was advised by the commission that anyone wishing to build hangars should submit a plan to them for consideration. A special Airport Commission meeting will be held on March 11, 2010 at 6:30p.m.

REPORTS
CITY CLERK

City Clerk Koehn asked the council if everyone had taken a look at the city website. Koehn asked if anyone had any suggestions for the website, also some time in the future she would like to get pictures of all the council men and the mayor for the website. Koehn stated it took a lot of hard work to get the website up and running, and Trish Thomas did a lot of the work and will be maintaining the website in Clerk Koehn's absence.

CITY ADMINISTRATOR

**WATER DISTRICT #4 POSSIBLY
LEAVING THE CITY**

Terry Maguire, President of Public Water Supply District # 4, called the City Administrator to advise the City that they were going to start purchasing water from Public Water Supply District # 2 in approximately (60) days. The Public Works/Utility Director, Trent Diehl is going to contact the water district to obtain more information about their plans to change water suppliers. An evaluation will be made to

determine what effect this will have on water revenues when additional information is available.

Councilman, Justin Osburn spoke with the School District and they are very supportive of forming the joint ad hoc committee to explore ways to share and maximize resources.

After some discussion about forming a joint committee with the school, a motion was made by Brown and seconded by Simons to appoint Justin Osburn & Jim Fisher to the committee. Motion passed unanimously by a show of hands.

The RFP for City Attorney and Prosecuting Attorney services was published in the newspaper on February 12, 2010. Also three attorneys who had expressed interest in submitting proposals for services have been provided the RFP as well as the current City Attorney/Prosecuting Attorney Diana Thomas. The proposals are due back by 5:00 p.m. on February 25, 2010 and will be provided to the City Council at their March 2, 2010 meeting for review.

Two letters are included in the packet from the City Attorney Diana Thomas regarding the review and selection process by the city council, and a response to the Impound Lot. Administrator Arbuthnot reported Osburn withdrew his proposal for the tow lot. In the letter from City Attorney Thomas, she stated that in October 2008 at the direction of the Mayor, and the City Administrator, and the City Clerk she filed an ethics complaint against Justin Osburn. The Mayor and the City Administrator stated they were not involved and they take exception to this, City Administrator also stated the City Clerk at the time was not involved either. City Attorney Thomas letter also requested Osburn and Simons abstain from any participation or discussion in the interview and selection process, she believes that Osburn and Simons cannot make an impartial decision concerning her submission for this position.

The consensus of the Council was to let Osburn and Simons participate in the reviewing and selection of a City Attorney/Prosecuting Attorney. The Mayor felt that ward 2 would not be represented if they were not to participate. Simons reported on oil burning furnaces.

Simons asked about possibly getting programmable thermostats for areas not used on a daily biases. Also asked about removing the cars off the square at night during snow removal.

AD HOC COMMITTEE

RFP CITY ATTORNEY/PROSECUTING ATTORNEY

COUNCIL MEMBERS

NEW BUSINESS

HEISE-MEYER AGREEMENT

Consider renewal of broker agreement with Heise-Meyer Commercial Real Estate for them to assist the City in selling the spec. building and the other Industrial Park property owned by the City. Motion was made to renew agreement with Heise-Meyer by Malan, seconded by Schnoebelen. Motion passed unanimously with a show of hands.

FIRE DEPT GENERATOR

Consider bids for a generator for the Fire Department and Emergency Management. Administrator Arbuthnot received 3 bids, 1 local, and 2 from out of town. It was decided to keep it local. A motion was made to buy a generator from Mid-West lumber by Schnoebelen seconded by Phillips. Motion passed unanimously with a show of hands.

Motion was made by Malan, seconded by Brown to adjourn meeting.

Mayor Jerry L. Cook

ATTEST

City Clerk Casey Koehn