

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MAY 4, 2010

The Butler City Council met in regular session on Tuesday, May 4, 2010 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	
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix- Arrived at 7:11pm

OTHERS PRESENT

Others present were Police Chief Garnett, City Administrator Mark Arbuthnot, City Attorney Tom Addleman, Barb Scrogam

OTHER GUESTS

Other guests present to observe the proceedings were Eugene Miller, Terrence Wilson, Dave Malone, Chris Cook, Denny Rich

MAYOR APPOINTMENTS

Burg made motion, seconded by Simons to approve the appointments to the Boards, Commissions and Committees. Motion Passed unanimously by a show of hands.

APPROVE CONSENT AGENDA

Motion by Brown, seconded by Boyd to approve the minutes of the regular session of April 20, 2010 and the special session of April 29, 2010. Motion passed unanimously by a show of hands. Motion by Fisher, seconded by Phillips to approve bills. Motion by Simons, seconded by Brown to approve travel and training. Motion passed unanimously by a show of hands.

SCHEDULED GUEST
CHRIS COOK BUTLER MILLING

Chris Cook of Butler Milling requested the use of the Spec Building for temporary storage of large items for 90 days. After some discussion, motion was made by Phillips, seconded by Burg to allow Butler Milling to use the Spec Building at no charge with proof of insurance. Motion passed unanimously by a show of hands.

BOARDS AND COMMISSIONS
PLANNING COMMISSION

Planning Commission held a special meeting on Thursday, April 29th at noon at City Hall to conduct a public hearing on the proposed amendments to the Floodplain Management Regulations. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend the proposed amendments and the Firm Flood and Insurance Rate Maps be approved by the City Council. These recommendations were approved at the special city council session on April 29, 2010.

REPORTS

POLICE CHIEF
PRESS CONFERENCE

Chief Garnett reported he had been invited to a press conference at Troop A Missouri Highway Patrol headquarters at 10:00am on May 5, 2010 in regards to the investigation of a tractor trailer theft ring led by his department and several law enforcement agencies.

CITY ATTORNEY
VETERINARY CONTRACT

City Attorney Addleman followed up with Dr. Sage DVM and presented him with a contract, stating it was short and simple. After Sage has agreed to the terms, Chief Garnett will be bringing the contract to the council and the mayor for approval.

K2 DRUG

Addleman reported on a new designer drug called k2; he stated they have already had some dealings with this drug. Addleman will be proposing an ordinance for the mayor and council to approve in the future to outlaw this drug in Butler.

CEASE AND STALE ACCOUNTS

Addleman also reported on the Cease and Stale Accounts receivable stating the amount is 42,300.00. In the future he will have this amount broken up by case and will be bring the information to the mayor and council on whether to write off or not. Some of the people who owe the fines are either dead or no longer living in the area.

CITY ADMINISTRATOR
AFFORDABLE HOMES

Affordable Homes provided documentation to the City Administrator on April 26th showing they have financing approval from the Missouri Housing Development Commission for the development of (19) single family homes in the Park West Addition in Butler. This was a condition included in the agreement with the April 30, 2010 deadline that the City Council had previously approved to provide the (19) lots for the construction of the single family homes. On April 26th Mayor Don Malan signed the General Warranty Deed deeding this property to Affordable Homes for it to be used for the construction of the (19) homes.

**STREET IMPROVEMENTS PARK
WEST ADDITIONS**

Work continues on the street improvements in the Park West Addition. The asphalt work is tentatively scheduled to be completed by the middle of May.

METHODIST CHURCH

The Street Department is working on replacement of the parking area in front of the United Methodist Church located at 205 West Ohio St. The church is paying all of the material costs and the City is providing the labor and equipment to complete the work.

COMMUNITY PROFILE SHEETS

The updated City of Butler Community Profile Sheets are included in the packet. These are provided to people and businesses requesting information about the City.

SINKHOLE WATER & FT. SCOTT

Arbuthnot reported on the sinkhole at Water and Ft. Scott where some of the stones let go in the storm drain due to lack of support. Arbuthnot stated the street is back in order.

MAYOR
NEW COMMITTEE

Mayor Malan stated the perception of our city is looking bad. During the campaign as he walked the town he saw that 20% of the town looks real bad. Mayor Malan reported he is starting up a new committee with councilman Burg as the chairman and one person from each ward to work in conjunction with code enforcement officer Denny Rich. Mayor Malan stated we all need to work together to improve the City of Butler. At the next meeting Mayor Malan will be announcing the people from each ward.

COUNCILMEMBERS
BROWN

Brown-complaints of tall grass at 301 E. Pine, Pine & Broadway, trash at Mill & Austin. Brown asked about the letter that had been sent to the mayor and councilmen from Terri Norman and if a reply had been made to her. Attorney Addleman stated he will be responding to the letter.

PHILLIPS

Phillips thanked Chief Garnett for doing a good job in obtaining the grants he has received.

BURG

Burg-will be turning in the nuisance he has to the Police Dept.

SIMONS

Simons stated he liked having the pledge of allegiance added into the meetings. Complaints-tall grass at 402 Pine, Maple & Park, 413 & 415 College junk on curb, Maple & Harrison pile of concrete. Agrees on the committee to clean up the city.

FISHER

Fisher-tennis court has grass growing up in the cracks on the court, weeds on the side of city hall. City crew doing a good job at the Methodist Church.

BOYD

Boyd-commented on the good job the Sheriff and his staff have done on the landscaping at the jail.

WIX

Wix-sorry he missed the start of the meeting. Doing the pledge of allegiance is a good way to start the meeting.

NEW BUSINESS
DELINQUENT REAL ESTATE
AND PERSONAL TAX

The delinquent real estate and personal property tax information that was previously provided at the April 6th City Council meeting by the City Clerk needs to be accepted as it was presented. Motion made by Wix, seconded by Fisher to accept delinquent real estate and personal property tax information. Motion passed unanimously by show of hands.

RELAY FOR LIFE BAKE SALE

The Family Chiropractic Clinic located at 9 N. Main St. and Heartland Hospice have made a request to hold a bake sale on Monday, May 10th from 9:00 a.m. to 4:00 p.m. on the sidewalk in front of the office to help raise funds for the Relay for Life. Motion made by Wix, seconded by Phillips to approve

the Relay for Life bake sale on May 10, 2010. Motion Passed unanimously by show of hands.

REFUNDING AQUATIC COP

Refunding Aquatic Center Certificates of Participation. By refunding these at a lower interest rate the City will realize a savings in the funding needed to repay the remaining outstanding bonds and interest. Included in the packet is an agreement from Dave Malone with DeWAAAY Financial Network to provide Financial Advisor services to assist the City in the refunding. Also included in the packet is an Engagement Letter from Randy Irely with Gilmore and Bell to provide bond counsel services to the City for the refunding. The fees associated with these services are paid from the bond proceeds of the refunding. Approval of these agreements is needed to move forward with the refunding. Dave Malone was at the meeting to provide information and answer any questions from the council regarding the refunding. Motion made by Fisher, seconded by Phillips to approve DeWaay as financial advisor and option 2. Motion passed with Burg abstaining. Motion made by Simons, seconded by Fisher to approve Gilmore & Bell as bond council. Motion passed unanimously by a show of hands.

WARRANTY DEED

The City needs to approve a General Warranty Deed with MoDOT for shifting and widening an existing entrance for the Highway 52 and Fran Ave. improvements. A copy of the deed is included in the packet for City Council consideration. Motion by Burg, seconded by Wix to approve General Warranty Deed. Motion passed unanimously by a show of hands.

ADJOURNMENT

There being no further business, motion was made by Brown, seconded by Wix to adjourn meeting.

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook

