

**CITY OF BUTLER**  
**MINUTES OF A MEETING OF THE CITY COUNCIL**  
**MAY 18, 2010**

The Butler City Council met in regular session on Tuesday, May 18, 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   |

**OTHERS PRESENT**

Others present were City Administrator Mark Arbuthnot, City Clerk Mary Jo Cook, Public Works Director Trent Diehl and Barb Scrogam.

**OTHER GUESTS**

Other guests present to observe the proceedings were Eugene Miller, Dave Malone, Officer Denny Rich, Officer Jerret Wheatley, Nate Crist, David Crist, Kathy Crist and Michael Luckan.

**MAYOR APPOINTMENTS**  
**WARD 3 HAROLD WEIL**

Harold Weil was appointed as Ward 3 Councilman by Mayor Malan. Motion by Simons, second by Brown to approve the appointment of Weil. Motion passed unanimously with a show of hands.

**OATH OF OFFICE**  
**HAROLD WEIL**

City Clerk Mary Jo Cook administered the oath of office to Harold Weil, Councilman for Ward 3.

**ROLL CALL**

|                |             |
|----------------|-------------|
| David Brown    | Harold Weil |
| Brian Phillips | Jim Fisher  |
| Thom Burg      | Brian Boyd  |
| Pat Simons     | Doug Wix    |

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Boyd to approve the bills and the minutes of the regular session of May 6, 2010. Motion passed unanimously by a show of hands.

**ADDITIONS**  
**PARK WEST**

Consider Change order #1 on Park West Street improvements. Motion by Simons, second by Phillips. Motion passed

**SCHEDULED GUEST**  
**NATE CRIST EAGLE SCOUT  
PROJECT**

Nate Crist addressed the council, seeking approval to make the proposed improvements at the Boy Scout Hall for his eagle scout project. He will be seeking funding to install traffic control post, a bike rack and possible erosion control improvements to the creek bank. Motion by Burg, second by Brown to approve the proposed improvements. Motion passed unanimously with a show of hands.

**LUCAS RHOADES RELAY FOR  
LIFE 5K RUN**

Lucas Rhoades requested help with traffic control on June 5, 2010 between the hours of 9am to 1pm during a 5K run fundraiser for Relay for Life. The run will start at the high school and end at the high school. Motion by Burg, second by Phillips to approve the request for assistance from the police dept. Motion passed unanimously with a show of hands.

**MICHAEL LUCKAN TRACTOR  
AND PLOW**

Michael Luckan expressed his concern over a code violation and requested the city allow him to keep his tractor and plow parked in his driveway. After much discussion, it was decided that Mr. Luckan would store his plow in the back yard and the tractor would still be able to be parked in the driveway and stored in the back yard after the parade season.

**FINANCE COMMITTEE**  
**HEALTH/DENTAL EMPLOYEE  
PLAN  
PURCHASED POWER  
ADJUSTMENT**

Finance Committee met May 18, 2010 at 6:15pm to consider the renewal of the health/dental benefit plan for the City employees and to consider an increase in the purchased power adjustment used in computing the electric bills. Health/Dental insurance rates will be going up 12% with the monthly payment being 520.00 for single coverage paid 100% by the city. A 15% increase was budgeted. City Administrator Arbuthnot and Mary Jo Cook met with CBIZ, a consultant who has worked with the city in the past with health insurance and life insurance, in getting the best we can for the dollars we are spending. City Administrator recommended to delay action on the purchased power adjustment until the rated study is completed. The consensus of the council was to wait.

**BOARDS AND COMMISSIONS**  
**PARK AND RECREATION  
COMMISSION**

Park and Recreation Commission met on Thursday May 6, 2010 at 12pm. The topic of discussion was training more people to operate the pool. Pathways requested 60 free 1 day passes. The Youth Advocacy requested a \$20.00 discount on 20 of the 60 season passes they will be purchasing. The park board took action on these requests.

**REPORTS**  
**CITY ATTORNEY**  
**VETERINARY CONTRACT**

City Administrator Arbuthnot reported for City Attorney Addleman on the Veterinary contract. The contract should be completed in the near future.

**K2 DRUG**

Attorney Addleman has drafted an ordinance for the K2 drug. He passed the draft on to Chief Garnett and Officer Beshore. The ordinance should be ready for the next council meeting.

**CITY ADMINISTRATOR**  
**CITY WIDE CLEAN UP**

City Administrator Arbuthnot reported city wide cleanup for north of Ft. Scott St. South of Ft. Scott St. will be completed next week.

**DEMOLITION HEARINGS**

Hearings were held last week concerning the structures on the properties located at 305 N. Lyon St. and 604 E. Dakota St. The property owner of 305 N. Lyon St. is in the process of demolishing the structure and having it removed from the property. The property owners of 604 E. Dakota indicated that they were working on getting someone to demolish the structure and having it removed from the property. After the hearing transcript is completed in approximately two weeks, the City Administrator will make a determination as to what action the City will be taking regarding the demolition and removal of the structures on these two properties. The City Administrator has not received any information on the East Pine St. property.

**COMMERCIAL TREE TRIMMERS**

An issue was brought to the City Administrator regarding commercial tree trimmers not being able to dump tree limbs at the brush site. After discussing the issue, motion by Phillips, second by Wix to allow commercial tree trimming companies to dump tree limbs at the brush site as long as the trimmed property is within city limits. Motion passed unanimously with a show of hands.

**MAYOR**  
**NEW COMMITTEE**

Mayor Malan reported he has most of the people in place for the cleanup committee. They will be having their first committee meeting in a week to 10 days with Councilman Burg and Officer Rich.

**WEIL COMMISSION & BOARDS & COMMITTEE APPOINTMENTS**

Mayor Malan assigned Councilman Weil to the following commission and boards and committees: Finance Committee, Public Safety Committee, Planning Commission and Industrial Marketing Commission.

**COUNCILMEMBERS**  
**BROWN**

Brown welcomed Weil to the council. Brown stated the new committee should consider the worst code violation cases first. He also commented that the way people are approached would go a long way. Brown commented on what a fine job Officer Rich is doing and to continue to support Officer Rich and the new committee.

**PHILLIPS**

Phillips welcomed Weil to the council. Phillips also stated the Mayor had made an excellent choice in filling the Ward 3 councilman position. Phillips questioned the absence of the bear claws on the street and if the city painted those or if the school did this. It was pointed out there had been a complaint about the bear claws, so the school discontinued painting them on the street. Phillips stated he would like to see them back on the street because they showed outstanding school spirit.

**SIMONS**

Simons stated a building on the west side of business 71 is scheduled for

demolition. Simons reported code violations of tall grass at Mill and Sunset and also on Adams St. across from the old trailer court. Simons also reported there is an unlicensed car on Mill St.

**FISHER**

Fisher stated the Methodist Church street parking area looks great. Al Church & his crew did a superb job. No complaints.

**BOYD**

Boyd reported he would be getting with Office Rich with the code violations he has. Jayce Ghere contacted councilman Boyd about some land he would like to sell to the city. Boyd reported Betty Irwin spoke with him about the ditch on Delaware and Nursery. She reported the dirt is falling in and she is unable to continue mowing the ditch. Boyd stated there is a vacant lot on Mechanic St. with tall grass.

**WIX**

Wix welcomed Weil to the council.

**NEW BUSINESS**  
**REFUNDING AQUATIC COP**

Dave Malone with DeWaay Financial Services met with the council regarding the review of the Preliminary Official Statement and the Notice of Sale for the refunding of the Aquatic Center Certificates of Participation (COP). The COP bids will be received on June 1<sup>st</sup> at 10:00 a.m. and presented at the City Council meeting that evening for approval, along with the ordinance and other required documents. The closing scheduled is set for June 17<sup>th</sup>

**DeWAAY FINANCIAL SERVICES**  
**BIDDING**

DeWaay Financial Services requested the opportunity to participate in the bidding of the Aquatic COP's. Motion by Phillips, second by Simons to allow DeWaay Financial Services to participate in the bidding of Aquatic COP's. Motion passed unanimously with show of hands.

**HAY BIDS CITY FARM GROUND**

Two bids were received for the ten acres of city farm ground west of Oak Hill Cemetery. Randy Rader submitted a bid of \$5.15 an acre; Will Tucker submitted a bid of \$10.00 an acre. It was recommended that the bid from Will Tucker be accepted. No bid was submitted for the ten acres located by the City Lake. Motion by Wix, second by Brown to accept Will Tucker's bid of \$10.00 an acre. Motion passed with Simons abstaining.

**MPR HEALTH/DENTAL**

The city received information concerning the July 1, 2010 renewal of the MPR health/dental plans for the city employees. This will be the third year that the city will have used MPR for the benefit plan that is provided to the employees. Under the statutory requirements, the city is required to bid out employee benefit plan insurance at least once every three years. MPR is considered a pooling arrangement not insurance. It is considered exempt from the three year bidding requirement; however, it should be noted that MPR does purchase reinsurance coverage for the pool and this is bid out at least once every three

years so it does meet the statutory requirements for bidding purposes. The city has had good experience with MPR regarding claims administration and in assisting the city when questions have come up on the coverage's or payment of claims. It is recommended that the contract with MPR be approved for another year. Motion by Simons, second by Phillips to approve the renewal of MPR for another year. Motion passed unanimously with a show of hands.

**ADJOURNMENT**

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

---

Mayor Don H. Malan

ATTEST

---

City Clerk Mary Jo Cook