

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
JUNE 15, 2010

The Butler City Council met in regular session on Tuesday, June 15, 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	Harold Weil
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix-arrived at 7:14pm

OTHERS PRESENT

Others present were Police Chief Garnett, Public Works Director Trent Diehl and Barb Scrogam.

OTHER GUESTS

Other guests present to observe the proceedings were Eugene Miller, Mike Taranto, Pam Craft, Kermit Kauffman, Terry J. Davis, Diana Dee Thomas and Herman Thomas.

APPROVE CONSENT AGENDA

Motion by Phillips, second by Boyd to approve the minutes of the regular session of June 1, 2010. Motion passed unanimously by a show of hands. Motion by Brown, second by Phillips to approve the bills. Motion passed unanimously by a show of hands.

APPROVAL OF AGENDA
ADDITIONS OR DELETIONS
DIANA THOMAS

Motion by Simons, second by Brown to add Diana Thomas to the agenda. Motion passed unanimously by a show of hands.

SCHEDULED GUEST
KERMIT KAUFFMAN FAIR
BOARD

Kermit Kauffman, President of the Bates County Fair Board, inquired if the city would be interested in giving a discount on the electric rates during the fair week, also requested the use of the old bleachers at the baseball diamond and the horse shoe pitching area during the week of the fair. They would move the bleachers and would return the bleachers back to their proper location. Kauffman also inquired if the city would be willing to run electric lines underground to the Motor Cross area. The Fair Board is planning to schedule more events and would need electricity in this area for those events in the future. It was the consensus of the council to confer with City Administrator Arbuthnot on the correct procedure for electric discounts. It was the consensus of the council to allow the fair board to use the bleachers.

PAM CRAFT BUTLER SADDLE
CLUB RODEO PARADE

Pam Craft requested to have the annual Butler Saddle Club rodeo parade on the square Saturday June 19, 2010 at 12:00 pm. Craft also informed the council that Dodge Rodeo would be at the rodeo this year Dodge Rodeo

supports the Tough Enough to Wear Pink breast cancer awareness program. So anyone wearing pink on Saturday night will have 25 cents off his or her ticket price donated to Tough Enough to Wear Pink program. Max Motors will be matching the funds collected on Saturday evening. All money received from the breast cancer awareness program will go to Bates County Memorial Hospital for mammograms. Motion by Burg, second by Simons to approve the annual Butler Saddle Club rodeo parade. Motion passed unanimously by a show of hands.

**PASTOR TERRY DAVIS SOCCER
CAMP**

Pastor Terry Davis from the First Baptist Church requested Rose Lane be closed between the hours of 8:30 am to 12:30 pm July 5-9 for a soccer camp. Pastor Davis explained that no homes would be inconvenienced by the closing of Rose Lane. Motion by Simons, second by Brown. Motion passed unanimously by a show hands.

**DIANA DEE THOMAS K-2
ORDINANCE**

Diana Dee Thomas informed the council that the new K-2 ordinance as it stands is not valid. She stated on paragraph 5 the fine of \$5000.00 is incorrect for Butler as a 3rd class city. Thomas stated the state statute for a 3rd class city fine is \$500.00. Thomas also stated in paragraph 8 subsection, a); a municipality cannot prosecute a felony, only a misdemeanor. Thomas also stated violations for a first time offender and a third time offender are the same penalty. The council determined to have the present City Attorney look into the ordinance.

**BOARDS AND COMMISSION
PARK & REC
FAMILY PASSES**

The Park/Recreation Commission met on June 3, 2010 at noon at City Hall. They removed the requirement for a family pass at the Aquatic Center that parents had to show their last year's tax return with the number of dependent's or provide an 8332 tax form indicating the parent's custody of the children. No proof of dependents will be required to obtain a family pass. The commission discussed with Johnny Teeman his concerns with the lifeguard training requirements and the cold weather/water conditions that prevented his son, Jayce Teeman, from being able to complete those requirements for employment as a lifeguard at the pool. The Park and Recreation Superintendent, Scott Bitner reviewed his monthly activity report with the commission.

**RESOLUTIONS
BANK SIGNATURES**

Consider Resolutions for authorizing signatures on City bank accounts at Community First Bank. Motion by Wix, second by Phillips to approve the resolutions. Motion passed unanimously by a show of hands.

**REPORTS
MAYOR
PARK WEST**

Mayor Malan report for Administrator Arbuthnot while on vacation. The asphalt work for the street improvements in Park West were completed by the contractor on Friday, June 4th. Additional asphalt was used to overlay on Birch St. from Wix Lane to High St. but there was a reduction in asphalt material used on part of Park Lane from Wix Lane to High St. which was not overlaid. It should be noted again that City employees were used to complete sub-grade work in several problem areas to help reduce costs for the project. The City needs to complete some drainage work on Park Lane and adjust some

manhole rings and covers to complete the project.

AQUATIC COP

All of the required documents have been submitted for the refunding of the Aquatic Center Certificates of Participation to be completed on June 17, 2010.

**COMMUNITY PRIDE
COMMITTEE**

Mayor Malan gave a report on the Community Pride committee which met on June 14, 2010 at 2pm. The Community Pride committee will be meeting on the 1st and 3rd Mondays of the month at 2pm. The committee members are Thom Burg-council rep, Walter Wright, Bob Conley, Betty Robey and Joe Fuller. Mayor Malan informed the council that the first meeting went very well.

**COUNCILMEMBERS
BROWN**

Brown reported tall grass at 301 E. Pine St. and at the corner of Austin & Walnut.

PHILLIPS

Phillips reported tall grass at 609 N. Main St. He also had a citizen inquire about the progress of the private sewer lines. Phillips explained to the citizen that the council is waiting for the report on the sewers.

BURG

Burg reported weeds across from the high school in the water shed ditch and weeds on Mill St. On the corner of Pine & High St. there are weeds and 4 trailers full of old junk. Burg informed Trent Diehl there were weeds around the square and down the curbs in each direction off the square. The city crew had the weeds taken care of within 3 days. Not seeing any progress on the other complaints.

SIMONS

Simons stated he is done with code enforcement. There seems to be no progress in the complaints that were turned in 6 weeks ago. On the Les Akers property, the grass around the stop sign needs to be mowed.

WEIL

Weil reported the right of way at Fawn Dr & Willow Lane has tall grass. Weil complimented the people who are working on cleaning up their homes.

FISHER

Fisher stated the habitat lot will get mowed this week.

BOYD

Boyd reported on the lot at Atkinson & Main where there is a burned house. The lot was mowed, which resulted in it looking shoddier than before.

WIX

Wix second Weil compliment; a lot of people are doing a fine job in keeping their homes cleaned up. Wix inquired into the high gas bills from Atmos. Wix also inquired about all the pot holes on Pine and Nursery St. and Delaware and Nursery, also questioned about the overhanging tree limbs.

**NEW BUSINESS
COUNTRY CLUB ADDITION
ELECTRICAL UPGRADES**

Consider proposed electrical system upgrades for the Country Club Addition. This work was included in last year's budget at an estimated cost of \$60,000, but was not completed. This expenditure was not included for the current year budget; however, because the funds were not expended last year they are still available. A budget amendment may need to be considered for the expenditures and this will be determined later in the budget year. Information

is included in the packet regarding the materials needed for completion of the work and the overhead line work that would be contracted out to B&L Electric. The Electric Distribution Department would be installing the new underground electric line. This work will replace the current underground line that is approximately 30 + years old that serves the Country Club Addition and upgrade the system voltage which will reduce the line loss. It is proposed that the City obtain an easement from the Butler Country Club. If an easement can't be obtained from the Butler Country Club, then the work would be completed within the existing easements for the affected properties. After much discussion it was decided to take this matter to the Operations Committee who will meet on July 6th at 6:30 pm.

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