

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
August 17, 2010

The Butler City Council met in regular session on Tuesday, August 17, 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-Absent	Harold Weil
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

OTHERS PRESENT

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

OTHER GUESTS

Eugene Miller Jr, Paula Payne, Carl Bordelon, Brandon Plunkett, Jack Bearce, Denny Rich, Al Church, Melody Thornton and Rob Fritts.

APPROVE CONSENT AGENDA

Motion by Phillips, second by Fisher to approve the minutes of the regular session of August 3, 2010. Motion passed unanimously with a show of hands. Motion by Simons, second by Boyd to approve the bills. Motion passed unanimously with a show of hands. Motion by Burg, second by Simons to approve travel and training. Motion passed unanimously with a show of hands.

APPROVAL OF AGENDA
ADDITIONS OR DELETIONS
RESOLUTION NO. 361

Motion by Simons, second by Boyd to add Resolution #361 to the agenda. Motion passed unanimously with a show of hands.

SCHEDULED GUEST
ROB FRITTS/BEAR PAWS

Rob Fritts spoke on behalf of the Butler Cheerleaders requesting permission to paint Bear Paws on Nursery St. Motion by Burg, second by Phillips to grant permission to paint the Bear Paws on Nursery St. Motion passed unanimously with a show of hands.

BRANDON PLUNKETT/BBQ

Brandon Plunkett reported on the Butler Police Officers Association annual BBQ. Plunkett explained the BBQ was graded and the only negative they have received is there are not enough water hydrants. Plunkett asked the council to consider helping with the installation of additional hydrants at the fairgrounds for the upcoming BBQ. Plunkett reported the Association did not have enough revenue at this time to pay for the \$5000.00 expenditure but the Association would be able to pay if the cost could be spread out over a time period of 5 years. Motion made by Burg, second by Phillips to help with the water hydrant project and to allow repayment of the material cost over a five year period. Motion passed unanimously with a show of hands.

CARL BORDELON & PAULA
PAYNE
604 E. DAKOTA DEMOLITION
EXTENSION

Carl Bordelon and Paula Payne requested an extension for the demolition of the house located 604 E. Dakota. Bordelon and Payne explained they are working on getting the house cleaned out and then will proceed with the demolition of the house. Bordelon stated it would save the City around

\$6000.00 if the extension would be granted. Council expressed their admiration for what they are trying to accomplish. Motion by Simons, second by Boyd to grant an extension on a month by month basis with the month beginning August 18, 2010. Motion passed unanimously with a show of hands.

ROB FRITTS

Rob Fritts spoke on behalf of the Butler Bear Backers asking council to consider allowing another Go Kart race at the fairgrounds as a fund raiser. Fritts thanked the council for their support for last year's Go Kart race. Fritts reported the event raised \$21,000.00 with a net of \$14,000.00; \$13,000.00 was spent on the weight room at the high school. This year they would like to buy new uniforms for all the sports programs and the cheerleaders. Motion by Burg, second by Wix to allow the Bear Backers to put on a Go Kart race on September 18, 2010 at the fairgrounds. Motion passed unanimously with a show of hands.

COMMITTEES

FINANCE COMMITTEE

The Finance Committee met August 17, 2010 at 6:00 pm to discuss the proposed Property Tax Levy for 2010. The Finance Committee recommended keeping the current rate of \$.6455 per \$100 valuation.

CITY OWNED FACILITIES

COMMITTEE

CITY OWNED FACILITIES COMMITTEE AND CITY OPERATIONS COMMITTEE STREET IMPROVEMENTS

The City Owned Facilities Committee and the City Operations Committee met August 17, 2010 at 6:30 pm to review the proposed infrastructure projects. Burg reported there is \$50,000.00 in the budget this year for street improvements.

WATERLINE

Burg also reported 1200 ft of new water line is needed on West 52 between Sonic and the Sutton property with new hydrants needing to be installed.

COUNTRY CLUB EASEMENT

A letter needs to be sent to the Butler Country Club Addition for their approval of the proposed easement; so as to proceed with the proposed installation of new utility lines.

WASTE WATER TREATMENT PLANT

The Waste Water Treatment Plant was issued a new discharge permit with Interim Effluent Limitations on March 28, 2010 by DNR. In order to complete these required improvements the City will need to hire an engineering consultant to assist with evaluation, design and installation of the required improvements. There is a balance of \$209,000.00 left from the 2001 State Revolving Loan which these construction funds are available to spend on wastewater projects. Motion by Fisher, second by Simons to implement the proposed projects. Motion passed unanimously with a show of hands.

NEIGHBORHOOD ADVISORY COMMITTEE

Burg reported on the Neighborhood Advisory Committee. Burg stated warning tickets will be given out for tall grass and, if after a certain amount of time the grass is not mowed, a ticket will be issued. Neighborhood Advisory Committee would like to see the nuisance ordinance updated. They would also like the building permits followed up on.

BOARDS AND COMMISSIONS PARK AND RECREATION COMMISSION POOL CLOSINGS

Park and Recreation Commission met August 5, 2010 at 12:00 pm. Items discussed included operational problems at the pool concerning closing eight times this year for children having toilet accidents/problems in the pool and children being left without supervision at the pool all afternoon. The

commission also discussed issuing pool passes with pictures on them. It was reported there were discussions by the youth football association concerning erecting a storage building at the youth football field.

**AIRPORT COMMISSION
TAXIWAY/APRON CRACK SEAL
AND SEAL COAT PROJECT**

Airport Commission met August 12, 2010 at 6:30 pm. The Airport Taxiway/Apron Crack Seal & Seal Coat Project was discussed with the engineer, Ryan Manning. The Airport Commission is recommending to the City Council that the State Block Grant Agreement be approved and the project be advertised for bid with both of these approvals contingent on adequate funding being provided by MoDOT to fund 95% of the estimated costs to complete the project. The total estimated project cost is \$172,782.00 and the City share would be 5% or \$8,639.11. The commission also discussed the farm ground lease that had expired June 24th and they decided to request bids. This will be advertised in the newspaper.

**BILL ORDINANCES &
RESOLUTIONS**

RESOLUTION NO. 361 A RESOLUTION OF THE CITY OF BUTLER, MISSOURI, ADOPTING A POLICY FOR REPLACEMENT OF FAILING PRIVATE SEWER LINE SYSTEMS THAT ARE NOT IN COMPLIANCE WITH CITY CODES. Motion by Phillips, second by Fisher to approve Resolution NO. 361. Motion passed unanimously with a show of hands.

**BILL NO. 2010-10 ORD NO. 914
1st READING**

Mayor Malan opened the public hearing for the 2010 Property Tax Levy. City Administrator Arbuthnot stated the proposed 2010 levy rate was \$.6455 the same as the previous year and the assessed valuation for property in the City had decreased. There being no public comments, Mayor Malan closed the public hearing.

Motion by Phillips, second by Wix for the first reading by title only of

**BILL NO. 2010-10 ORDINANCE NO. 914
AN ORDINANCE ESTABLISHING THE 2010 TAX LEVY FOR THE
CITY OF BUTLER**

Brown-Absent	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Aye	Boyd-Aye
Simon- Aye	Wix-Aye

**BILL NO. 2010-10 ORD NO. 914
2nd READING**

Motion by Fisher, second by Wix for the second reading by title only of

**BILL NO. 2010-10 ORDINANCE NO. 914
AN ORDINANCE ESTABLISHING THE 2010 TAX LEVY FOR THE
CITY OF BUTLER**

Brown-Absent	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Aye	Boyd-Aye
Simon- Aye	Wix-Aye

**BILL NO. 2010-10
ADOPT ORD NO. 914**

Motion by Wix, second by Boyd to adopt

**BILL NO. 2010-10 ORDINANCE NO. 914
AN ORDINANCE ESTABLISHING THE 2010 TAX LEVY FOR THE**

CITY OF BUTLER

Brown-Absent	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Aye	Boyd-Aye
Simon- Aye	Wix-Aye

BILL NO. 2010-11 ORD NO. 915
1st READING

Motion by Boyd, second by Fisher for the first reading by title only of
BILL NO. 2010-11 ORDINANCE NO. 915
AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 10-2010A1 FUDNING FOR THE BUTLER MEMORIAL AIRPORT TAXIWAY/APRON CRACK SEAL AND SEAL COAT PROJECT.

Brown-Absent	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Aye	Boyd-Aye
Simon- Aye	Wix-Aye

BILL NO. 2010-11 ORD NO. 915
2nd READING

Motion by Boyd, second by Fisher for the second reading by title only of
BILL NO. 2010-11 ORDINANCE NO. 915
AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 10-2010A1 FUDNING FOR THE BUTLER MEMORIAL AIRPORT TAXIWAY/APRON CRACK SEAL AND SEAL COAT PROJECT.

Brown-Absent	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Aye	Boyd-Aye
Simon- Aye	Wix-Aye

BILL NO. 2010-11
ADOPT ORD NO. 915

Motion by Boyd, second by Fisher to adopt
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Brown-Absent	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Aye	Boyd-Aye
Simon- Aye	Wix-Aye

REPORTS

CODE ENFORCEMENT OFFICER

Officer Rich reported he wrote tickets to Mr. Akers. Officer Rich believes they

are going in the right direction with code enforcement, explained there are some loopholes that need to be tightened up and some of the codes rewritten. He expressed his appreciation for the council's support.

**POLICE CHIEF
DOG DAYS**

Chief Garnett reported the officers made a lot of drug arrests this last month. Chief Garnett reported Thursday evening, August 19th is Dog Days on the square and Animal Control Officer Cecil will be doing an animal first aid safety program. Chief Garnett would like to allow the Animal Control Officer Cecil to take the animal control vehicle and a sign showing the event is being sponsored by the PD and the City. Motion by Burg, second by Phillips to allow the animal control vehicle and sign. Motion passed unanimously with a show of hands. City Administrator Arbuthnot stated no one had sought approval for the Dog Days event that he was aware of. He stated action needed to be taken to approve the event. Motion by Wix, second by Phillips to approve the Dog Days event on the square. Motion passed unanimously with a show of hands.

**CITY ADMINISTRATOR
SOLAR FARM**

City Administrator Arbuthnot met with representatives from Heise-Meyer, the commercial real estate company listing the spec. building in the Butler Industrial Park and with Pave Guard Technologies, Inc. to discuss the solar farm that was proposed for the industrial park area earlier the year. Additional information was provided by the City Administrator Arbuthnot concerning the City electric system. Another meeting was tentatively scheduled for the middle of September to review additional information to be provided from the Sun Carrier Corporation-the company that manufactures the solar panels.

PARK LANE

In the Park West Addition, the street needs to be extended on Park Lane approximately 40' and will be done at the developer's expense. Also a fire hydrant had to be moved at the developer's expense.

SOLAR POWER LIGHTS

Solar powered flashing lights have been installed on Ft. Scott St. for the school crossing.

**VANDALISM RIVER PUMP
STATION**

Vandalism at the river pump station on Friday. An air conditioner and the doors were damaged by a shot gun blast.

WAL-MART

City Administrator Arbuthnot and Public Works Director Trent Diehl will be meeting with a new Wal-Mart Engineer August 27, 2010.

MAYOR

Mayor Malan expressed his appreciation to the councilmen for their work on all the committees and to all the departments; stated he is proud of all of them.

**COUNCILMEMBERS
PHILLIPS**

Phillips-Hats off to the new Neighborhood Advisory Committee. Butler is at an avenue right now to step forward with some great strides and get the town cleaned up and the support is growing. Council gives support to Officer Rich for code enforcement. Phillips stated he is throwing his hat in for all the support of the Neighborhood Advisory Committee needs. Phillips also stated he likes to hear from Chief Garnett about the entire BPD making good strides in catching criminals.

BURG Burg-Thinks the Neighborhood Advisory Committee is great. There is some progress showing.

SIMONS Simons-Pro Seed building being torn down has stopped, looks bad might contact Mr. Winder as to why it stopped. Golf Course needs to mow the ditch and the ground they lease.

WEIL Weil-It's great to come to a meeting where the positive things should start here at the City Council and it seems like they are finely turned around and started. Everybody here is positive now and it will catch on.

FISHER Fisher-Congratulations to all departments for their hard work. No complaints.

BOYD Boyd-Council needs to push on the recommendations that have been put before them from the Neighborhood Advisory Committee and need to prioritize. Boyd stated by Spring of next year he would like to see everything in force so we won't be seeing the problems we have out there now. Boyd realizes it will take time. Boyd stated he felt the City had a problem with feral cats and he would like the City to adopt regulations to control the cats. He said he had checked with several other cities that had these types of regulations.

Wix-No complaints. Thankful for the cooler weather.

WIX

NEW BUSINESS
AIRPORT PAVEMENT PROJECT

Consider authorizing bids for airport pavement maintenance project. Motion by Wix, second by Burg to seek bids for the airport project. Motion passed unanimously with a show of hands.

ADJOURNMENT

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

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook