

**CITY OF BUTLER**  
**MINUTES OF A MEETING OF THE CITY COUNCIL**  
**September 7, 2010**

The Butler City Council met in regular session on Tuesday, September 7, 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:

**MAYOR**

Mayor Malan asked everyone to observe a moment of silence for the family of former Mayor Jerry Cook.

**ROLL CALL**

David Brown	Harold Weil
Brian Phillips-Arrived at 7:30	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

**OTHERS PRESENT**

Others present were Administrator Arbuthnot, Police Chief Garnett, City Attorney Tom Addleman, Public Works Director Trent Diehl, City Clerk Mary Jo Cook and Barb Scrogam.

**OTHER GUESTS**

Eugene Miller Jr., James Thompson and Elaine Morris.

**APPROVE CONSENT AGENDA**

Motion by Burg, second by Wix to approve the minutes of the regular session of August 17, 2010. Motion passed unanimously with a show of hands. Motion by Boyd, second by Fisher to approve the bills. Motion passed unanimously with a show of hands. Motion by Wix, second by Brown to approve travel and training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA**  
**ADDITIONS OR DELETIONS**  
**DOWNTOWN IMPROVEMENT**  
**PROJECT**

Motion by Brown, second by Wix to add the Downtown Improvement Project to the agenda. Motion passed unanimously with a show of hands.

**SCHEDULED GUEST**  
**ELAINE MORRIS/SCHOOL**  
**DISMISSAL PROCEDURES**

Elaine Morris, along with Chief Garnett, presented the changes made at the elementary school for the dismissal procedures to ensure the safety and security of the students. The two handicap parking spots on High St. will be moved to Dakota St. west of High St. The bus loading and unloading has been moved from Dakota St. to the front of the elementary school on High St. On the east side of High St. will be painting a striped loading zone 5 ft wide. Also, on the west side of High St. from Dakota to Ft. Scott St. will be posting "no parking" signs while school is in session. Barricades will be erected in front of the school from Ohio St. to Dakota St. closing the area until all students have departed. Motion made by Burg, second by Simons to turn the project over to Chief Garnett. Motion passed unanimously with a show of hands.

**COMMITTEES**  
**NEIGHBORHOOD ADVISORY**  
**COMMITTEE**

Burg reported on the Neighborhood Advisory Committee. He stated there was no meeting because of the Labor Day holiday.

**BORDELON PROPERTY**

City Administrator Arbuthnot inquired about the Bordelon property; asking if

the council is satisfied with the progress being made. Chief Garnett reported Carl Bordelon has approached Chief Garnett about using the hours worked cleaning up the property against his community service hours. Chief Garnett stated if the property was cleaned up and the house torn down in a timely manner, he would like to see the community service and the fines waved for Carl Bordelon. The council wanted to know the amount of the fines. Chief Garnett will bring the information to the September 21, 2010 council meeting.

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

Simons reported the Park and Recreation Commission met on September 2, 2010. The topic of discussion was the concern for children under the age of 5 being left unattended at the pool. This issue will have to be addressed before the next season. No decisions were made; several were unable to attend the meeting.

**BILL ORDINANCES &**  
**RESOLUTIONS**  
**RESOLUTION NO. 362**

Resolution NO. 362 for Private Sewer Line Systems Replacement Policy which replaces Resolution NO. 361. This Resolution includes clarification in sections 6 and 7 regarding the private lateral sewer line connections to the new City sewer line. Motion by Simons, second by Burg to approve Resolution NO. 362. Motion passed unanimously with a show of hands.

City Administrator Arbuthnot commented that City Attorney Addleman has finalized the agreement we are going to use for each property owner. Letters will be sent out to notify the property owners based on the list.

**REPORTS**  
**CITY ATTORNEY/ANIMAL**  
**CONTROL OFFICER**

City Attorney Addleman met with Animal Control Officer Rodger Cecil regarding a request for a few modifications to the animal and dog ordinance concerning the number of animals per home and how they are cared for.

**PUBLIC DEFENDER FEES**

Addleman reported he is still working on public defenders fee.

**CITY ADMINISTRATOR**  
**SEWER LINE PROJECT**

City Administrator Arbuthnot and Public Works Director Trent Diehl met with City engineer Kurt Higgins of Allgeier, Martin and Associates to discuss the private sewer line project, the sewer line improvements, the plan for cleaning and the TV inspection of another area within the City. They also discussed the new water line to be installed behind Sonic and several of the residences on the north side of Ft. Scott St. Required permit applications with drawings will be submitted to the Missouri Department of Natural Resources for approval.

**WAL-MART**

City Administrator Arbuthnot and Public Works Director Trent Diehl met with Casey Wilder, a project engineer with Carlson Consulting Engineering to review the new Wal-Mart store that they are proposing to build in Butler. Zoning regulations, site development requirements and road improvements, including extensions to the City water, sewer and electric systems to provide service to the facility, were reviewed. The engineer had no information as to when the project would be started.

**COUNTRY CLUB ADDITION  
EASEMENT**

The Public Works Director was notified by the Country Club Board that they approved the easement that the City requested for construction of the new electric line in the Country Club Addition. A survey with a legal description is being prepared and the City Attorney is drafting an easement agreement for approval.

**FALL CITY WIDE CLEANUP**

The Fall City Wide Cleanup has been scheduled for the week of October 11, 2010 for south of Ft. Scott St. and the week of October 18, 2010 for north of Ft. Scott St.

**KAYSINGER BASIN**

The City Administrator has been appointed by the Bates County Commission to serve as a county representative to the Kaysinger Basin Regional Planning Commission Transportation Advisory Committee.

**BUTLER DOWNTOWN  
IMPROVEMENT PROJECT  
DESIGN PLANS**

City Administrator Arbuthnot reported that the Butler Downtown Improvement Project design plans had been completed by HNTB, were ready for bidding and were submitted to MoDOT for final approval. MoDOT submitted the design plans to the Federal Highway commission for their final approval because the grant funding uses federal funds that are allocated to MoDOT for these types of projects. As the Bates County Courthouse Square property is listed on the National Register of Historic Places, the State Historic Preservation Office (SHPO) also had to review the project and issue an opinion as to its effect on the historic nature of the courthouse square. They issued an unfavorable opinion because of the amount of street brick that was going to be removed and replaced with concrete in the crosswalk areas that were being reconstructed. A conference call was held on July 21, 2010 to discuss the concerns of SHPO and what option could be considered to have SHPO revise their opinion. With an unfavorable opinion from SHPO the project funding through MoDOT could be withdrawn and the City would have to fund all of the projects costs. Under the approved grant the City will fund 21% (\$87,902) of the costs and the grant will fund 79% (\$330,678) of the project costs which totals \$418,579. It was decided to have an onsite meeting in Butler on September 2, 2010 to view the project site and discuss options with representatives from the City, HNTB, MoDOT, SHPO and the Federal Highway Commission. Arbuthnot suggested sending the plans back to the City Planning Commission to get their recommendation. Motion by Simons, second by Wix to send the plans to the City Planning Commission. Motion passed unanimously with a show of hands.

**RIBBON CUTTING CEREMONY**

City Administrator Arbuthnot informed the Mayor and City Council they were invited by MoDOT to the ribbon cutting ceremony for the completion of the new overpass at three mile corner south of Butler on highway 71 on September 17, 2010 at 1:30 pm.

**MAYOR**

Mayor Malan expressed the great loss in the passing of former Mayor Jerry Cook. Malan informed the council City Hall will be closed from 9-1 for those wishing to attend the service and the City flags will be flown at half staff during the service. Mayor Malan stated former Mayor Jerry Cook will be missed as a friend and fellow public servant.

**COUNCILMEMBERS**

**BROWN**

Brown reported 10 calls on property at 306 E. Walnut. Brown spoke with Chief Garnett, Code Enforcement Officer Rich, Mayor Malan and City Administrator Arbuthnot about the issues at 306 E. Walnut. Officer Rich spoke to the residents at 306 E. Walnut concerning trash in the yard. It was later observed additional trash had been put in the yard. Brown stated a citation needs to be written for the residents. Brown also reported several neighbors had complained about 306 E. Walnut and wanted something done about this property.

**PHILLIPS**

Phillips had no complaints. Phillips stated he truly believed he is a better man for having known former Mayor Jerry Cook.

**BURG**

Burg stated he had mentioned to the Mayor about putting up the solar powered flashing lights at school crossings and they have been put up and more of the lights are being put up. He thinks it's great and hopes they will help keep any students from getting hurt. Burg also commended Chief Garnett about the school bus situation being taken care of.

Burg reported that High & Pine where the house was torn down, Jim Zellmer has trailers and junk on the property. Burg stated Zellmer needs to receive a ticket for violating City ordinance.

**SIMONS**

Simons thanked the Mayor for closing City Hall and flying the flags at half staff in honor of former Mayor Jerry Cook.

Simons complimented two Police Officers and a City employee for catching and stopping a citizen beating an electric meter on Ft. Scott St. with a crowbar. The citizen was issued a ticket. Simons stated Cox Feed store has weeds that need attention also the Country Club is filling their pool out of a water hydrant that is not charged any sewer fees. Simons complimented Public Works Director Trent Diehl and Scott Bitner for fixing the slide at the pool with 4 bolts. The slide has been broken for 2 years. Diehl and Bitner saved the City money by fixing the slide instead of purchasing a new slide.

**WEIL**

Weil stated it was quiet on his end of town.

**FISHER**

Fisher stated he was shocked by the passing of former Mayor Jerry Cook. Fisher also stated former Mayor Jerry Cook was a terrific guy and he would miss him. Fisher has no complaints but has driven around town and there are areas that need to be taken care of.

**BOYD**

Boyd stated tickets needed to be written and put through due process to see how it's going to work out. We are not going to be ready this spring and that should be our goal to have everything in place and set by spring and shame on us if we don't. Every one of us. Something we can do now is write tickets for ordinance violations, and amend what needs to be changed. Thanks to David for fielding our call.

**WIX**

Wix offered his condolences to the Cook family. Wix stated he had served 5 years under former Mayor Jerry Cook and he really grew to appreciate him. Wix stated is going to miss former Mayor Jerry Cook; he was a good man.

**NEW BUSINESS**  
**MICRO-SEALING BID**

Consider bids for Micro-Sealing on designated City streets. The bids were to be submitted on September 7, 2010 for council consideration. The only bid submitted came from Vance brothers; the bid amount of \$2.25 per sq. yd. Motion by Wix, second by Phillips to accept the bid from Vance Brothers. Motion passed unanimously with a show of hands.

**RIP RAP BID**

Consider bids for placement of rip rap materials to prevent further bank erosion at the river water pump station. Bids submitted by Page & Wells Excavation for \$24/ton and Sutton Construction for \$21.80/ton. Motion by Burg, second by Brown to accept Sutton Construction bid of \$21.80/ton. Motion passed unanimously with a show of hands.

**MoDOT APPLICATION**

Consider submitting an application to MoDOT for Transportation Enhancement program funding for installation of a sidewalk along the north side of Ft. Scott St. from Prospect St. west to Fran Avenue. A motion was made by Phillips to submit the application. There being no second Phillips withdrew his motion. With additional discussion it was recommended to have the City Planning Commission take a look at the project and give the council a recommendation. Motion by Burg, second by Fisher to forward the project to the City Planning Commission. Motion passed unanimously with a show of hands.

**ADJOURNMENT**

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

---

Mayor Don H. Malan

ATTEST

---

City Clerk Mary Jo Cook