

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
November 2, 2010

The Butler City Council met in regular session on Tuesday, Nov 2, 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

OTHERS PRESENT

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

OTHER GUESTS

Eugene Miller, Brad Vermaas, Angie Kauffman, Bob Hardie and Dennis Jacobs

APPROVE CONSENT AGENDA

Motion by Boyd, second by Phillips to approve the minutes of the regular session of October 19, 2010 and the special session of October 21, 2010. Motion passed unanimously with a show of hands. Motion by Phillips, second by Wix to approve the bills. Motion passed unanimously with a show of hands.

PROCLAMATION

AMERICAN EDUCATION WEEK

Mayor Malan proclaimed November 14-20, 2010 as American Education Week and every year thereafter as American Education Week.

SCHEDULED GUEST

The Airport Commission was invited to attend the council meeting and discuss the advertising signage policy for airport property. The Airport Commission policy is that no new advertising signage is allowed and if any existing sign is removed it can't be replaced but existing signs can be maintained as required. The annual lease fee paid for each sign is \$112.50 and there are five signs. After much discussion it was recommended the Airport Commission set up guidelines in writing for future use.

Emmanuel Ngomsi, Ph.D. with All World Languages & Cultures, Inc. attended the council meeting to speak about Diversity Education and Training. This is a three hour training course with the cost of \$300.00 per hour for 30 people. The training can be customized for the City of Butler needs. A certificate will be issued after the training and the certificate will be good for three years. This training would be an investment for the City of Butler. Chief Garnett reported the Sheriff Department would like to participate in this training if the City pursues the opportunity. Chief Garnett also stated he would like to invite other agencies to participate in the Diversity Education and Training program.

Sgt. John Bryant and Officer Anderson with the Kansas City Police

Department attended the council meeting to discuss Crisis Intervention Training- how to deal with people with different mental conditions. The classes are POST certified and regulated by NAMI. This class is also sanctioned by the Department of Mental Health. The cost of the training is \$50 per person and is conducted at the Kansas City Police Academy. The class is 40 hours and the next class is scheduled for December 6th to December 10th.

COMMITTEES
NEIGHBORHOOD ADVISORY
COMMITTEE

The Neighborhood Advisory Committee met on November 1, 2010. Councilman Burg reported on Belton, MO code concerning abandoned buildings and building material suggesting Butler should implement this code into the City code book. Burg also reported concerns about garage sale signs being attached to utility poles and in public right of way areas. Burg invited all councilmen to attend the Neighborhood Advisory Committee.

REPORTS
POLICE CHIEF

Chief Garnett stated that in the past we have talked about the 911 system needing to be upgraded. Chief Garnett was informed by Sheriff Anderson that Commeco sells 911 equipment and the cost is about half of what Century Link 911 equipment costs. Also the maintenance fee per month for Commeco is \$300.00 and it is a little over \$900.00 with Century Link. Chief Garnett reported Vernon County is getting ready to upgrade their 911 system and the possibility to share equipment could cut costs even more, and we would still do our own dispatching.

Chief Garnett requested the vehicle lift used to do the preventive maintenance be transferred to the City shop from the Fire Dept. Jason Bennett has inspections and other jobs which conflict with getting the maintenance done on the Police vehicles. Public Works Director Trent Diehl spoke to shop superintendent Dave Vandenburg concerning the extra work load and they should be able to handle it. The cost to relocate and level the lift will run around \$1150.00. Motion by Burg, second by Fisher to approve moving the lift to the shop. Motion passed with Simons voting nay.

CITY ATTORNEY

City Attorney Addleman stated he has heard good things about the Diversity Education and Training and the Crisis Intervention Training classes and he highly encourages the council to send the officers to this training. City Attorney Addleman reported court is going well and citizens who received nuisance tickets are showing up at court and those who do not show up will be issued a warrant.

CITY ADMINISTRATOR

City Administrator Mark Arbuthnot reported his term on the Quad-Lakes Solid Waste Management District is over and inquired if the council would like to re-appoint him as representative to the QLSWMD Full Council. Motion by Wix, second by Brown to appoint City Administrator Arbuthnot as representative to QLSWMD Full Council. Motion passed unanimously with a show of hands.

City Administrator Arbuthnot informed council the Micro Seal will be done November 3, 2010.

City Administrator Arbuthnot informed the council a letter has been sent to

the Boy Scouts, David Crist, Cub Scouts, Rudi Stevenson and Bates County Fine Arts League, Lin Bartley advising them that the City Council has approved for the City to make repairs or improvements to Scout Hall located at 404 W. Ft. Scott Street to bring it into compliance with the City codes. The letter also requests that they attend a meeting on Thursday, November 4th at 6:30 p.m. at Scout Hall to discuss a plan for the operation, cleaning and maintenance of the building. They will also be discussing the work needed to complete the kitchen and restroom areas and the issues associated with making the building ADA accessible. The letter also indicates that a City representative will be appointed to work with them so the appointment could be considered at the council meeting Tuesday evening.

City Administrator Arbuthnot reported he had a meeting with the Bates County Commissioners on October 25th to discuss the proposed revisions to the design of the Downtown Improvement Project and adding the lights to the property around the courthouse. They approved adding the lights. The MoDOT engineer was then contacted to determine what information would need to be provided to them based on the design changes in the project and they responded that since lighting and benches were addressed in the original applications that they would not need to be revised. The plans and specifications will need to be changed based on these design changes and will be subject to review and approval by MoDOT, SHPO and FHA. In regard to engineering services there will need to be a supplemental engineering services agreement between the City and HNTB approved by MoDOT for the additional engineering work required with the design changes. The City Administrator is working with Dave Campbell the engineer with HNTB on drafting a supplemental engineering services agreement for approval. As all of the previously approved engineering design funds have been expended this agreement will need to be approved before the plans and specifications can be revised based on the design changes in the project. City Administrator Arbuthnot informed the council about his concerns regarding ADA accessibility and would like to request two mid block crosswalks for ADA access to the square. City Administrator Arbuthnot stated it will reduce the money for the lights and there will be minimal brick removal. Motion by Simons, second by Boyd to add two mid block crosswalks. Motion passed unanimously with a show of hands.

The new Wal-Mart building plans and infrastructure plans have been submitted to the City by the architect and engineer for their new facility in Butler. These are being reviewed for issuance of the required approvals and permits by the City.

City Administrator Arbuthnot and Public Works/Utilities Director Diehl had a meeting with the Larkin Group engineers on Wednesday, October 27th to discuss the WWTP disinfection improvements, TMDL issues and assessing the energy efficiency of the plant operations. They provided an engineering services agreement which outlines the scope of work to be completed for the City. The agreement will be reviewed and then a follow up meeting with the Larkin Group engineers will be held.

City Administrator Arbuthnot requested approval for Christmas Bonus for City employees. A full time share would be \$132.50 and a part time share would be

\$82.50 and volunteer Firemen would be \$125.00 the bonuses were budgeted for in the wage budget. Motion by Simons, second by Burg to approve Christmas Bonuses. Motion passed unanimously with a show of hands.

City Administrator Arbuthnot received a letter from Curtis Townley concerning his water line which had been rerouted to District 6 water line. District 6 has informed Mr. Townley his water supply will be disconnected by December 1, 2010 if he is not properly connected. Mr. Townley would like the City to continue to read the meter. The City does not own any of the systems.

Don Tiller Conservation Officer asked if the City would be available to adjust some lighting at a shooting range up by Adrian. City Administrator Arbuthnot suggested he go to Osage Valley if they would be able to help them. Travis Gillis a City employee has offered to volunteer his time. City Administrator Arbuthnot explained to Tiller they would have to pay to use the bucket truck.

MAYOR

Mayor Malan stated the Neighborhood Advisory Committee was formed with good intentions and with a mission. If you look around town perception is a big factor whether people want to come here or not.

COUNCILMEMBERS

BROWN

Brown reported tree limbs need trimming on North Delaware St. south of Lee St. Brown would like to see funds budgeted next year for the Diversity Education and Training and Crisis Intervention Training.

PHILLIPS

Phillips no complaints

BURG

Burg no complaints

SIMONS

Simons reported the City brush crew and Spud Welston did a good job on City Wide Cleanup. There is a brush pile at 308 W. Chestnut St. an unlicensed car on Maple and Harris St. Still having an issue with wood on Sunset St. been fighting this for six months.

WEIL

Weil no complaints. Weil stated Crisis Intervention Training should be a priority the sooner the better.

FISHER

Fisher no complaints. Fisher stated both presentations are things to keep our minds on and work with as much as we can.

BOYD

Boyd offered his condolences to Trent Diehl and his family. Boyd reported there was a property that had been showcased for nuisances at 313 S. Mechanic owned by Mike Crow. Boyd stated Crow was a painter by trade and Boyd approached Crow to see if he would be interested in a trade out by painting the Police Department in return the City would clean the property at 313 S. Mechanic. Crow stated he is interested. Boyd explained to Crow he would have to take it to council and put together an estimate and deadlines. The consensus is to see what Mr. Crow wants in return for painting the Police Department.

WIX

Wix no complaints

NEW BUSINESS

Ordinance No. 917 has been drafted to include the proposed amendments for consideration. These amendments were reviewed and discussed by the Planning Commission at a Public Hearing held at their October 12th meeting. There were no public comments at the Public Hearing concerning the proposed amendments. The Planning Commission is recommending that the amendments be approved and these include: 1) compliance with freedom of speech issues related to political signs, 2) definitions for signage, 3) sign standards and 4) permit requirements. These amendments will update and clarify the City Sign Regulations.

**BILL ORDINANCES &
RESOLUTIONS
ORDINANCE NO 917**

Mayor Malan opened the public hearing to consider City Signage Regulations Ordinance #917. There were no public comments. Mayor Malan closed the public hearing.

**BILL NO. 2010-13 ORD NO. 917
1st READING**

Motion by Phillips, second by Fisher for first reading by title only.

**BILL NO. 2010-13 ORDINANCE NO. 917
**AN ORDINANCE AMENDING CHAPTER 26. ZONING, DIVISION 5.
DISPLAY SIGNS AND OUTDOOR ADVERTISING OF THE BUTLER
CITY CODE****

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

**BILL NO. 2010-13 ORD NO. 917
2nd READING**

Motion by Burg, second Fisher for second reading by title only.

**BILL NO. 2010-13 ORDINANCE NO. 917
**AN ORDINANCE AMENDING CHAPTER 26. ZONING, DIVISION 5.
DISPLAY SIGNS AND OUTDOOR ADVERTISING OF THE BUTLER
CITY CODE****

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

**BILL NO. 2010-13
ADOPT ORD NO. 917**

Motion by Wix, second by Brown to adopt.

**BILL NO. 2010-13 ORDINANCE NO. 917
**AN ORDINANCE AMENDING CHAPTER 26. ZONING, DIVISION 5.
DISPLAY SIGNS AND OUTDOOR ADVERTISING OF THE BUTLER
CITY CODE****

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

The City Council had requested that the Neighborhood Advisory Committee be included in the City Code as an appointed commission of the City. Ordinance No. 918 has been drafted by the City Attorney to establish the Neighborhood Advisory Commission.

BILL NO. 2010-14ORD NO. 918
1st READING

Motion by Phillips, second by Fisher for first reading by title only.

BILL NO. 2010-14 ORDINANCE NO. 918

AN ORDINANCE AMENDING CHAPTER 16. NUISANCES, TO ADD ARTICLE 3. NEIGHBORHOOD ADVISORY COMMISSION, SECTION 16-35. THROUGH SECTION 16-39. OF THE BUTLER CITY CODE.

Brown-Abstain
Phillips-Aye
Burg -Aye
Simon- Nay
Motion failed.

Weil-Nay
Fisher-Aye
Boyd- Abstain
Wix- Abstain

ADJOURNMENT

There being no further business, motion was made by Wix, second by Brown to adjourn the meeting. Motion passed unanimously with a show of hand.

Mayor Don H. Malan

ATTEST

City Clerk Mary Jo Cook