

**CITY OF BUTLER**  
**MINUTES OF A MEETING OF THE CITY COUNCIL**  
**December 21, 2010**

The Butler City Council met in regular session on Tuesday, December 21, 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 Jim Garnett, Public Works Director Trent Diehl, City Clerk Mary Jo Cook and Barb Scrogam.

**OTHER GUESTS**

Eugene Miller and Edwin Nelson

**APPROVE CONSENT AGENDA**

Motion by Wix, second by Simons to approve the minutes of the regular session and closed session of December 7, 2010. Motion passed unanimously with a show of hands. Motion by Simons, second by Brown to approve the bills, excluding Bates County Fire Safety presented for payment. Motion passed unanimously with a show of hands. Motion by Brown, second by Phillips to approve the bill from Bates County Fire Safety. Motion passed unanimously by a show of hands with Wix abstaining. Motion by Brown, second by Boyd to approve travel and training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA  
ADDITIONS OR DELETIONS**

Motion by Simons, second by Phillips to add Edwin Nelson to the agenda. Motion passed unanimously with a show of hands.

**SCHEDULED GUEST  
EDWIN NELSON**

Mr. Nelson inquired as to when the electric line would be moved at his property at 305 S. Mechanic. Public Works Director Trent Diehl responded the line will be moved on Monday December 27, 2010.

**COMMITTEES  
MAYOR'S NEIGHBORHOOD  
PRIDE COMMITTEE**

Burg reported the Mayor's Neighborhood Pride Committee did not meet due to the holiday season.

**BOARDS AND COMMISSIONS  
AIRPORT COMMISSION**

City Administrator Arbuthnot reported the Airport Commission met on Thursday, December 9<sup>th</sup> at 6:60 p.m. at City Hall. They reviewed and approved the financial reports. Ryan Manning, the engineer with Burns and McDonnell, had advised the City that the Airport micro-seal and trench drain project for the apron and taxiway areas will not be completed until next spring due to the cold weather and that the crack sealing portion of the required work has been completed by the contractor. The City completed the concrete work around the fueling station area. The commission discussed the farm lease that

they have with Francis Lesmeister which will expire at the end of 2011 and decided that when it expires they will advertise for bids for a new farm lease. The commission reviewed and approved the Butler Memorial Airport Signage Policy. A copy of the policy is included in the council meeting packet for consideration and council approval. The commission approved an increase in fees for the sign lease agreements. Motion by Wix, second by Brown to approve the Butler Memorial Airport Signage Policy. Motion passed unanimously with a show of hands.

**BILLS ORDINANCE & RESOLUTIONS**

Consider approval of Ordinance No. 919 to increase electric rates based on the Cost of Service and Electric Rate Study prepared by the engineering firm of Alleger, Martin and Associates, Inc. and the recommendation from the Finance Committee at the last City Council meeting. The new rates will take effect on the utility bills that are due on February 1, 2011. This date was changed from the January 1, 2011 date as the billing software changes required for the new electric rates would not be completed in time to meet the January 1<sup>st</sup> date.

**BILL NO. 2010-15 ORD NO. 919**  
**1<sup>st</sup> READING**

Motion by Phillips, second by Wix for the first reading by title only of  
**BILL NO. 2010 -15 ORDINANCE NO. 919**  
**AN ORDINANCE AMENDING THE MONTHLY RATES FOR ELECTRICITY SOLD BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Brown-Aye	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Nay	Boyd-Aye
Simons-Aye	Wix-Aye

**BILL NO. 2010-15 ORD NO. 919**  
**2<sup>nd</sup> READING**

Motion by Wix, second by Fisher for the second reading by title only of  
**BILL NO. 2010 -15 ORDINANCE NO. 919**  
**AN ORDINANCE AMENDING THE MONTHLY RATES FOR ELECTRICITY SOLD BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Brown-Aye	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Nay	Boyd-Aye
Simons-Aye	Wix-Aye

**BILL NO. 2010-15**  
**ADOPT ORD NO. 919**

Motion by Wix, second by Simons to adopt  
**BILL NO. 2010 -15 ORDINANCE NO. 919**  
**AN ORDINANCE AMENDING THE MONTHLY RATES FOR ELECTRICITY SOLD BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Brown-Aye	Weil-Aye
Phillips-Aye	Fisher-Aye
Burg -Nay	Boyd-Aye
Simons-Aye	Wix-Aye

Consider approval of Ordinance No. 920 included in the packet to increase the pole attachment fees that the City charges for the use of City power poles based on the recommendation from the Finance Committee at the last City Council meeting. This will change the annual attachment fee from \$2.00/pole to \$8.50/pole.

**BILL NO. 2010-16 ORD NO. 920**  
**1<sup>st</sup> READING**

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

**BILL NO. 2010-16 ORDINANCE NO. 920**

**AN ORDINANCE ESTABLISHING A BASE POLE ATTACHMENT FEE RELATED TO THE ATTACHMENT OF PRIVATELY USED FACILITIES ONTO POLES OWNED BY THE CITY AND ADOPTING PROCEDURES RELATING THERETO**

Motion passed with the following votes:

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

**BILL NO. 2010-16 ORD NO. 920**  
**2<sup>nd</sup> READING**

Motion by Brown, second by Burg for the second reading by title only of

**BILL NO. 2010-16 ORDINANCE NO. 920**

**AN ORDINANCE ESTABLISHING A BASE POLE ATTACHMENT FEE RELATED TO THE ATTACHMENT OF PRIVATELY USED FACILITIES ONTO POLES OWNED BY THE CITY AND ADOPTING PROCEDURES RELATING THERETO**

Motion passed with the following votes:

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

**BILL NO. 2010-16**  
**ADOPT ORD NO. 920**

Motion by Burg, second by Wix to adopt

**BILL NO. 2010-16 ORDINANCE NO. 920**

**AN ORDINANCE ESTABLISHING A BASE POLE ATTACHMENT FEE RELATED TO THE ATTACHMENT OF PRIVATELY USED FACILITIES ONTO POLES OWNED BY THE CITY AND ADOPTING PROCEDURES RELATING THERETO**

Motion passed with the following votes:

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

Consider approval of Ordinance No. 921 to update the boundaries that are established for the four wards that determine the areas for voting and representation on the City Council. The proposed Ordinance is included in the meeting packet.

**BILL NO. 2010-17 ORD NO. 921**  
**1<sup>st</sup> READING**

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

**BILL NO. 2010-17 ORDINANCE NO. 921**

**AN ORDINANCE ESTABLISHING BOUNDARIES FOR THE WARDS IN THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Brown-Aye	Weil-Aye
Phillips-Aye	Fisher-Aye

Burg -Aye  
Simons-Aye

Boyd-Aye  
Wix-Aye

**BILL NO. 2010-17 ORD NO. 921**  
**2<sup>nd</sup> READING**

Motion by Wix, second by Fisher for the second reading by title only of  
**BILL NO. 2010-17 ORDINANCE NO. 921**  
**AN ORDINANCE ESTABLISHING BOUNDARIES FOR THE WARDS  
IN THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Brown-Aye  
Phillips-Aye  
Burg -Aye  
Simons-Aye

Weil-Aye  
Fisher-Aye  
Boyd-Aye  
Wix-Aye

**BILL NO. 2010-17**  
**ADOPT ORD NO. 921**

Motion by Phillips, second by Brown to adopt  
**BILL NO. 2010-17 ORDINANCE NO. 921**  
**AN ORDINANCE ESTABLISHING BOUNDARIES FOR THE WARDS  
IN THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Brown-Aye  
Phillips-Aye  
Burg -Aye  
Simons-Aye

Weil-Aye  
Fisher-Aye  
Boyd-Aye  
Wix-Aye

**REPORTS**  
**CHIEF GARNETT  
OFFICE**

Chief Garnett reported there is a group going around doing fraudulent home repairs for the elderly. Chief Garnett stated the City does not issue license for home repair companies. Chief Garnett stated an ordinance needs to be implemented to protect the citizens of Butler. City Administrator Mark Arbuthnot informed council he has found an ordinance from the City of Belton but wants the City Attorney to look at this information.

**CITY ADMINISTRATOR**

City Administrator Arbuthnot reported with the colder weather the City has been experiencing water main breaks over the past several weeks.

City Administrator Arbuthnot informed council he attended the Missouri Public Utility Alliance fall meeting last week in Columbia and the following information was discussed at the meeting.

- General Manager's Report
- Power Supply Status Report
- MoPEP Capacity Recommendations that will take effect January 1, 2011
- Federal Environmental Regulatory Report regarding the installation of catalytic converters on reciprocating internal combustion engines
- General Counsel Report

City Administrator Arbuthnot informed council the work being done at Scout Hall is close to being brought up to code. The roof is in bad shape, sheet rock is up on one side and they are a week or two out from being done.

City Administrator Arbuthnot reported Vance Neal, the engineer with the Larkin Group, has confirmed the date of January 13<sup>th</sup> to do the WWTP tours at Paola and Spring Hill in Kansas. They will provide the transportation from Butler for the tours. Additional details will be provided as we get closer to the tour date.

Travel and Training Request - City Administrator Arbuthnot requested to attend a one day workshop at the University of Missouri in Columbia on January 20<sup>th</sup>.

**MAYOR**

Mayor Malan reported he attended the Dare Program at the Butler Elementary School. Mayor Malan stated the Dare Program is a great program.

**COUNCIL MEMBERS**

**BROWN**

Brown-reported he attended the Dare Program and stated it is a good program which it will produce good leaders.

Brown-stated everyone is doing a good job.

**PHILLIPS**

Phillips-complaints about the old lumber yard.

**BURG**

Burg-reported the parade turnout was good in spite of the cold and windy weather.

Burg explained why he voted no on the rate increase. He feels we need to firmly pursue raising the sales tax.

**SIMONS**

Simons-need to look at cutting things that do not hurt our services.

Street light out at Pine St. and Orange St. on east side also Orange St. and Ohio St on the east side. Need to do away with pump at the dog pound. Simons informed he received information from Kaysinger Basin Regional Planning Commission concerning grants to help with the removal of houses needing to be demolished.

**WEIL**

**FISHER**

Weil-Commended Mayor Malan on cleaning up around his shop.

**BOYD**

Fisher-City is doing a good job trying to keep up with all that needs to be done and the cleanup of leaves. Fisher stated he had attended the Dare Program.

**WIX**

Boyd-no complaints and wishes everyone a Merry Christmas.

Wix-commends Mayor Malan on cleaning up around his shop. Wix stated the lots across from the old lumber yard looks good.

**NEW BUSINESS**

Consider approval of the Letter of Agreement provided by Jay Garrott, Director of the Center for Community Studies at Drury University to provide assistance with "The Butler Community Visioning Process" in the Fall Semester 2011. As outlined in the letter the cost for these services will be \$6,900 and one half of this will be paid by West Central Missouri Community Action Agency. Motion by Phillips, second by Burg to approve the Letter of Agreement with Drury University. Motion passed unanimously with a show hands.

**ADJOURNMENT**

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

**ATTEST**

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Mayor Don H. Malan

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City Clerk Mary Jo Cook

