

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
February 8, 2011

The Butler City Council met in regular session on Tuesday, February 8, 2011 at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio with Mayor Malan presiding. This was a rescheduled date from February 1st due to the snow storm. 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, City Attorney Tom Addleman, Public Works Director Trent Diehl, City Clerk Mary Jo Cook and Barb Scrogam.

OTHER GUESTS

Linn Nitsche

APPROVE CONSENT AGENDA

Motion by Wix, second by Fisher to approve the minutes of the regular session of January 18, 2011. Motion passed unanimously with a show of hands. Motion by Boyd, second by Phillips to approve the bills presented for payment. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion by Phillips, second by Wix to add to the agenda the easement for Wal-Mart to run electric service into the new facility. Motion passed unanimously with a show of hands.

COMMITTEES
FINANCE COMMITTEE
2011-2012 BUDGET

The Finance Committee met February 8, 2011 before the City Council meeting on Tuesday at 6:00 pm to review and discuss the proposed FY 2011-2012 City budget. The previous budget information has been updated. After discussion it was agreed to present the 2011-2012 budget to council for consideration.

**MAYOR'S NEIGHBORHOOD
PRIDE COMMITTEE**

The Mayor's Neighborhood Pride Committee met February 7, 2011. Councilman Burg reported they had a good meeting and the next meeting will be February 14, 2011. Mayor Malan and Councilman Burg stated everyone is welcome to come to the meeting.

BOARDS & COMMISSIONS
**PARK & RECREATION
COMMISSION**

City Administrator Arbuthnot reported the Park & Rec Commission met February 3, 2011. Superintendent Scott Bitner reported Scout Hall is finished. City Administrator Arbuthnot stated there was not a quorum, so action could not be taken.

**ZONING BOARD OF
ADJUSTMENT
CONDITIONAL USE PERMIT**

The Zoning Board of Adjustment had a meeting on Thursday, January 27, 2011 at 6:30 p.m. to consider an application for a Conditional Use Permit requested by John and Mary Miller to allow their commercially zoned

property at 108 E. Walnut to be used by them as a single family residence. Mary Miller contacted the City Administrator at 6:15 p.m. on January 27, 2011 and withdrew the application for the Conditional Use Permit. She stated that they had evaluated what it was going to take to remodel the structure as a residence and decided they did not want to pursue it. On January 31, 2011 Mary Miller contacted City Administrator Arbuthnot to reconsider the application for Conditional Use Permit. City Administrator Arbuthnot informed council the Zoning Board of Adjustment will be meeting February 24, 2011 to consider the request.

REPORTS
POLICE CHIEF
BLACK MOLD

Chief Garnett informed council during the installation of the new generator what appeared to be black mold was found in the wall. Chief Garnett contacted PDC Laboratories to take air samples and samples of the mold. Results are still pending.

CITY ATTORNEY
AMNESTY PROGRAM
COUNCIL MEETINGS

City Attorney Addleman informed council the amnesty program is in progress and the court has already received a payment. Attorney Addleman stated he received information requesting his attendance at all council meetings. Addleman stated though his contract only requires him to attend one council meeting a month he is not opposed to attending all council meetings and will not be requesting additional payment. Attorney stated he is in the process of working with City Administrator Arbuthnot on a contractor's license ordinance and will work on the snow route ordinance.

CITY ADMINISTRATOR
SUPPLEMENTAL AGREEMENT
NO 4/BUTLER DOWNTOWN
IMPROVEMENT PROJECT

City Administrator Arbuthnot reported the Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) have both approved the Supplemental Agreement No. 4 with HNTB for additional engineering design services for the Butler Downtown Improvement Project. Dave Campbell has been authorized to proceed with the design changes in the project to complete the plans and specifications. Once these have been completed, they will need to be reviewed and approved by the City, MoDOT, FHWA and SHPO before they are put out for construction bids.

SAFE ROUTES TO SCHOOL
GRANT APPLICATION

City Administrator Arbuthnot reported the City has been notified by MoDOT that Safe Routes to School Grant applications can be submitted from February 1, 2011 to April 15, 2011. These funds can be used for sidewalks, street crossings and other improvements that will make routes to schools safer for students in the K-8 grade levels. The School Superintendent, Alan Stauffacher, called to see if the City and School district could partner with a joint application for a designated project. Several projects discussed were: 1) sidewalk improvements in front of elementary school, 2) bus turn around areas at elementary school and 3) installing sidewalk along Ft. Scott Street from the stop light west to Fran Ave. Further information will be obtained from MoDOT as to eligible projects and then the City Administrator and School Superintendent will discuss this further to determine the feasibility of submitting a joint project. Kaysinger Basin Regional Planning Commission staff will provide assistance in developing an application for submittal.

WWTP

Public Works Director Trent Diehl reported a 14" diameter cast iron water distribution line located just outside of the Water Treatment Plant broke earlier this week and has been repaired. Diehl stated there have been several other

water line breaks over the past several weeks.

MAYOR

Mayor Malan complimented the city crews for the snow removal and City Administrator for all his hard work on the 2011-2012 budget. Mayor Malan also stated Public Works Director Trent Diehl is doing a good job.

COUNCIL MEMBERS

BROWN

Brown-echoed Mayor Malan's praise to the city crews and City Administrator Arbuthnot.

PHILLIPS

Phillips-echoed Mayor Malan's praise of City Administrator Arbuthnot for his hard work on the budget. Phillips stated the city crews did a fantastic job on snow removal and Public Works Director Trent Diehl has done a fantastic job.

BURG

Burg-stated there were 28 houses that need to be demolished and two more have been added to the list and we are waiting to get all the legal details taken care of.

SIMONS

Simons-Vine St. two houses in bad shape, unlicensed truck at 8 Water St. Butler Bear flags in bad shape on Nursery St. Junk car behind Sam's Hiway Hamburger.

WEIL

FISHER

Weil-no complaints

BOYD

Fisher-complimented city crews on a good job.

WIX

Boyd-complimented city employees and Public Works Director Trent Diehl. Boyd had complaints concerning Lyons St. with unlicensed cars and weeds in the summer between the buildings.

Wix-reported Finance Committee recommends the budget for 2011-2012 fiscal years to council for consideration. Motion by Phillips, second by Burg to consider approval of the proposed budget by council at a public hearing. Motion passed unanimously with a show of hands. Wix complimented the Fire Department and the city crews for all their hard work during the snow storm.

NEW BUSINESS

WAL-MART EASEMENT

Consider accepting easement from Wal-Mart to run electrical lines into the new facility. Motion by Fisher, second by Wix to accept the easement from Wal-Mart. Motion passed unanimously with a show of hands.

HEISE-MEYER

Consider a one year extension of the broker agreements with Heise-Meyer for the spec. building and property located in the Industrial Park. Another meeting was held with the City Administrator by Heise-Meyer on February 8, 2011 to review a proposal for the solar farm at the Industrial Park. Motion by Wix, second by Simons to approve a one year extension with Heise-Meyer. Motion passed unanimously with a show of hands.

CHANGE ORDER NO. 1

Consider Change Order No. 1 submitted by Bishops Construction Co., Inc. for the Airport Maintenance Project. This is for additional crack and joint sealing that work was completed last fall and the additional cost is \$1,855.35. The engineer Ryan Manning with Burns & McDonnell is recommending approval

of the change order. Approval should be contingent on the Airport Commission approval to be considered at their February 10th meeting. Motion by Wix, second by Phillips to approve Change Order No. 1. Motion passed 6 to 1 with Weil voting nay.

ADJOURNMENT

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

ATTEST

Mayor Don H. Malan

City Clerk Mary Jo Cook