

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MARCH 15, 2011**

The Butler City Council met in regular session on Tuesday, March 15, 2011 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-Absent
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

OTHERS PRESENT

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

OTHER GUESTS

Eugene Miller JR, Megan Reno, Mike Rumpeltes and Officer Brandon Plunkett.

APPROVE CONSENT AGENDA

Motion by Wix, second by Phillips to approve the minutes of the regular session of March 1, 2011 and special session March 10, 2011. Motion passed unanimously with a show of hands. Motion by Wix, second by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Phillips, second by Boyd to approve Travel/Training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion by Wix, second by Brown to add Employee Uniform Policy and Dress Code Amendment NO. 1 to the agenda. Motion passed unanimously with a show of hands.

**BUDGET HEARING
AMEND FY 2010-2011 BUDGET**

A public hearing was held to answer questions from the taxpayers concerning the proposed use of all funds for the FY 2010-2011 City Budget Amendment for the Parks and Storm Water Fund.

Mayor Malan opened the public hearing for the FY 2010-2011 City Budget Amendment. There being no questions, Mayor Malan closed the public hearing.

**COMMITTEES
CITY OWNED FACILITIES
COMMITTEE
POLICE DEPARTMENT**

City Owned Facilities Committee met on March 10th at 5:00 p.m. at the City Police Station to tour the facility and look at mold and moisture problems and discuss possible solutions. The City Owned Facilities Committee will meet March 22, 2011 at 7:00 pm to continue the discussion of possible solutions for the City Police Department.

**PUBLIC SAFETY COMMITTEE
CAT ORDINANCE**

Public Safety Committee met on Tuesday, March 15th at 6:15 p.m. before the regular council meeting to discuss animal control regulations regarding dogs and cats. Councilman Wix reported on the meeting stating there were pros and cons on the subject of an animal ordinance but there was a lot of good

discussion. Wix also stated they looked at Lamar's and Belton's animal ordinance and believe they came up with some ideas.

**MAYOR'S NEIGHBORHOOD
PRIDE COMMITTEE
WORKDAY**

Councilman Burg reported the Mayor's Neighborhood Pride Committee met March 21, 2011 at 7:00 pm. The committee is planning a work day sometime in April to pick up trash from the stoplight to west 71 highway and north and south on Orange St. The committee will be soliciting volunteers from different clubs and organizations in the effort to clean up the City. Mayor Malan invited the council members to help pick up trash stating we need to show we are being proactive and show people we are willing to do something ourselves.

Burg reported they are working on several houses primarily in the prominent locations as you enter and drive through the main streets of town. Burg stated there are 30 houses on the condemned list.

**BOARDS & COMMISSIONS
PARK & RECREATION
COMMISSION
AQUATIC CENTER FEES**

Park and Recreation Commission met on Thursday, March 3rd at noon at City Hall. They reviewed proposed changes in Aquatic Center User Fees for the 2011 summer swim season and approved the fees. The commission also reviewed a proposed letter to be provided to applicants for a lifeguard position at the pool that specifies the training requirements for the position. The commission accepted the letter as proposed.

BASEBALL FIELDS

Dan Beckley, representing the baseball association, was at the meeting and discussed improvements needed for the ball fields. They offered to purchase a soil mixture to be applied to the girls' field for an amount of \$2,500. The commission accepted their proposal for the donation. Other work needed on the ball diamonds was discussed.

**BILLS, ORDINANCE &
RESOLUTIONS & POLICY**

Consider appropriating \$17,500 in the Parks and Storm Water Fund for additional debt service payment costs associated with the refunding of the Certificates of Participation that were issued to finance the Aquatic Center.

**BILL NO. 2011-2
ORD NO. 923
1ST READING**

Motion by Phillips, second by Brown for the first reading by title only of
**BILL NO. 2011-2 ORDINANCE NO. 923
AN ORDINANCE APPROVING AN AMENDMENT TO THE 2010-2011
FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI,
APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE
OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF
TO THE PARKS AND STORM WATER FUND**

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Absent
Jim Fisher-Aye
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-2
ORD NO. 923
2ND READING**

Motion by Brown, second by Fisher for the second reading by title only of
**BILL NO. 2011-2 ORDINANCE NO. 923
AN ORDINANCE APPROVING AN AMENDMENT TO THE 2010-2011
FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI,
APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE
OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF
TO THE PARKS AND STORM WATER FUND**

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Absent
Jim Fisher-Aye
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-2
ADOPT ORD NO. 923**

Motion by Wix, second by Boyd to adopt

BILL NO. 2011-2 ORDINANCE NO. 923

AN ORDINANCE APPROVING AN AMENDMENT TO THE 2010-2011 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR THE ADJUSTMENTS THEREOF TO THE PARKS AND STORM WATER FUND

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Absent
Jim Fisher-Aye
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-3
ORD NO. 924
1ST READING**

Motion by Boyd, second by Phillips for the first reading by title only of **BILL NO. 2011-3 ORDINANCE NO. 924 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL POLICY, SECTION 2-120.4. EMPLOYEE BENEFITS, SECTION 2-120.6. HOURS OF WORK, OVERTIME, TIME AND ATTENDANCE RECORDS AND DIVISION 7. DRUG AND ALCOHOL TESTING POLICY, SECTION 2-125.5. POST ACCIDENT TESTING OF THE BUTLER CITY CODE.**

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Absent
Jim Fisher-Aye
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-3
ORD NO. 924
2ND READING**

Motion by Brown, second by Fisher for the second reading by title only of **BILL NO. 2011-3 ORDINANCE NO. 924 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL POLICY, SECTION 2-120.4. EMPLOYEE BENEFITS, SECTION 2-120.6. HOURS OF WORK, OVERTIME, TIME AND ATTENDANCE RECORDS AND DIVISION 7. DRUG AND ALCOHOL TESTING POLICY, SECTION 2-125.5. POST ACCIDENT TESTING OF THE BUTLER CITY CODE.**

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Absent
Jim Fisher-Aye
Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-3
ADOPT ORD NO. 924**

Motion by Wix, second by Phillips to adopt

BILL NO. 2011-3 ORDINANCE NO. 924 AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL POLICY, SECTION 2-120.4.

EMPLOYEE BENEFITS, SECTION 2-120.6. HOURS OF WORK, OVERTIME, TIME AND ATTENDANCE RECORDS AND DIVISION 7. DRUG AND ALCOHOL TESTING POLICY, SECTION 2-125.5. POST ACCIDENT TESTING OF THE BUTLER CITY CODE.

David Brown-Aye
Brian Phillips-Aye
Thom Burg-Aye
Pat Simons-Aye

Harold Weil-Absent
Jim Fisher-Aye
Brian Boyd-Aye
Doug Wix-Aye

CITY OF BUTLER EMPLOYEE UNIFORM POLICY AND DRESS CODE AMENDMENT NO. 1

Consider for approval City Of Butler Employee Uniform Policy And Dress Code Amendment No. 1. Motion by Burg, second by Brown to approve Amendment NO. 1 City's Employee Uniform Policy and Dress Code. Motion passed unanimously with a show of hands.

**REPORTS
LIEUTENANT BESHORE**

Lieutenant Beshore reported a \$300.00 grant has been received for MoPub which is paid by the state. The grant pays to put extra officers on the street from now till the end of the month. Lieutenant Beshore will use the grant funds for Friday and Saturday nights during higher traffic times.

**CITY ATTORNEY
QUIET TITLE**

City Attorney Addleman informed council he is in the process of attaining a quiet title for the 307 Pine St. property. A title search has been due. The fee for the title search is \$200.00. Also, a filing fee of \$250.00 will be required before the quiet title is attained. City Attorney Addleman inquired if council wanted him to continue with the quit title pending all the fees required, plus the taxes on the property, before the City will own the property. The consensus from council was to continue with attaining the quiet title.

**CITY ADMINISTRATOR
EMPLOYEE POLICY**

City Administrator Arbuthnot has provided a draft to council concerning an employee policy to provide a wellness incentive to employees who do not use any sick leave annually and they can receive a \$100 payment or an approved day off with pay. Also a policy for a Suggestion Awards Program for employees who submit ideas that saves the City money. These are provided for review and discussion. It was decided to refer the programs to the personnel committee.

MAYOR

Mayor Malan thanked the council members for their cooperation and working together as a team. Mayor Malan stated he really appreciates it.

**COUNCIL MEMBERS
BROWN**

Brown-stated we need to proceed with caution on the pet ordinance. Brown received complaints concerning piles of trash. Mayor's Neighborhood Pride Committee mentioned about the mowing.

PHILLIPS

Phillips-strongly encourages the council members in favor of the cat ordinance to proceed with caution on what road we start down. If we start trying to tell people what they are about to have on the other side of their front door, it could cause some trouble. If we start putting limits on what is inside of that house; that could get hairy. Think it is a good idea to include a mandatory spay or neuter your pet whether it is indoor or outdoor. Phillips spoke with Animal Control Officer Rodger Cecil concerning the allegation that Cecil told Mr. McCrary to throw the cats into the City Lake. Phillips stated Animal Control

Officer Cecil emphatically stated he did not tell Mr. McCrary to throw the cats into the lake and he would come before council and state he did not say what he is accused of. Phillips explained that the comment is conflicting with Cecil's usual code of conduct. Phillips called a Personnel meeting for April 5, 2011 at 6:30 pm

BURG

Burg-no complaints

SIMONS

Simons-stated we need to take it slow on the cat ordinance but need to try to get something done. Simons reported some kids set a fire at 312 Ohio St. It was reported it was a controlled fire but they did not have a permit. If they do not have a permit, it is not a legal fire. Also city vehicles are being taken to local business instead of the City shop. All vehicles should go to the shop first. Simons received a complaint concerning the skate park having lots of cracks. City Administrator Arbuthnot stated solutions are being looked at for the skate park. Simons received a request from Mary Martin requesting her ditch be cleaned on Mill St. Simons also reported the burnt trailer on Prospect St. has been removed and cleaned up.

WEIL

Weil-absent

FISHER

Fisher-has one complaint about the trash in front of Wal-Mart.

BOYD

Boyd-on the cat issue animal control needs to change its policy of loaning out traps. Lieutenant Beshore informed council it has already stopped the only traps loaned out will be to trap wild animals and they will set the trap and the animal will be set free in the country. Boyd commented Officer Rich had made 15 to 16 contacts since the first of the month and commends Officer Rich with an "atta boy."

WIX

Wix-reported he had called attention to the front steps of City Hall needing to be repaired and the work has already been done and they look good. Wix called a Public Safety Committee meeting for April 5, 2011 after the council meeting. Wix stated as far as the cat ordinance, "I'm uneasy about a lot of ordinances because we put an awful lot of restrictions on the people."

NEW BUSINESS
CBIZ

Information from CBIZ regarding the health/dental/vision insurance premium renewal with MPR and the proposals from the other providers are included in the meeting packet and will be reviewed at the meeting with Dave Johnson. BC/BS had the most competitive proposals received for the health/vision plan which includes a rate cap over for an additional two years. Along with the traditional plans, a Health Savings Account Plan (HAS) is also proposed to be offered to the employees. It is recommended that the BC/BS Plan A with the \$1,000 deductible be provided for the employee coverage which would result in at \$454/month premium compared to the MPR renewal premium of \$594/month for the \$750 deductible plan. The employee can buy up to the \$300 deductible plan for \$69/month. The HSA plan premium is \$399/month and it is proposed that the City contribute \$55/month to the employee HAS account which would be at the same contribution level as the \$1,000 deductible plan. It is also recommended that the Guardian Dental and VSP Plan B vision plan be selected for the employee coverage. Those premiums are included in the premium information above. It should be noted that the life

insurance paid for each employee is currently \$7.75/month and will stay at that rate for the next year.

The total annual premium for (58) employees based on the above recommendations is \$321,522 annually which compares to \$389,064. Based on the current premiums, this results in a savings of \$67,512 under the current budget year expenditures. The new approved budget also included an annual premium increase amount capped at \$19,455, 5% that would be paid by the City.

It is proposed that an additional 1% increase in employee wages be considered with this additional savings and the total wage increase be 2% effective April 1, 2011. Motion by Fisher, second by Burg to give notice to MPR that we will not be renewing our policy effective July 1, 2011 and to approve Blue Cross & Blue Shield Plan A, effective July 1, 2011. Motion passed unanimously with a show of hands.

**POWER QUALITY MONITORING
EQUIPMENT**

The current budget contains \$9,000 in funds for the purchase of power quality monitoring equipment for the Electric Distribution Department. This provides for monitoring/recording the voltage of the electricity being provided to customers. It is used to determine if there are problems that the City needs to address or if the customer has problems with their electric service. The low bid is \$9,139.22 from Power Monitors Inc. and is recommended for approval to purchase by the City Council. Motion by Wix, second by Brown to approve the bid for Power Quality Monitoring Equipment. Motion passed unanimously with a show of hands.

MEDIA

C.A. Moore inquired what kind of feedback the City has received concerning the solar farm. Mayor Malan reported the City has received positive feedback and the people are excited about it.

ADJOURNMENT

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

Mayor Don H. Malan

ATTEST:

City Clerk Mary Jo Cook