

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
APRIL 5, 2011

The Butler City Council met in regular session on Tuesday, April 5, 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
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

OTHERS PRESENT

Others present were City Administrator Mark Arbuthnot, Officer Brandon Plunkett, City Attorney Tom Addleman, Public Works Director Trent Diehl and Barb Scrogam.

OTHER GUESTS

Edwin Nelson, Alan Stauffacher R-V School Superintendent, Eugene Miller Jr., Cindy O'Neill, Candace Hughes, Elizabeth Baudro, Zelda Coleman, Lori Adcock, Dan Jeetz, Michael Luckan. Austin Mount and Megan Shumate with Kaysinger Basin Regional Planning Commission were also in attendance.

APPROVE CONSENT AGENDA

Motion by Simons, second by Boyd to approve the minutes of the regular session of March 15, 2011 and closed session of March 1, 2011. Motion passed unanimously with a show of hands. Motion by Simons, second by Burg to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Phillips, second by Fisher to approve Travel/Training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion by Brown, second by Phillips to remove the union agreement and add closed session to discuss a personnel matter to the agenda. Motion passed unanimously with a show of hands.

**SCHEDULE GUESTS
MARION JONES FARMERS
MARKET**

Marion Jones representative for the Farmers Market was unable to attend the council meeting. Mrs. Jones provided a written request asking council to approve the placement of a sign at the city maintenance building. Mrs. Jones also asked council to exclude the peddler's fee. City Administrator Arbuthnot stated the signs need to be picked up after each event and the signs need to be placed in the proper area. Motion by Simons, second by Wix to approve the request with the following conditions of sign placement and the picking up of the signs after each event. Motion passed unanimously with a show of hands.

MICHAEL LUCKAN/CAT ISSUES

Michael Luckan requested council to pass a law where people cannot trap cats. Mr. Luckan reported there are individuals who are trapping cats and dumping them in the country.

**PUBLIC HEARING
HEIMAN AGRI SERVICES TO
REZONE THEIR PROPERTY**

Mayor Malan opened the public hearing to consider petition from Heiman Agri Services to rezone their property from C-3 Highway Commercial Zoning District to I-1 Light Industrial Zoning District to allow the construction of

additional grain storage bins. The Planning Commission is recommending that the petition for rezoning be approved. There being no comments the public hearing was closed by Mayor Malan.

BILL NO. 2011-4
ORD NO. 925
1ST READING

Motion by Fisher, second by Simons for the first reading by title only of
BILL NO. 2011-4 ORDINANCE NO. 925
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI

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

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

BILL NO. 2011-4
ORD NO. 925
2ND READING

Motion by Brown, second by Fisher for the second reading by title only of
BILL NO. 2011-4 ORDINANCE NO. 925
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI

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

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

BILL NO. 2011-4
ADOPT ORD NO. 925

Motion by Boyd, second by Wix to adopt
BILL NO. 2011-4 ORDINANCE NO. 925
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI

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

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

PUBLIC HEARING
PROPOSED COMMUNITY
DEVELOPMENT BLOCK GRANT
APPLICATION

Mayor Malan opened the public hearing for comments on a proposed Community Development Brock Grant Application for funding to help pay for demolition and cleanup of (20) unsafe structures in Butler. The application proposes that the City of Butler contribute a local match amount of \$20,000 in funds plus in kind services in the amount of \$15,000 to assist with cleanup activities. Twenty property owners were mailed the Intent to Participate Form and also invited to attend the public hearing. A list of the twenty properties is included in the meeting packet. Kaysinger Basin Regional Planning Commission staff was assisting the City with the preparations of the application. Property owners of 606 W. Vine declined the opportunity of having the structure demolished due to future renovations being done. Property owner of 407 W. Ohio agrees to participate in the program if grant funding is approved. Austin Mount, the Executive Director for the Kaysinger Basin Regional Planning Commission discussed the proposed application with the city council. It was decided to reduce the local match amount to \$10,000.00

but to leave the in kind services at \$15,000.00 in the application. Several documents were provided for approval to proceed with the grant application. There being no comments the public hearing was closed by Mayor Malan.

**BILL NO. 2011-5
ORD NO. 926
1ST READING**

Motion by Boyd, second by Phillips for the first reading by title only of **BILL NO. 2011-5 ORDINANCE NO. 926 AN ORDINANCE PROVIDING “FAIR HOUSING” FOR THE CITY OF BUTLER, MISSOURI. DEFINES DISCRIMINATOR HOUSING PARACTICES AND CREATES A FAIR HOUSING COMMITTEE.**

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

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

**BILL NO. 2011-5
ORD NO. 926
2ND READING**

Motion by Brown, second by Fisher for the second reading by title only of **BILL NO. 2011-5 ORDINANCE NO. 926 AN ORDINANCE PROVIDING “FAIR HOUSING” FOR THE CITY OF BUTLER, MISSOURI. DEFINES DISCRIMINATOR HOUSING PARACTICES AND CREATES A FAIR HOUSING COMMITTEE.**

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

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

**BILL NO. 2011-5
ADOPT ORD NO. 926**

Motion by Wix, second by Phillips to adopt **BILL NO. 2011-5 ORDINANCE NO. 926 AN ORDINANCE PROVIDING “FAIR HOUSING” FOR THE CITY OF BUTLER, MISSOURI. DEFINES DISCRIMINATOR HOUSING PARACTICES AND CREATES A FAIR HOUSING COMMITTEE.**

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

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

RESOLUTION NO. 363

RESOLUTION NO. 363 A RESOLUTION OF THE CITY OF BUTLER, MISSOURI; STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.

Motion by Wix, second by Simons to approve RESOLUTION NO. 363. Motion passed unanimously with a show of hands.

RESOLUTION NO. 364

RESOLUTION NO. 364 A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ACCESS TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF. IN THE CITY OF BUTLER, MISSOURI.

Motion by Wix, second by Boyd to approve RESOLUTION NO. 364. Motion

passed unanimously with a show of hands.

PUBLIC HEARING
APPLICATION TO MoDOT FOR
SAFE ROUTES TO SCHOOL
PROGRAM

Mayor Malan opened the public hearing for comments on an application to MoDOT for Safe Routes to School Program funding to install new sidewalks and improve existing sidewalks to provide for the safety of school children walking to school. This application is being submitted by the Butler R-V School District with the City Engineer providing the preliminary engineering and cost estimates for the proposed work. It is proposed that the City will provide the labor and equipment to complete the work and that the grant funding will pay for the materials. Kaysinger Basin Regional Planning Commission staff helped the School District and the City with the MoDOT Safe Routes to School application. Austin Mount, Executive Director for Kaysinger Basin Regional Planning Commission discussed the proposed application. Also in attendance was Alan Stauffacher, Butler R-V School Superintendent. He spoke about the need for the sidewalk improvements and the opportunity to work with the City to complete the project. There being no comments Mayor Malan closed the public hearing

RESOLUTION NO. 365

RESOLUTION NO. 365 A RESOLUTION OF THE CITY OF BUTLER, BATES COUNTY, MISSOURI; STATING SUPPORT FOR THE SAFE ROUTES TO SCHOOL PROGRAM AND FOR THE CITY TO PROVIDE ITS RESOURCES TO HELP COMPLETE THE CONSTRUCTION OF NEW SIDEWALKS AND REPAIR OF EXISTING SIDEWALKS FOR THE SAFETY OF CHILDREN WHO WALK AND ATTEND THE BUTLER R-V SCHOOL DISTRICT SCHOOLS, GRADE LEVELS K – 8.

Motion by Phillips, second by Burg to approve RESOLUTION NO. 365.
Motion passed unanimously with a show of hands.

COMMITTEES
CITY OWNED FACILITIES
COMMITTEE/POLICE
DEPARTMENT BUILDING

City Owned Facilities Committee had a meeting on Tuesday, March 22nd at 7:00 p.m. at City Hall to discuss the mold and moisture problems with the Police Department building. They discussed recommending the repairs be made to the building to correct the mold and moisture problems as well as a long term goal to look at building a new Police Department building in a different location. The City Administrator reported that funding for two radio transmitters for the communication center would be available if purchasing them was delayed and that unused funds under code enforcement could also be utilized to pay for the necessary building repairs. It was discussed that City employees could complete the outside drainage improvements and the building repairs could be bid out for completion by a contractor.

The Public Works/Utilities Director, Trent Diehl had the property line locations surveyed by Bill Lethco for the Police Department building and the north property line is located 11 feet north of the building so an easement from the adjacent property owner won't be necessary and the south property line is located 14 feet south of the building. Trent is going to proceed with the drainage improvements around the exterior of the building so this work can be completed prior to starting work on the building itself.

City Administrator Arbuthnot contacted Charles Rush at Cook Insurance to see if there was any insurance coverage for the mold problem at the Police Department. He indicated that he did not believe there was any coverage but

submitted a claim to the company. An insurance adjuster looked at the building on March 30th and will submit his report back to the company for a determination on the coverage. City Administrator Arbuthnot reported there is no insurance coverage for the mold problem.

PERSONNEL COMMITTEE

City Personnel Committee met Tuesday, April 5th at 6:30 p.m. before the regular council meeting to review and discuss employee incentive programs. Councilman Phillips reported they had a good meeting and recommended going with the Wellness Incentive and the Suggestion Awards program and perhaps in the future creating a merit system program.

PUBLIC SAFETY COMMITTEE

City Public Safety Committee was scheduled to meet after the City Council meeting on Tuesday, April 5th to discuss proposed cat regulations. The Public Safety Committee was cancelled due to closed session.

MAYOR'S NEIGHBORHOOD PRIDE COMMITTEE

Mayor's Neighborhood Pride Committee met April 4, 2011 at 7:00 p.m. Councilman Burg reported the work day is set for May 14, 2011 from 9 to 3 meeting at O'Reilly's parking lot. Rain date will be June 11, 2011. Mayor Malan encouraged all councilmen to help with the work day and also participate in the meetings.

**REPORT
CITY ATTORNEY
WARRANT SWEEP
JIS SYSTEM**

City Attorney Addleman thanked the Police Department as they did a warrant sweep on Friday April 1, 2011. The Police Department picked up quite a few outstanding warrants. City Attorney Addleman reported the amnesty program is going well and at this time \$5,000.00 has been collected. City Attorney Addleman stated his goal for the coming year would be to have the JIS court system installed. The JIS program is free to the City. The only cost would be the training of the court clerks. City Attorney Addleman reported there are many benefits to having the JIS system. They offer a free debt collection service to the Court system, put cases on Missouri Case Net, plus it allows the court to receive their tax returns to pay court fines. City Attorney Addleman informed council he would like to do another abatement to clean up the court.

**CITY ADMINISTRATOR
CAT REGULATIONS**

Councilman Pat Simons has suggested that the City Council make a trip to Lamar, Missouri to tour the operations of their animal impoundment facilities. The City Owned Facilities Committee should probably discuss this to determine what direction the City should be considering dependant on any proposed cat regulations.

CITY WIDE CLEANUP

The Spring City Wide Cleanup will start May 9th for residential properties located north of Ft. Scott St. and will continue May 16th for residential properties located south of Ft. Scott St.

**REIMBURSEMENT/WINTER
STORM**

Fire Chief, Jim Henry was notified that President Obama has approved Governor Nixon's request for major disaster declaration for the winter storm that started on January 31st. The federal government will reimburse 75% of eligible local and state emergency response and recovery expenses in (59) Missouri Counties including Bates County. The City had estimated expenses of \$14,500 for the snow removal. A request for reimbursement of eligible expenses will be submitted by the City of Butler.

MISSOURI DEPARTMENT OF

City Administrator Arbuthnot met with Bates County Commissioners Randy

**ECONOMIC DEVELOPMENT
ENHANCED ENTERPRISE ZONE
FOR BATES COUNTY**

Pike and Larry Berry regarding an application they are considering to submit to the Missouri Department of Economic Development for designation of an Enhanced Enterprise Zone for areas in Bates County. The area along the Highway 71 corridor including the cities in this area would be designated as well as other areas in the county. The City of Butler's Enterprise Zone designation expired in December of 2008 which was the end of a seven year extension. At that time the City Administrator had checked with the Missouri Department of Economic Development about continuing the designation and was informed that no further extensions were allowed and that the City would have to apply for a new designation under the current regulations. Any property that has this designation would be eligible for certain tax benefits. Additional information will be provided by the county as they continue to work on their application.

TAXI SERVICE

Councilman Pat Simons had asked if the Butler Senior Taxi Service was eligible to apply for grant funding from the State for its operation. City Administrator Arbuthnot requested Kaysinger Basin Regional Planning Commission staff to check with MoDOT about their Missouri Elderly and Handicapped Transportation Assistance Program (MEHTAP) which is a 50/50 grant and is available to nonprofits that are registered with the Secretary of State. To be eligible to apply for these funds the transportation vehicle must be handicapped accessible. The vehicle that the Senior Taxi Service uses does not meet this requirement.

GRAVE PLOTS

Councilman Doug Wix had asked if the City would sell grave plots in the cemetery on an installment payment plan. The City Administrator checked with City staff and was told that this had not been allowed in the past. They indicated that sometimes the funeral home will pay for the grave plot and then they deal with the family regarding the repayment to them. The City will also accept credit card payments for grave plots. If the City Council wants to consider doing this it should probably be referred to the Cemetery Commission, along with the issues of selling price for grave plots, opening and closing costs and the policy regarding the resale of a grave plot for their review and a recommendation.

**EPA PROPERTY ASSESSMENTS
FOR CONTAMINATED
HAZARDOUS MATERIALS**

A meeting was held at City Hall with Environmental Protection Agency (EPA) staff and Kaysinger Basin Regional Planning Commission (KBRPC) staff and Vernon County representatives on Wednesday, March 23rd. The City of Butler and Vernon County are co-sponsors for a grant that was submitted by KBRPC for conducting assessments of properties that may need cleanup of hazardous materials. The grant for \$1.0 million in funding was approved and will be administered by KBRPC. There is no financial requirement from the City of Butler or Vernon County for this grant as we will work with KBRPC staff regarding implementation and public information for the assessment program.

This is an opportunity for property owners in the seven county regions that are covered by the KBRPC to have assessments completed to determine if their property is contaminated with hazardous materials. Possible sites that will be eligible for assessment include properties previously used as gas stations, grain elevators, manufacturing facilities and others. Sites that are identified as having hazardous materials contamination may then be eligible for cleanup funding under the Brownfield program through the federal government. The

intent is to clean up the contamination and to also provide the opportunity for new development on the sites once cleanup has been completed.

BUTLER MILLING

Chris Cook with Butler Milling was sent a letter and invited to attend the council meeting to discuss the storage of their equipment in the spec. building. City Administrator Arbuthnot spoke with Chris by telephone on March 29th and Chris indicated that they would have all of their stored equipment removed from the building by May 1, 2011.

PAVE GUARD SOLAR

Corey McDonald with Pave Guard Solar contacted City Administrator Arbuthnot on March 29th to advise that he had met again with MoPEP staff regarding the Purchase Power Agreement (PPA) for the installation of a 5-MW Solar Farm at the Butler Industrial Park. The MoPEP Board will be meeting in late April and will consider the PPA agreement proposal. Corey indicated that they have a target date of June 9th to have everything finalized with MoPEP and the City. Additional information will be provided to the City Council for consideration as it is available.

“IN GOD WE TRUST” MOTTO

Mayor Don Malan received a letter from the law offices of Dee Wampler and Joseph Passanise requesting that the City consider posting at City Hall or in the Council Chambers “IN GOD WE TRUST” and a Resolution for the council to consider approving this action.

TOUR CITY OWNED FACILITIES

It was suggested at one of the City Council meetings to have the council tour City owned facilities. This needs to be discussed by the council to determine when the best time would be to schedule the tours. April 7, 2011 at 2:00 pm council will be touring the sewer plant.

PURCHASING POLICY

A local business was in and spoke with City Administrator Arbuthnot about the City’s local purchase policy and being given the opportunity to provide bids on office supply items the City was considering for purchase. They had been provided this opportunity in the past and wanted to discuss the City policy for purchasing locally. After the meeting concluded, it was determined that the information they were provided which was if they were within 10% of the low bid, they would be selected to fill the order. This was the old policy. The business was then informed that the current policy stated they had to be within 5% of the low bid to be selected. It was recommended that the purchasing policy for the City be revised.

RESOLUTION NO. 366

RESOLUTION NO. 366 A RESOLUTION ESTABLISHING A PURCHASING POLICY FOR THE CITY OF BUTLER, MISSOURI.

Motion by Phillips, second by Wix to approve RESOLUTION NO. 366. Motion passed unanimously with a show of hands.

PUBLIC WORKS/UTILITY DIRECTOR

Public Works/Utility Director Trent Diehl reported the electric distribution department is a little over half done. Hold ups are scheduling construction with the phone and cable companies. Diehl also reported on the water distribution department and sewer collection department. Fulton St. sewer line is 2/3 complete. The I & I phase two project has been started in area three. The street department has repaired the sidewalk and the pole pad in front of City Hall. They also have done patching on several pot holes in town. The pool start up process is up and running. Park & Rec is well into the mowing season.

MAYOR

Mayor Malan thanked all the City employees and council for all their hard work.

COUNCIL MEMBERS

BROWN

Brown-street lights out on Birch St. and Allen St.

PHILLIPS

Phillips-no complaints.

BURG

Burg-Pine & High St. there is a 1 ton truck parked with no tags.

SIMONS

Simons-reported there is a program (1-888-pets)for spaying & neutering feral cats. They are to be trapped and released where trapped. Line of sight at Mill St. by Cox feed store cannot see oncoming traffic if vehicles are parked to close to the street.

WEIL

Weil-complimented the citizens for cleaning up their homes on Havannah St. and South. High St.

FISHER

Fisher-stated he is glad to see the pot holes being fixed. City crews are doing a good job.

BOYD

Boyd-thanked the City boys they are doing a good job. Code enforcement report is the best one he has seen in a year. He can see a lot of improvements. Right on target going into spring, going in the right direction.

WIX

Wix-stated he has enjoyed the last six years as councilman and will enjoy the next two years.

NEW BUSINESS

WATER LINE EASEMENTS

Consider approval of (6) water line easements for the City to install a new 8” water line located approximately 270’ north of Ft. Scott St. and extending east from Sunset View approximately 855’. These easements have all been approved by the property owners. This new water line will replace an existing water line that is inadequate to serve the properties in this area. Water supply, quality and fire protection will be improved to the properties in this area. This project was previously approved for completion by the City Council and work will proceed this spring. The following property owners have granted easements to the City for the water line installation: 1) Gerald and Marcia Ours, 2) Corey Lanyon, 3) Henry Otto Klumb, 4) PDF Enterprises, 5) Vikar, LLC and 6) Joseph and Peggy Ann Fuller. Motion by Wix, second by Simons to approve six water line easements for the City to install a new 8” water line located approximately 270’ north of Ft. Scott St. and extending east from Sunset View approximately 855’. 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 regular meeting. Motion passed unanimously with a show of hands.

ATTEST:

City Clerk Mary Jo Cook

Mayor Don H. Malan

