

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
APRIL 19, 2011**

The Butler City Council met in regular session on Tuesday, April 19, 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, Lieutenant Randy Beshore, Officer Jerret Wheatley, Officer Victor Correa, City Attorney Tom Addleman, Public Works Director Trent Diehl, Mary Jo Cook and Barb Scrogam.

APPROVE CONSENT AGENDA

Motion by Fisher, second by Simons to approve the minutes of the regular session of April 5, 2011 and closed session of April 5, 2011. Motion passed unanimously with a show of hands. Motion by Simons, second by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Phillips, second by Brown to approve Travel/Training. Motion passed unanimously with a show of hands. Motion by Wix, second by Fisher to accept Certified Election Results. Motion passed unanimously by a show of hands.

**OATH OF OFFICE
REORGANIZE THE CITY
COUNCIL**

City Clerk Mary Jo Cook administered the oath of office to Brian Phillips (Ward 1 Councilman), Pat Simons (Ward 2 Councilman), Harold Weil (Ward 3 Councilman) and Doug Wix (Ward 4 Councilman).

ROLL CALL

David Brown	Harold Wix
Brian Phillips	Jim Fisher
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

WIX NEW MAYOR PRO TEM

Mayor Malan asked for nominations from the Council for Mayor Pro Tem. Fisher motioned to nominate Wix with Boyd seconding the motion. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA
ADDITIONS OR DELETIONS**

Motion by Wix, second by Brown to add closed session at the end of regular session to discuss a personnel matter and to add the 71 Butler Speedway contract with the Fire Dept under new business. Motion passed unanimously with a show of hands.

**SCHEDULED GUESTS
CHAMBER OF COMMERCE**

Chamber of Commerce requested space closed off on the square for the city

wide garage sale May 7, 2011. Motion by Simons, second by Wix to approve the request. Motion passed unanimously with a show of hands.

BUTLER ALUMNI ASSOCIATION

Butler Alumni Association requested the middle of the square be blocked off May 28, 2011 for the Annual Alumni Parade. Motion by Simons, second by Phillips to approve the request. Motion passed unanimously with a show of hands.

BOARDS & COMMISSIONS
PARK AND RECREATION
COMMISSION

Park and Recreation Commission met on Thursday, April 7, 2011 at 12 noon at City Hall. They discussed and approved the fees to be charged for the use of the Aquatic Center for swim lessons and concession stand charges for pool party functions. Also pool pass fees were approved for use by youth group organizations. Hours of operation for the pool were discussed and will be monitored to determine if adjustments can be made in the future to reduce operating costs.

PLANNING COMMISSION

The Planning Commission met on Tuesday, April 12, 2011 at 7:30 p.m. at City Hall. They discussed and reviewed proposed regulations regarding front yard parking in the residential districts. They requested a proposed ordinance be brought back for review at their next meeting.

AIRPORT COMMISSION

The Airport Commission met on Thursday, April 14, 2011 at 6:30 p.m. at the Butler Memorial Airport. The commission reviewed the year-to-date financial information and was advised that the FY2011-12 Budget had been approved. They were also informed that Bishops Construction would be starting work again by the end of April to complete the taxiway sealing and trench drain project started last fall.

BILLS, ORDINANCE,
RESOLUTIONS & POLICES

Consider a resolution supporting the display of the National Motto "In God We Trust" in the Butler City Council chambers. It was discussed where to put the motto and the consensus was to place the motto over the Missouri Seal in the council chambers. Also, placing the motto at the entrance of City Hall. Motion by Wix, second by Brown to approve Resolution No. 367. Motion passed 7 to 1 with Phillips voting nay.

REPORT
LIEUTENANT

Lieutenant Beshore informed council the Police Department will be working in conjunction with the DEA and the Bates County Health Center on April 30, 2011 from 10:00 to 2:00. This program allows citizens to turn in expired or unused prescriptions for safe disposal.

CITY ATTORNEY

City Attorney Addleman informed council the amnesty program is completed. The total amount collected from the amnesty program is \$6,737.75.

City Attorney Addleman is arranging to have Municipal Court Administrator Vicki Bond attend a council meeting to explain the benefits of the JIS Court System.

City Attorney Addleman informed council he has completed the parking ordinance and it will go to the Planning Commission next.

CITY ADMINISTRATOR

City Council, along with the Mayor and City Administrator Arbuthnot, toured

**WASTEWATER TREATMENT
PLANT TOUR**

the Wastewater Treatment Plant on Thursday, April 7, 2011. The tour for the Water Treatment Plant will be April 26, 2011 at 10:00 am.

RFP/POLICE DEPT

An advertisement was placed in the newspaper for Request for Proposals (RFP) for repairs and improvements to the Police Department building. These are due back by 2:00 p.m. on May 5, 2011.

GENERATOR

The generator that was replaced at the Police Department has been repaired by the Fire Department and will be used by them to provide temporary power when responding to emergency management situations or fire calls when needed. The generator has not been tested under a heavy load but has worked when tested under light loads.

CDBG GRANT APPLICATION

The CDBG unsafe structure demolition grant application is still being completed. Code Enforcement Officer, Denny Rich is working to contact property owners who have not returned the Intent to Participate form. Public Works/Utilities Director, Trent Diehl is working on cost estimates for each structure to be included in the application and City Administrator Arbuthnot is working on the narratives and other information required to be provided in the application.

FEMA

City Administrator Arbuthnot, Fire Chief Henry and Public Works/Utilities Director Diehl had a meeting with FEMA representatives on Wednesday, April 13th to discuss and present information regarding the City's costs for the January 31st snow storm for reimbursement.

**BUTLER COMMUNITY
VISIONING PLAN**

City Administrator Arbuthnot received a visit from Jamie Oglebe from West Central Missouri Community Action Agency. She informed City Administrator Arbuthnot the \$3450.00 pledge West Central Missouri Community Action Agency made for the Butler Community Visioning Plan is not available due to federal cut backs. City Administrator Arbuthnot informed council he had budget \$5000.00 for Annexation/Tax Increment Financing. Arbuthnot stated due to the economy he did not believe the funds will be needed and the funds could be reallocated for the Butler Community Visioning Plan. Motion by Burg, second by Fisher to reallocate the funds from the Annexation/Tax Increment Financing to the Butler Community Visioning Plan. Motion passed unanimously with a show of hands.

MAYOR

Mayor Malan stated his appointments for Boards and Commissions and Committees will be announced at the May 3, 2011 Council meeting.

COUNCIL MEMBERS

BROWN

Brown-received a complaint about grass growing up around the curb by the bank and furniture house.

PHILLIPS

Phillips-no complaints.

BURG

Burg-corner of Pine & High St. there is a 1 ton commercial truck parked in a residential area with no license plates. Also there is a trailer with tags.

SIMONS

Simons-old seed plant by the light plant is dangerous. It could fall in at any time. Mill & Water St. cars covered with tarps. May have to take a look at the taxi prices with gas prices going up. Crossing guard at the grade school

reported three cars ran his stop sign. 803 Grove St. a couch in the yard.

WEIL

Weil-received complaints concerning a tree down on High St. Also concerns about it taking so long to bury the electrical lines behind the houses on Country Club.

FISHER

Fisher-asked about a wrestling mat one block east of the Police Department.

BOYD

Boyd-no complaints. Thanked City Administrator Arbuthnot and Public Works/Utility Director Diehl for the tour at the Waste Water Treatment Plant.

WIX

Wix-complaints on the pot holes around town.

NEW BUSINESS
MISSOURI DEPARTMENT OF
NATURAL RESOURCES LOAN

Consider approval of an agreement with the Missouri Department of Natural Resources for a \$24,940 loan to be repaid over 4 years at 0% interest rate to the City to make improvements to City facilities to reduce energy usage and costs. McKinstry helped the City with the preparation and submittal of this application. Motion by Simons, second by Fisher to approve Resolution No.368 and other required documents for the loan in the amount of \$24,940.00 to be used for energy conservation measures to City facilities. Motion passed unanimously with a show of hands.

ENERGY SERVICE COMPANY

Consider Statements of Qualifications from Honeywell, Johnson Controls and McKinstry to provide Energy Service Company (ESCO) services to the City with performance contracting for energy improvements to City facilities. All three firms met with the City Administrator and the Public Works/Utilities Director to discuss City facilities and the services they could provide to the City if they were selected. Johnson Controls and McKinstry both toured City facilities. McKinstry had performed an initial energy audit and provided current energy usage information when they met with the City Council last fall. All three firms have experience in performance contracting for energy improvements and are qualified to provide these services to the City. After selection of a firm by the City Council the City Administrator will negotiate a contract for services that will be brought back to the City Council for approval. Motion by Burg, second by Wix to approve McKinstry as the Energy Service Company. Motion passed unanimously with a show of hands.

UNION AGREEMENT

Consider approval of a new three year union agreement with Local Union 53 International Brotherhood of Electrical workers, AFL-CIO effective April 1, 2011 through March 31, 2014. The agreement includes updating to areas that have been changed since the last agreement was approved in 2008. New changes include: 1) language that the City Council will annually determine the amount that the city will pay towards the employee health benefits, 2) compensatory time use by employees, 3) stand by pay for employees increased from 125/week to 140/week (this has not been adjusted since May 3, 2005), 4) language clarifying lunch period extension pay, 5) language that employees can't bid on other job openings if they have been in their current job less than a year, 6) Exhibit A Employee Positions and Pay Ranges has been revised. Motion by Brown, second by Simons to approve the three year union agreement with Local Union 53 International Brotherhood of Electrical workers, AFL-CIO effective April 1, 2011 through March 31, 2014. Motion passed unanimously with a show of hands.

BUTLER SPEEDWAY

Consider new contract agreement between the City of Butler Fire Department and the 71 Butler Speedway. 71 Butler Speedway will pay \$150.00 per event. Motion by Burg, second by Phillips to approve the contract. Motion passed unanimously with a show of hands.

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.

Mayor Don H. Malan

ATTEST:

City Clerk Mary Jo Cook