

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MAY 3, 2011**

The Butler City Council met in regular session on Tuesday, May 3, 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 Beshore, Officer Jarrett Wheatley, City Attorney Tom Addleman and Barb Scrogam.

OTHER GUESTS

Mike Gallagher, Jon McCoy, Eugene Miller, Linn Nitsche, George Mayleben, Casey Koehn and Rodger Koehn were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, second by Boyd to approve the minutes of the regular session of April 19, 2011 and closed session of April 19, 2011. Motion passed unanimously with a show of hands. Motion by Simons, second by Fisher 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 Simons, second by Boyd to add George Mayleben with the Carson & Barnes Circus to the agenda. Motion passed unanimously with a show of hands.

**SCHEDULE GUESTS
PAM CRAFT/SADDLE CLUB
PARADE**

Pam Craft requested the square be blocked off for the Saddle Club Parade on June 18, 2011 starting at 12:00 pm. Motion by Burg, second by Phillips to block the square for the parade. Motion passed unanimously with a show of hands.

**GEORGE MAYLEBEN/
CARSON & BARNES CIRCUS**

George Mayleben with the Carson & Barnes Circus spoke to council concerning the open date of September 13, 2011 the circus has. The circus is seeking a sponsor for the September 13, 2011 date. Mr. Mayleben stated the circus would require \$495.00 signing fee and a 500 ft x 300 ft lot for the tent and parking for 20 semis. Also, he would need a water hydrant to fill their 1000 gallon tank. Mr. Mayleben stated the tent is 180 x 180 and has seating for 2200 occupants. The ticket prices are \$18.00 adults, \$10.00 children at the door and pre sale of tickets are \$16.00 for adults, \$6.00 for children. Mr. Mayleben stated the circus is a family friendly and family owned business. Motion by Phillips, second by Burg to approve and sponsor the Carson & Barnes Circus providing the date of September 13, 2011 is open. Motion passed 7 to 1 with Simons voting nay.

COMMITTEES
PUBLIC SAFETY COMMITTEE

The Public Safety Committee met on April 19th after the regular City Council meeting to discuss proposed animal control regulations for cats and directed the City Attorney to draft another Ordinance for their review and discussion.

BOARDS AND COMMISSIONS
POLICE PERSONNEL BOARD

The Police Personnel Board met on Wednesday, April 27th at 6:00 p.m. at City Hall to interview DeOnne Addleman for a Reserve Police Officer position. The Police Personnel Board recommends DeOnne Addleman as a reserve officer.

BILLS, ORDINANCE,
RESOLUTIONS AND POLICIES

Consider an Ordinance to adopt an Employee Suggestion Awards Program to reward employees who submit recommendations that will reduce costs and save the City money. Please note that the proposed Ordinance does not include the Wellness Incentive that was also proposed. It is recommended that this not be included because of the City's current sick leave buy back policy. This policy is an incentive for employees who do not use sick leave and can be reimbursed one hour of wages for five hours of sick leave they do not use.

BILL NO. 2011-6
ORD NO. 927
1ST READING

Motion by Fisher, second by Phillips for the first reading by title only of
BILL NO. 2011-6 ORDINANCE NO. 927
AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION,
ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6.
PERSONNEL POLICY, ADDING NEW SECTION 2-120.12.
EMPLOYEE SUGGESTION AWARDS PROGRAM OF THE BUTLER
CITY CODE. NOW, THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF BUTLER, MISSOURI, THAT THE
BUTLER CITY CODE, CHAPTER 2. ADMINISTRATION, ARTICLE
III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL
POLICY IS HEREBY AMENDED BY ADDING NEW SECTION 2-
120.12. EMPLOYEE SUGGESTION AWARDS PROGRAM AND THE
FOLLOWING AMENDMENTS ARE ADOPTED IN LIEU THEREOF:

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. 2011-6
ORD NO. 927
2ND READING

Motion by Wix, second by Boyd for the second reading by title only of
BILL NO. 2011-6 ORDINANCE NO. 927
AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION,
ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6.
PERSONNEL POLICY, ADDING NEW SECTION 2-120.12.
EMPLOYEE SUGGESTION AWARDS PROGRAM OF THE BUTLER
CITY CODE. NOW, THEREFORE, BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF BUTLER, MISSOURI, THAT THE
BUTLER CITY CODE, CHAPTER 2. ADMINISTRATION, ARTICLE
III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL
POLICY IS HEREBY AMENDED BY ADDING NEW SECTION 2-
120.12. EMPLOYEE SUGGESTION AWARDS PROGRAM AND THE
FOLLOWING AMENDMENTS ARE ADOPTED IN LIEU THEREOF:

David Brown-Aye
Brian Phillips-Aye

Harold Weil-Aye
Jim Fisher-Aye

Thom Burg-Aye
Pat Simons-Aye

Brian Boyd-Aye
Doug Wix-Aye

**BILL NO. 2011-6
ADOPT ORD NO. 927**

Motion by Wix, second by Fisher to adopt

BILL NO. 2011-6 ORDINANCE NO. 927

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL POLICY, ADDING NEW SECTION 2-120.12. EMPLOYEE SUGGESTION AWARDS PROGRAM OF THE BUTLER CITY CODE. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUTLER, MISSOURI, THAT THE BUTLER CITY CODE, CHAPTER 2. ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 6. PERSONNEL POLICY IS HEREBY AMENDED BY ADDING NEW SECTION 2-120.12. EMPLOYEE SUGGESTION AWARDS PROGRAM AND THE FOLLOWING AMENDMENTS ARE ADOPTED IN LIEU THEREOF:

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. 369

Consider a Resolution for City membership in the Kaysinger Basin Regional Planning Commission. The proposed resolution is included in the packet.

RESOLUTION NO. 369

A RESOLUTION TO PROVIDE FOR THE MEMBERSHIP OF THE CITY OF BUTLER, MISSOURI IN THE KAYSINGER BASIN REGIONAL PLANNING COMMISSION. RESOLUTION NO. 363A 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 Brown, second by Simons to approve RESOLUTION NO. 363A. Motion passed unanimously with a show of hands.

RESOLUTION NO. 363A

Consider amending the resolution for the CDBG unsafe structure demolition grant application that was approved by the City Council at the April 5th council meeting. The revisions include reducing the City's local match amount from \$10,000 to \$6,000 and reducing the city's in-kind amount from \$15,000 to \$6,000. These changes were made as a result of only having six properties to submit in the CDBG unsafe structure demolition grant application. Kaysinger Basin Regional Planning Commission staff is completing the application and will submit it for consideration for funding.

RESOLUTION NO. 363A 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 Phillips to approve RESOLUTION NO. 363A. Motion passed unanimously with a show of hands.

REPORT
LIEUTENANT

Lieutenant Beshore informed council on April 30, 2011 that 57 lbs of prescription drugs were turned in. This program was held in conjunction with the DEA and the Bates County Health.

CITY ATTORNEY
ANIMAL ORDINANCE

City Attorney Addleman informed council he will be using the current animal ordinance but will be making some changes to it.

JIS COURT SYSTEM

Addleman informed council he will provide more information on the JIS Court System and why it will benefit the City in a future council meeting.

CITY ADMINISTRATOR
WATER TREATMENT TOUR

The City Council toured the Water Treatment Plant on Tuesday, April 26, 2011. A tour of the Light Plant will be conducted on May 19, 2011.

OSAGE VALLEY RC&D

The City has been notified of a \$2,000 reimbursement grant from the Osage Valley RC&D to be used for purchasing rain barrels to be distributed to residents. The City is also contributing barrels from the Water Treatment Plant for the project. These are to be used to collect runoff water from rain and provide for the reuse of the water for gardens and landscape areas.

DOWNTOWN PROJECT

City Administrator Arbuthnot informed council he had a two hour meeting with the consultant of the Downtown Project on Friday April 29, 2011. Arbuthnot stated there has to be another supplemental agreement for the consultant to complete the front end of the spec document for bidding purposes. They are putting together the boiler plate part of the spec document which is part of the wage and hour and federal wage law. They are also putting together a proposal for approval from the City and MoDOT because of the extra funds. The City is obligated to pay 21% of the cost and MoDOT cost is 79%. Arbuthnot received an estimate of \$15,000.00 from the consultant to get the work done with all the updates and estimates for the project.

SOLAR FARM PROJECT

City Administrator Arbuthnot met with the Solar Farm associates discussing a lot of information. Missouri Department of Economic Development, Heise Meyer, Gilmore & Bell and the developer and an attorney (helping to put together the developer agreement) were all in attendance. Arbuthnot informed council a lot of information was clarified. Arbuthnot informed council they will receive information at the May 17, 2011 meeting to consider so as to be able to move ahead. They still have to get approval from MoPEP and MPUA; they will have a meeting on June 9, 2011. Arbuthnot stated it looks favorable at this point and they will have numbers and will be close to final form at the May 17, 2011 council meeting.

MAYOR
REAPPOINT CITY CLERK &
DEPUTY CITY CLERK

Casey Koehn has returned from military leave and will be returning to work on May 9, 2011. Motion by Wix, second by Phillips to reinstate Casey Koehn as City Clerk. Motion passed unanimously with a show of hands.

Motion by Boyd, second by Fisher to appoint Mary Jo Cook as Deputy City Clerk. Motion Passed unanimously with a show of hands.

MAYORS NEIGHBORHOOD
PRIDE COMMITTEE CLEAN UP

Mayor Malan informed council May 14, 2011 will be the trash pickup date for the Mayor's Neighborhood Pride Committee. They will be meeting at

O'Reilly's parking lot at 9 am. Mayor Malan stated there will be lots of clubs helping and encourages everyone to help with this project. Mayor Malan stated bottled water and gloves will be provided.

COUNCIL MEMBERS

BROWN

Brown-welcomed City Clerk Casey Koehn back. Complaint on grass not being mowed behind resident next to Sonic on the east side. Lights out on Birch St new addition. Corner of Pine St. and Broadway St. the street is breaking off.

PHILLIPS

Phillips- welcomed City Clerk Casey Koehn back. Happy to see an Officer was parked at the funeral home to watch cars at the school crossing guard. Phillips asked if Officers could keep an eye on speeding traffic coming off the square.

BURG

Burg- welcomed City Clerk Casey Koehn back. May 14, 2011 cleanup day and the Lions club, Aux Fire Dept and the 7th & 8th grade science class will be coming to help.

SIMONS

Simons-complaints on Apco Station have weeds. House at 206 Fulton St. no signs of improvements.

WEIL

Weil-no complaints

FISHER

Fisher- welcomed City Clerk Casey Koehn back.

BOYD

Boyd- welcomed City Clerk Casey Koehn back.

WIX

Wix- welcomed City Clerk Casey Koehn back.

NEW BUSINESS
TECHNICAL ENERGY AND
OPERATIONS AUDIT

Consider an agreement with McKinstry to provide services to perform a Technical Energy and Operations Audit that will be used as the basis for a Guaranteed Energy Savings and Operation Performance Contract. The cost for this agreement is paid for with the cost savings that result from the recommended energy improvements that the City will make. Jon McCoy and Mike Gallagher with McKinstry were at the meeting to review the agreement and answer questions. Motion by Phillips, second by Wix to approve the agreement with McKinstry. Motion passed unanimously with a show of hands.

POLICE CHIEF JIM GARNETT
RETIREMENT

Police Chief Jim Garnett has submitted his paperwork to the Mayor to retire from employment with the City with his last day of work being May 4, 2011. Police Chief Garnett has worked for the City 37 years in the Police Department and has served as Police Chief for the last 5 years. Motion by Wix, second by Simons to enter into closed session to discuss personnel issues. Motion passed with the following votes.

ENTER INTO CLOSED SESSION

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

Motion by Wix, second by Burg to return to open session. Motion passed with the following votes.

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

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

Motion by Phillips, second by Wix to provide a retirement package of 3 months pay to Chief Garnett. Motion Passed unanimously with a show of hands.

POLICE CHIEF POSITION

Mayor Malan and City Council discussed the search process for filling the Police Chief position. Mayor Malan and City Administrator will meet with the Police Board and the Personnel Board Tuesday May 10, 2011 at 6:00 pm to draft an ad and to go over the job description.

ADJOURNMENT

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

ATTEST:

Mayor Don H. Malan

City Clerk Casey Koehn