

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
APRIL 3, 2012

The Butler City Council met in regular session on Tuesday, March 20, 2012 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 Administrator Mark Arbuthnot, City Clerk Casey Koehn, Police Chief Jerry Boyd, Codes Officer Jim Wheatley, City Attorney Tom Addleman and Public Works Director Trent Diehl.

OTHER GUESTS

Eugene Miller, Andrew Culbertson, Bob Noel, Lori Adcock, Scott Parrish, Terry Agnew, and Zelda Coleman were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Burg to approve the minutes of the regular session of March 20, 2012. Motion passed unanimously with a show of hands. Motion by Simons, seconded by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Phillips, seconded by Burg to approve travel/training. Motion passed with a vote of 6 to 1.

SCHEDULED GUEST
SCOTT PARRISH

Scott Parrish proposed to Council to connect Fran Ave and Rice Road.

JASON LAWRENCE- ALUMNI ASSOC.

Jason Lawrence with the Alumni Association requested to have the Alumni parade and a 5k run on May 26, 2012. The route was given to the Police Chief. Motion was made by Burg, seconded by Boyd to approve request. Motion passed unanimously with a show of hands.

ANDREW CULBERTSON- BUILDING PERMIT

Andrew Culbertson came before Council to ask for an extension on his building permit for his house on 206 N. Fulton. After much discussion, a motion was made by Boyd seconded by Simons to allow for an extension for 90 days with a sub floor within 30 days. Motion passed with a vote of 6 to 1.

COMMITTEES
FINANCE COMMITTEE

Motion was made by Simons, seconded by Fisher to purchase two police cars. The others would be purchased pending the budget. Motion passed with a vote of 6 to 1.

NEIGHBORHOOD ADVISORY

COMMISSION

Burg reported that the Commission met and discussed assessing the special tax for properties that are not mowed.

**COMMUNITY DEVELOPMENT
BLOCK GRANT**

Arbuthnot ranked proposals from companies for the grant writing services. Motion was made by Simons, seconded by Burg to accept proposals. Motion passed unanimously with a show of hands.

**PUBLIC HEARING FOR CDBG
APPLICATIONS**

A public hearing was opened to discuss the CDBG applications for demo of unsafe structures. Lori Adcock (407 W Ohio) stated that she would participate in the program allowing the City to demo the property.

Zelda Coleman (606 W Vine) stated she does not want to participate in the program. This would not allow the City to demo the property.

Austin Mount (KBRPC) stated that in order to receive the grant, the City would need close to 20 properties to participate.

The Public hearing was closed.

REPORTS

CITY CLERK

Koehn reported that she would be doing 2 weeks of active duty training in Stuttgart Germany from 14apr-01May2012.

POLICE CHIEF

Chief Boyd reported that the new police officer begin work on Apr1. He also reported that the Police Dept acquired a humvee.

CITY ADMINISTRATOR

**PUBLIC HEARINGS SCHEDULED
FOR APR 17**

City Administrator Arbuthnot reported that three public hearings will be held at the City Council meeting on Tuesday, April 17, 2012, starting at 6:00 p.m. to address 1) Wastewater System Improvements, 2) sewer user fee increase and 3) environmental impacts of the projects. These public hearings are required for the City to utilize \$209,402 in construction funds that were left over from the Wastewater Treatment Plant improvements that were completed in 2003. Vance Neal the engineer with the Larkin Group will be at the public hearings to provide information and answer questions.

**NO MORE CITY SALES TAX ON
OUT OF STATE PURCHASES OF
VEHICLES, TRAILERS, BOATS
AND MOTORS**

The City was notified by the Missouri Municipal League that in an opinion handed down on January 31, the Missouri Supreme Court ruled that local sales taxes cannot be levied on out-of-state purchases of motor vehicles, trailers, boats and motors. Until this ruling, the Missouri Department of Revenue treated all purchases of motor vehicles, trailers, boats and motors as in-state purchases and collected local and state sales taxes at the time of registration. The court also ruled that the local use tax applies to out-of-state purchases of motor vehicles, trailers, boats and motors, contrary to an earlier decision by the Administrative Hearings Commission. The Missouri Municipal League has requested information from the Missouri Department of Revenue as to how much sales tax revenue will be lost if the City does not have the Local Use Tax.

SALES TAX

The City of Butler does not have a Local Use Tax so there will be a loss of sales tax revenue for these types of out-of-state purchases. To enact a Local

Use Tax the City Council would have to approve an Ordinance calling for an election and then it would have to be approved by the voters. The amount of Local Use Tax is the same amount as the Local Sales Tax and is subject to any repeal, reduction or increase in the Local Sales Tax which is approved by the voters. The current City Sales Tax amount is 2.125% and this will drop to 2% after July 1, 2012 when the five year Fire Sales Tax expires.

Arbuthnot received information from the City Engineer regarding the local match for the Airport project. It has gone from 5% to 10%.

**PUBLIC WORKS/UTILITY
DIRECTOR**

Diehl received a request from a representative of the Community Food Pantry for the City to provide labor and equipment to grade the parking lot at the old MFA building. Motion was made by Phillips, seconded by Brown to approve request. Motion passed unanimously with a show of hands.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley gave his report to Mayor and Council.

MAYOR

Mayor Malan stated that Code Enforcement Officer Wheatley is doing a good job.

COUNCIL MEMBERS

BROWN

Brown stated that he would like to see a notice go out to property owners prior to mowing season with the regulations.

PHILLIPS

Phillips stated that he created an Economic Development Incentives policy for the City. He would like it to go to the Economic Development Commission for review. Phillips made a motion for a .01 sales tax. After much discussion, his motion died for lack of a second. He recommended a Finance Committee meeting to discuss the issue.

BURG

Burg commented that he would like to see as many people as possible at the next Planning Commission meeting.

SIMONS

Simons- NTR

WEIL

Weil- NTR

FISHER

Fisher- NTR

BOYD

Boyd- NTR

WIX

Wix- Called for a Finance Committee meeting following the next Council meeting to discuss a sales tax.

NEW BUSINESS

UNION PACIFIC RR

The Code Enforcement Officer has been working with the railroad on the demolition of the unsafe structure located on Union Pacific Railroad property located on the west side of the railroad tracks and just south of Mill Street. The railroad has provided a Release of Liability and Indemnity Agreement to be approved before the City can demolish and cleanup the building located on their property. This has been reviewed by the City attorney and he found it to be acceptable. The demolition and cleanup will all be done at the City's expense. Motion was made by Wix, seconded by Fisher to approve the

demolition. Motion passed unanimously with a show of hands.

MPUA LEASE PURCHASE PROGRAM

Motion was made by Phillips, seconded by Wix to approve the MPUA lease program purchase for 1. 911 equipment 2. WWTP Basin Mixers 3. WWTP UV Disinfection and 4. Wastewater Collection. Motion passed unanimously with a show of hands.

COMMENCO

Motion was made by Simons, seconded by Brown to approve the contract with Commenco. Motion passed unanimously with a show of hands. Commenco will be providing 911 radio equipment upgrades to the radio equipment and projects for the Police Department.

RESOLUTION NO 381

Arbuthnot presented Resolution No 381 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUTLER, MISSOURI, REGARDING THE INTEDNT TO REIMBURSE FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE PURCHASE AND INSTALLATION OF 911 COMMUNICATION EQUIPMENT AND UPGRADING OTHER RE ADIO EQUIPMENT TO MAKEIT FEDERAL COMMNUCATIONS COMMISSION NARROWBAND COMPLIANT BY JANUARY 1, 2013.**

Motion was made by Burg, seconded by Phillips to approve Resolution No. 381. Motion passed unanimously with a show of hands.

POWER SUPPLY STUDY

Arbuthnot asked Council to consider the Power Supply Study that Bob Noel with Engineering Associates prepared. A motion was made by Phillips to proceed with option 6.3. Motion died for lack of a second. After much discussion, it was decided to put the study in the Finance Committee.

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

ATTEST:

City Clerk Casey Koehn

Mayor Don H. Malan