

**CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
APRIL 17, 2012**

The Butler City Council met in regular session on Tuesday, April 17, 2012 at 6:00 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, Lt. Randy Beshore, Officer Jerret Wheatley, City Attorney Tom Addleman, Public Works Director Trent Diehl, Deputy City Clerk Mary Jo Cook and Barb Scrogam.

OTHER GUESTS

Vance Neal, Eugene Miller, Terry Smalley, Dana Bridges were also in attendance.

APPROVE CONSENT AGENDA

Motion by Burg, seconded by Fisher to approve the minutes of the regular session of April 3, 2012. Motion passed unanimously with a show of hands. Motion by Phillips, seconded by Burg to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Burg, seconded by Simons to approve Travel/Training. Motion passed unanimously with a show of hands. Motion by Fisher, seconded by Phillips to accept Certified Election Results. Motion passed unanimously by a show of hands.

**OATH OF OFFICE
REORGANIZE THE CITY
COUNCIL**

Deputy City Clerk Mary Jo Cook administered the oath of office to David Brown (Ward 1 Councilman), Thom Burg (Ward 2 Councilman), Terry Agnew (Ward 3 Councilman) and Brain Boyd (Ward 4 Councilman).

ROLL CALL

David Brown	Harold Weil
Brian Phillips	Terry Agnew
Thom Burg	Brian Boyd
Pat Simons	Doug Wix

**PRESENTATION OF PLAQUE
JIM FISHER**

Mayor Malan presented Jim Fisher with a plaque of appreciation for his service as Ward 3 Councilman.

**BROWN NEW MAYOR PRO TEM
DAVID BROWN**

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

**PUBLIC HEARINGS
WWTP FACILITY PLAN AND INF
LOW AND FILTRATION PLAN**

Mayor Malan opened the public hearing for the Wastewater Treatment Plant and Collection System Improvements. Vance Neal, an engineer with Larkin Group was present to answer questions. There being no questions, Mayor Malan closed the public hearing.

SEWER RATE INCREASE

Mayor Malan opened the public hearing for the proposed sewer rate increase . City Administrator Arbuthnot reported there is a shortfall of sewer revenues to cover expenses associated with the sewer plant, sewer collection, administration and debt service. The last sewer rate increase was April 1, 2006. It is recommended that two sewer rate increases be taken with a 37% increase to be effective June 1, 2012 and a second 28% increase to be effective April 1, 2013 to make up the shortfall in revenue. There being no questions, Mayor Malan closed the hearing.

ENVIRONMENTAL IMPACTS

Mayor Malan opened the public hearing for Environmental impacts created by 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, was at the public hearings to provide information and answer questions. There being no questions, Mayor Malan closed the hearing.

Motion by Simons, seconded by Burg to move ahead with the projects. Motion passed unanimously with a show of hands.

SCHEDULED GUEST DANA BRIDGES TRAIL OF MEMORIES

Dana Bridges inquired when the City would be able to start the extension of the Trail of Memories that will be constructed on the east side of High St. on City park property. She indicated that their request at the December 6th City Council meeting was to extend the trail on the City park property and for the City to construct the extension on the park property. At the December 6th City Council meeting a motion was made by Brian Boyd to allow the extension of the trail and this was approved unanimously. Dana Bridges indicated they are ready to start the tree planting on the hospital property for the trail extension. Motion by Wix, seconded by Simons to fund and construct the trail at the City's convenience. Motion passed unanimously with a show of hands.

BOARDS & COMMISSIONS PARK & RECREATION COMMISSION

The Park and Recreation Commission met on Thursday, April 5th at noon at City Hall. There was not a quorum present so no action was taken. There was discussion on information regarding a Bicycle Rodeo to be sponsored by the Optimist Club. Playing Pickle Ball on the tennis courts, Pool preparation and operations for this summer and not providing private swim lessons at the pool this summer. They also discussed the problem with getting six members to be present at their meetings so they would have a quorum to conduct business. T here was discussion on having the City consider reducing the number of members on the commission from ten to eight so that only five members would be required for a quorum.

PLANNING COMMISSION

The Planning Commission met on Tuesday, April 10th at 7:30 p.m. at City Hall. A public hearing was held to consider amendments to the zoning regulations concerning video services offered within the City and is recommending approval of the proposed amendments to the City Council. These amendments will be considered at a public hearing on May 15th by the City Council.

They reviewed and discussed the list of items from the Neighborhood Advisory Commission that were provided at their last meeting. They are recommending the following amendments to the City Council: 1) prohibit truck parking on City parking lots, Sec. 23-143 of the City Code and 2)

requiring mowing of properties owned by one owner that are less than one half acre in size and allowing agricultural uses if larger than one half acre, Sec. 16-34 of the City Code.

Other items that were discussed included: 1) street widths and prohibiting parking, 2) vehicle weight limits for streets, 3) building permits, and 4) inspection of properties. Additional information will be provided to the Planning Commission for further consideration of these items.

They discussed a possible rezoning of property located at 904 W. Ft. Scott St. owned by Al Hellebuyck, from R-2 Single Family Residential District to C-3 Highway Commercial District and decided to hold a public hearing at their May 8, 2012 meeting to consider rezoning of this and the other properties located on the north side of Ft. Scott St. going east from Rice Road to Prospect Avenue.

They also discussed a possible amendment to the zoning regulations regarding an approval process for home occupations that would require conditional use permits. This will be discussed further at their next meeting.

AIRPORT COMMISSION

The Airport Commission met on Thursday, April 12th at 6:30 p.m. at City Hall. Items they considered: 1) Financial Reports, 2) Pavement Management Report, 3) PAPI light update, 4) Instrument approach for RWY 18 and 36 and 5) Airport Layout Plan, 6) Hangar repairs, 7) Missouri Petroleum Storage Tank Insurance Fund and 8) Airport Manager report.

NEIGHBORHOOD ADVISORY COMMISSION

Councilman Burg reported the Neighborhood Advisory Commission met Monday April 16, 2012. Burg stated the Neighborhood Advisory Commission lost two members and they are waiting to see the direction taken by the Planning Commission on several issues. The Neighborhood Advisory Commission will meet again on April 30, 2012.

CITY ADMINISTRATOR

City Administrator Arbuthnot reported the Missouri Municipal League has provided information from the Missouri Department of Revenue regarding the estimated loss of sales tax revenue from out-of-state purchases of motor vehicles, trailers, boats and motors. The department assumes an estimated 21% of total sales tax remitted as representative of the amount collected from out-of-state and individual sales. The report indicates that Butler had \$97,001.22 in sales tax revenue from these types of sales in 2011, so a 21% reduction would result in an estimated loss of \$20,370.26 in annual sales tax revenue.

They also reported that HB 2100 which was introduced in the Missouri State Legislature would require all sales be subject to sales tax regardless of whether the sale took place in the state and is still being considered in the legislature.

REPORTS LT. BESHORE

Lt. Beshore reported Chief Boyd was informed funds may be available for the purchase of new Police cars. City Administrator Arbuthnot reported the fund balance is up \$250,000.00. Lt. Beshore informed council Don Brown dealership has the Tahoe's with Police packages. Beshore stated the opportunity to put in for the State Bid has passed and will not be available until June and the cars would not be available until September. Motion by

Phillips, seconded by Brown to purchase two Tahoe's. Motion passed with a vote of 6 to 2 with Simons and Weil voting nay.

Motion by Weil, seconded by Brown to purchase one Charger when funds are available. Motion passed with a vote of 5 to 3 with Simons, Phillips and Boyd voting nay.

**PUBLIC WORKS/UTILITY
DIRECTOR
RELOCATE METER**

Trent Diehl, Public Works/Utility Director informed Council Public Water Supply District #1 has requested to relocate their water meter from West St. and Ohio to south of the intersection of Rice Road and Nursery. The District will incur all costs associated with the relocation except for tapping the main for the new District meter and for a service that will be transferred to the City. Motion by Simons, seconded by Wix to approve the request to relocate the water meter south of the intersection of Rice Road and Nursery. Motion passed unanimously with a show of hands.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley informed Council the cleaning efforts at the Seed Plant are progressing. Officer Wheatley informed Council Officers Plunkett, Weiss and Correa have been helping with code enforcement.

MAYOR

Mayor Malan welcomed Terry Agnew as the new councilman to Ward 3 and incumbent Councilmen Brown, Burg and Boyd.

COUNCIL MEMBERS

BROWN

Brown-welcomed Terry Agnew and incumbent councilmen. Brown thanked the City of Butler for the votes he received.

PHILLIPS

Phillips-welcomed Terry Agnew and incumbent councilmen. Phillips stated there will be a Vision meeting Monday April 23, 2012.

BURG

Burg- welcomed Terry Agnew and incumbent councilmen.

SIMONS

Simons-hats off to all involved in the progress of getting the seed plant cleaned up.

WEIL

Weil- welcomed Terry Agnew and incumbent councilmen.

AGNEW

Agnew-thanked everyone for their confidence. Agnew stated he has a lot to learn and he is proud to be a councilman.

BOYD

Boyd- welcomed Terry Agnew and incumbent councilmen. Sorry to see councilman Fisher go and he has enjoyed working with him.

WIX

Wix- welcomed Terry Agnew and incumbent councilmen.

**NEW BUSINESS
CDBG APPLICATION**

City Administrator Arbuthnot informed a letter was sent to (31) property owners concerning unsafe structures located on their properties and they were invited to attend the public hearing. The Fire Chief and Code Enforcement Officer have been working to contact the property owners and explain the application and how the demolition of the unsafe structures would be funded. Twenty three of the property owners have agreed to participate in the program if the grant is approved.

The Missouri Department of Economic Development has approved the selection of the Kaysinger Basin Regional Planning Commission to administer the grant if it is approved.

**SUPPLEMENTAL AGREEMENT
No. 6**

Consider approval of Supplemental Agreement No. 6 with HNTB to provide consultant services during the construction phase of the Downtown Improvement Project. This includes providing oversight and inspection services. Motion by Wix, seconded by Simons to approve Supplemental Agreement No. 6. Motion passed unanimously with a show of hands.

ADJOURNMENT

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

Mayor Don H. Malan

City Clerk Casey Koehn