

**CITY OF BUTLER  
MINUTES OF A MEETING OF THE CITY COUNCIL  
MAY 1, 2012**

The Butler City Council met in regular session on Tuesday, May 1, 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 | Terry Agnew |
| Thom Burg      | Brian Boyd  |
| Pat Simons     | Doug Wix    |

**OTHERS PRESENT**

Others present were Administrator Mark Arbuthnot, Police Chief Jerry Boyd, Codes Officer Jim Wheatley, City Attorney Tom Addleman and Public Works Director Trent Diehl and Barb Scrogam.

**OTHER GUESTS**

Eugene Miller, Herman Shubert, Linn Nitsche, Marcella Dines, Tom McGuire, Damon McGuire, Don Pippin, Louise Bisby, John Bisby, Eric Sutton and John Hurshman.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Simons to approve the minutes of the regular session of April 17, 2012. Motion passed unanimously with a show of hands. Motion by Phillips, seconded by Simons to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Burg, seconded by Boyd to approve travel/training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-  
ADDITIONS OR DELETIONS**

City Administrator Arbuthnot requested a closed session for Personnel Issue Under Section 610.021 (13) after the regular session.

**SCHEDULED GUEST**  
**JOHN BISBY**  
**JOHN HURSHMAN**

John Bisby and John Hurshman came before council to express their concerns over the ordinance stating undeveloped tracts of land zoned other than for agricultural uses if the tract is one contiguous tract; provided that all areas within 50 ft from the edge of pavement of a public roadway or within 50ft of the property lines adjacent to any property being used for residential or commercial purposes shall be maintained free from weeds or plant growth in excess of 7 inches. Motion by Wix, seconded by Burg to table Ordinance 945 for further review. Motion passed unanimously with a show of hands.

**COMMITTEES**  
**FINANCE COMMITTEE**

The Finance Committee met after the last City Council meeting on April 17<sup>th</sup>. They discussed 1) increasing the City sales tax rate, 2) Power Supply study Options, and 3) increasing City Sewer User Fees. Motion by Burg, seconded by Wix to place the 1/8<sup>th</sup> cent fire tax on the August ballot and the 1/2 cent tax on the November ballot. Motion passed 7-1 with Boyd voting nay.

**NEIGHBORHOOD ADVISORY  
COMMITTEE**

The Neighborhood Advisory Committee met April 29, 2012 at 7:00pm. The topic for the night was unkempt properties. The Neighborhood Advisory Committee will meet May 14, 2012 at 7:00pm in City Hall.

**BILL NO. 2012-6**  
**ORD NO. 944**  
**1<sup>ST</sup> READING**

Motion by Phillips, seconded by Brown for the first reading by title only of  
**BILL NO. 2012-6** **ORDINANCE NO. 944**

**AN ORDINANCE ESTABLISHING PARKING IN CITY PARKING AREAS IN THE CITY OF BUTLER, MISSOURI. WHEREAS, THE CITY COUNCIL DESIRES TO AMEND THE REGULATIONS FOR PARKING VEHICLES ON PUBLIC CITY PARKING LOTS; AND NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUTLER, MISSOURI, THAT CHAPTER 23 SECTION 143, DESCRIBING PARKING ON ANY AND ALL PUBLIC CITY PARKING LOTS IN THE CITY OF BUTLER, OF THE BUTLER CITY CODE IS HEREBY REPEALED AND THE FOLLOWING ADOPTED IN LIEU THEREOF:**

Motion passed with the following votes:

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

**BILL NO. 2012-6  
ORD NO. 944  
2<sup>ND</sup> READING**

Motion by Brown, seconded by Phillips for the second reading by title only of  
**BILL NO. 2012-6 ORDINANCE NO. 944**

**AN ORDINANCE ESTABLISHING PARKING IN CITY PARKING AREAS IN THE CITY OF BUTLER, MISSOURI. WHEREAS, THE CITY COUNCIL DESIRES TO AMEND THE REGULATIONS FOR PARKING VEHICLES ON PUBLIC CITY PARKING LOTS; AND NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUTLER, MISSOURI, THAT CHAPTER 23 SECTION 143, DESCRIBING PARKING ON ANY AND ALL PUBLIC CITY PARKING LOTS IN THE CITY OF BUTLER, OF THE BUTLER CITY CODE IS HEREBY REPEALED AND THE FOLLOWING ADOPTED IN LIEU THEREOF:**

Motion passed with the following votes:

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

**BILL NO. 2012-6  
ORD NO. 944  
ADOPTION**

Motion by Wix, seconded by Simons to adopt

**BILL NO. 2012-6 ORDINANCE NO. 944**

**AN ORDINANCE ESTABLISHING PARKING IN CITY PARKING AREAS IN THE CITY OF BUTLER, MISSOURI. WHEREAS, THE CITY COUNCIL DESIRES TO AMEND THE REGULATIONS FOR PARKING VEHICLES ON PUBLIC CITY PARKING LOTS; AND NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUTLER, MISSOURI, THAT CHAPTER 23 SECTION 143, DESCRIBING PARKING ON ANY AND ALL PUBLIC CITY PARKING LOTS IN THE CITY OF BUTLER, OF THE BUTLER CITY CODE IS HEREBY REPEALED AND THE FOLLOWING ADOPTED IN LIEU THEREOF:**

Motion passed with the following votes:

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

**BILL NO. 2012-5  
ORD NO. 943**

Motion by Phillips, seconded by Burg for the first reading by title only of :

**1<sup>ST</sup> READING**

**BILL NO. 2012-5 ORDINANCE NO. 943  
AN ORDINANCE AMENDING THE MONTHLY RATES FOR  
SEWAGE TREATED BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

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

**BILL NO. 2012-5  
ORD NO. 943  
2<sup>ND</sup> READING**

Motion by Burg, seconded by Brown for the second reading by title only of :

**BILL NO. 2012-5 ORDINANCE NO. 943  
AN ORDINANCE AMENDING THE MONTHLY RATES FOR  
SEWAGE TREATED BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

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

**BILL NO. 2012-5  
ORD NO. 943  
ADOPTION**

Motion by Simons, seconded by Brown to adopt:

**BILL NO. 2012-5 ORDINANCE NO. 943  
AN ORDINANCE AMENDING THE MONTHLY RATES FOR  
SEWAGE TREATED BY THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

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

**REPORTS  
POLICE CHIEF**

Chief Boyd informed council weather permitting they will be picking up the Tahoe's on Monday May 7, 2012. Chief Boyd stated the PD is coming along, the sheet rocking and painting is all most completed.

**CITY ATTORNEY**

City Attorney Addleman informed council he is working on an ordinance for the municipal court.

**CITY ADMINISTRATOR**

City Administrator Arbuthnot informed council their needs to be a special City Council meeting held on Thursday, May 10, 2012 at 7:00 p.m. to conduct a public hearing concerning the Community Development Block Grant Application to do a community needs assessment. At the conclusion of the public hearing several documents will need to be approved by the City Council for submitting the application to the Missouri Department of Economic Development. Total of (38) property owners were contacted and (21) have returned the Letter of Intent and agreed to participate in the program.

Motion by Simons, seconded by Burg to approve the special meeting for the public hearing concerning the CDBG application on May 10, 2012 at 7:00pm. Motion passed unanimously with a show of hands.

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

**PUBLIC WORKS/UTILITY  
DIRECTOR**

Public Works/Utility Director Diehl informed council the work on the seed mill is progressing. Diehl also informed council Osage Valley RC&D is requesting the City to assist with the rain barrel program. They are requesting the City provide the barrels and the fittings. Motion by Phillips, seconded by Wix to supply barrels and fittings. Motion passed unanimously with a show of hands. Diehl informed council he submitted an application to Quad Lakes SWMD for funds to purchase a oil furnace for the shop.

**CODE ENFORCEMENT**

**MAYOR**

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

Mayor Malan advised the council that Randy Kershner had contacted him about old City signs that had been found at the old City Hall. Mr. Kershner asked if the City would like to have them back. Mayor Malan received possession of the signs.

Mayor Malan appointed Councilmen to the following Committees:

Community Development: Chairman Brown, Vice Chairman Wix, Members Weil and Simons.

City Owned Facilities: Chairman Burg, Vice Chairman Brown, Members Agnew and Simons.

Finance: Chairman Wix, Vice Chairman Weil, Members Agnew and Simons.

Personnel: Chairman Phillips, Vice Chairman Boyd, Members Agnew and Wix.

Operations: Chairman Boyd, Vice Chairman Brown, Members Phillips and Burg.

Public Safety: Chairman Phillips, Vice Chairman Boyd, Members Burg and Weil.

**COUNCIL MEMBERS**

**BROWN**

Brown-was pleased to see citizens attend the council meeting and express their concerns.

**PHILLIPS**

Phillips-expressed his concerns about not having any incentives for new business coming to Butler. Phillips called a Public Safety meeting for May 15, 2012 at 6:30pm at City Hall.

**BURG**

Burg-informed council he would be unable to attend the special meeting May 10, 2012.

**SIMONS**

**WEIL**

Simons-expressed thanks for the progress on removing the seed mill.

**AGNEW**

Weil-NTR.

**BOYD**

Agnew-pleased to see citizens attend the council meeting and express their concerns.

**WIX**

Boyd-expressed his concern over tall grass in residential areas and it needs to addressed.

Wix-pleased to see citizens attend the council meeting and express their concerns.

**CLOSED SESSION**

Motion by Wix, seconded by Brown to go into closed session for Personnel

**ADJOURN**

Issue Under Section 610.021 (13) after the regular session. Motion passed unanimously with a show of hands.

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

ATTEST:

\_\_\_\_\_  
Mayor Don H. Malan

\_\_\_\_\_  
City Clerk Casey Koehn