

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MAY 15, 2012

The Butler City Council met in regular session on Tuesday, May 15, 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, City Clerk Casey Koehn, Codes Officer Jim Wheatley, City Attorney Tom Addleman and Public Works Director Trent Diehl.

OTHER GUESTS

Jim Duane, Donnia Duane, Kristi Mackey, Bob Conley and Pam Craft were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Simons to approve the minutes of the regular session of May 1, 2012 and the special session of May 10, 2012. Motion passed unanimously with a show of hands. Motion by Phillips, seconded by Boyd to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Wix, seconded by Phillips to approve travel/training. Motion passed unanimously with a show of hands. Motion was made by Phillips, seconded by Brown to add Pam Craft and Resolution No 386 to the agenda. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-
ADDITIONS OR DELETIONS**

**SCHEDULED GUEST
JIM DUANE**

Jim Duane (910 E Pine) requested to have sewer charges removed from his City of Butler utility bill. He is on a septic system. Motion was made by Wix, seconded by Burg to allow the variance. Motion passed unanimously with a show of hands.

**PAM CRAFT BUTLER SADDLE
CLUB**

Pam Craft (Butler Saddle Club) requested to have the annual Saddle Club Parade on June 16th on the Butler Square. Motion was made by Simons, seconded by Weil to allow the parade. Motion passed unanimously with a show of hands.

**COMMITTEES
PUBLIC SAFETY**

Phillips reported that the Public Safety Committee met prior to the Council meeting to discuss mowing and haying residential properties. No decisions were made.

**BATES COUNTY ECONOMIC DE
VELOPMENT COMMITTEE**

Christie Mackey with Kaysinger Basin informed Mayor and Council that they need to pass a resolution in support of an enhanced enterprise zone in bates county.

BOARDS AND COMMISSIONS

PARK AND REC

Simons reported that the Park and Recreation Board met on May 3, 2012. They approved the Optimist Rodeo and confirmed that the parks are closed

from midnight to 7am.

INDUSTRIAL MARKETING

The Industrial Marketing Commission met to discuss a business incentive package.

PLANNING COMMISSION

Planning Commission met to zoning regulations on West 52 and other various items.

ZONING BOARD OF ADJ

Zoning Board of Adjustment met to discuss a variance for a sign for Max Motors. The variance was approved.

NEIGHBORHOOD ADVISORY

The Neighborhood Advisory Commission met to discuss having another community clean-up project.

PUBLIC HEARING

The Public Hearing was opened to discuss raising the video franchise fee from 2% to 5%. The public was heard. The Public Hearing was closed.

**BILL NO. 2012-8
ORD NO. 946
1ST READING**

Motion by Phillips, seconded by Burg with amendment of 2% to 5% for the first reading by title only of

Bill No 2012-8 ORD No 946 AN ORDINANCE EXERCISING CERTAIN AUTHORITY RELATING TO OPERATION OF VIDEO SERVICE PROVIDERS AND PROVIDING SUPPLEMENTARY REGULATION OF THE PLACEMENT OF FACILITIES OF VIDEO SERVICE PROVIDERS AND OTHER UTILITIES MAINTAINING FACILITIES WITHIN 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. 2012-8
ORD NO. 946
2ND READING**

Motion by Brown, seconded by Simons with amendment of 2% to 5% for the second reading by title only of **Bill No 2012-8 ORD No 946 AN ORDINANCE EXERCISING CERTAIN AUTHORITY RELATING TO OPERATION OF VIDEO SERVICE PROVIDERS AND PROVIDING SUPPLEMENTARY REGULATION OF THE PLACEMENT OF FACILITIES OF VIDEO SERVICE PROVIDERS AND OTHER UTILITIES MAINTAINING FACILITIES WITHIN 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. 2012-8
ORD NO. 946
ADOPTION**

Motion by Wix, seconded by Phillips with amendment of 2% to 5% to adopt **Bill No 2012-8 ORD No 946 AN ORDINANCE EXERCISING CERTAIN AUTHORITY RELATING TO OPERATION OF VIDEO SERVICE PROVIDERS AND PROVIDING SUPPLEMENTARY REGULATION OF THE PLACEMENT OF FACILITIES OF VIDEO SERVICE PROVIDERS AND OTHER UTILITIES MAINTAINING FACILITIES WITHIN 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. 2012-9
ORD NO. 947
1ST READING**

Motion by Phillips, seconded by Brown for the first reading by title only of:
Bill No 2012-9 ORD No 947 AN ORDINANCE IMPOSING A CITY SALES TAX FOR FIRE PROTECTION PURPOSES IN THE CITY OF BUTLER, MISSOURI, AND PROVIDING FOR SUCH ORDINANCE TO BE SUBMITTED TO THE VOTERS OF THE CITY.

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. 2012-9
ORD NO. 947
2ND READING**

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

Bill No 2012-9 ORD No 947 AN ORDINANCE IMPOSING A CITY SALES TAX FOR FIRE PROTECTION PURPOSES IN THE CITY OF BUTLER, MISSOURI, AND PROVIDING FOR SUCH ORDINANCE TO BE SUBMITTED TO THE VOTERS OF THE CITY.

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. 2012-9
ORD NO. 947
ADOPTION**

Motion by Wix, seconded by Boyd to adopt:

Bill No 2012-9 ORD No 947 AN ORDINANCE IMPOSING A CITY SALES TAX FOR FIRE PROTECTION PURPOSES IN THE CITY OF BUTLER, MISSOURI, AND PROVIDING FOR SUCH ORDINANCE TO BE SUBMITTED TO THE VOTERS OF THE CITY.

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. 2012-10
ORD NO. 948
1ST READING**

Motion by Wix, seconded by Simons for the first reading by title only of:
Bill No 2012-10 ORD No 948 AN ORDINANCE ESTABLISHING PRISONERS LIABLE FOR COSTS OF IMPRISONMENT IN 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. 2012-10
ORD NO. 948
2ND READING**

Motion by Phillips, seconded by Boyd for the second reading by title only of:
Bill No 2012-10 ORD No 948 AN ORDINANCE ESTABLISHING PRISONERS LIABLE FOR COSTS OF IMPRISONMENT IN THE CITY OF BUTLER, MISSOURI.

**BILL NO. 2012-10
ORD NO. 948
ADOPTION**

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

Motion by Simons, seconded by Wix to adopt:

Bill No 2012-10 ORD No 948 AN ORDINANCE ESTABLISHING PRISONERS LIABLE FOR COSTS OF IMPRISONMENT IN THE CITY OF BUTLER, MISSOURI.

RES NO 384

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

RES NO 385

Res No 384- A Resolution to renew membership with Kaysinger Basin was introduced to Council for approval.

Motion was made by Wix, seconded by Brown to approve Resolution No 384. Motion passed unanimously by a show of hands.

RES NO 386

Res No 385- A Resolution of the City Council of the City of Butler, Missouri, regarding the intent to reimburse for capital expenditures in connection with the purchase and installation of WWTP improvements and sewer collection system improvements to be in compliance with the Missouri Dept of Natural Resources regulations and permits.

Motion was made by Wix, seconded by Simons to approve Resolution No 385. Motion passed unanimously by a show of hands.

**REPORTS
CITY CLERK**

Res No 386- A Resolution of the Bates County EEZ Resolution No 12-0507 for an Enhanced Enterprise Zone. Motion was made by Phillips, seconded by Simons to approve Resolution No 386. Motion passed unanimously by a show of hands.

CITY ADMINISTRATOR

Clerk Koehn informed Council that she has been asked to represent the City of Butler as a Board Member on the Chamber of Commerce.

City Administrator Arbuthnot reported that in an effort to reduce expenditures in the Sewer Department an operator position at the Wastewater Treatment Plant is being eliminated and an employee has been laid off effective May 18th. It has been determined by the Public Works/Utilities Director that this lay-off will not cause any problems with the operations at the plant. This will reduce expenditures by \$32,500 annually for wages and benefits for this position. The

FY2012-13 Budget already included the elimination of a laborer position for the Water Distribution/Sewer Collection System which will reduce expenditures by \$36,650 annually.

The Community Development Block Grant application for the demolition of (21) unsafe structures will be submitted on May 15th to the Missouri Department of Economic Development. It will be an estimated (120) days before the City is notified if the application was approved for funding.

The City is working with Bob Noel with Engineering Associates on the relocation of the power line that is located on the Heiman Agri-Service, Inc. property along Railroad Street where they are going to construct new grain storage facilities. The power line was constructed on this property without any easement/agreement with the property owner and will be relocated to a new utility easement closer to the street to provide the required clearances to the grain storage facilities. The City will negotiate a design build contract with assistance from Bob Noel to complete the power line relocation and submit this to the City Council at a future meeting for approval. The engineers estimated cost for the project is \$32,000.

**B&L TO COMPLETE WORK FOR
POWER LINES AT HEIMAN'S TO
BE MOVED**

CODE ENFORCEMENT

MAYOR

BROWN

Motion was made by Wix, seconded by Burg to allow B&L to complete the work for the project. Motion passed unanimously by a show of hands.

PHILLIPS

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

BURG

Nothing to report

SIMONS

Allen Park looks good but there has been some damage done to some property at the park that needs attention

WEIL

Asked if the dip on Mill and Havannah can be fixed

AGNEW

Presented to Council that the Bear Backers are having a mini-car race in the old Wal-Mart parking lot and they have requested to have streets blocked off. Motion was made by Simons, seconded by Phillips to allow request. Motion passed unanimously by a show of hands.

BOYD

WIX

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

Reported that the North side of the bridge on Main is sinking and needs repair.

Nothing to report

NEW BUSINESS

**OAK HILL CEMETERY PILLAR
REPAIR**

Expressed concerns about high weeds

Condolences to Jerry Boyd and his family

**APPOINTMENT OF COOK AND
SCROGHAM IN KOEHN'S
ABSENCE**

Motion was made by Wix, seconded by Simons to accept the bid from

Martin/Tucker at \$4,975.00 to repair the pillars at the cemetery with a 60 day time limit and possible extension. Motion passed unanimously by a show of hands.

ADJOURN

Motion was made by Wix, seconded by Brown to appoint Mary Jo Cook and Barbara Scrogham as City Clerk in Casey Koehn's absence. Motion passed unanimously by a show of hands.

ATTEST:

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.

City Clerk Casey Koehn

Mayor Don H. Malan