

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

The Butler City Council met in regular session on Tuesday, July 17, 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 City Administrator Mark Arbuthnot, Public Works/Utility Director Trent Diehl, Police Chief Jerry Boyd, Codes Officer Jim Wheatley, City Clerk Mary Jo Cook and Barb Scrogam.

**OTHER GUESTS**

Cindy Wainscott, Robin Kuhns and Eugene Miller.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Boyd to approve the minutes of the regular session of July 3, 2012 and minutes of the closed session of July 3, 2012. Motion passed unanimously with a show of hands. Motion by Boyd, seconded by Brown to approve the bills presented for payment. Motion passed unanimously with a show of hands. Motion by Boyd, seconded by Simons to approve travel/training. Motion passed unanimously with a show of hands. Motion by Simons, seconded by Burg to use the City car for training/travel if available instead of personal vehicles. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-  
ADDITIONS OR DELETIONS**

Motion by Wix, seconded by Simons to add Robin Kuhns from USDA to the agenda. Motion passed unanimously with a show of hands.

**SCHEDULED GUEST  
ROBIN KUHNS/ USDA LOANS  
AND GRANTS**

Robins Kuhns from USDA provided Mayor and Council with information about the loan and grant programs offered at USDA.

**CINDY WAINSCOTT /PARKING  
SPACES**

Cindy Wainscott requested four parking spaces be blocked off in front of Dr. Minor's Family Chiropractic office at 9 N. Main St. for patient appreciation event on Thursday, July 19, 2012 from 9:00 am to 5:00 pm. Motion by Burg, seconded by Wix to approve blocking four parking spaces for the patient appreciation event. Motion passed unanimously with a show of hands

**COMMITTEE REPORTS  
FINANCE COMMITTEE**

Finance Committee met on Tuesday, July 17, 2012 at 6:30 p.m. before the regular City Council meeting to discuss properties that are sold at tax sales that have special taxes on them for nuisance abatement activities by the City. City Administrator Arbuthnot invited Bates County Collector/Treasurer Jim Platt to the Finance Committee meeting to answer any questions council may have.

**PARK & RECREATION  
COMMITTEE**

Park and Recreation Commission met on Thursday, July 5, 2012 at noon at the Thorco Shelter in the park. A quorum was not present but several items that were discussed included: 1) renting space for advertising signs/banners on the outfield fences at the ball fields which would require the approval of an

amendment to the zoning regulations to allow this to be done: 2) location of the extension of the Trail of Memories through the park was discussed and it was the consensus that it should be located next to High St. as originally proposed which will require two guy wires for electrical poles to be relocated and the removal of a tree: 3) reviewed the Park Superintendent's monthly activity report.

**BOARDS AND COMMISSIONS**  
**PLANNING COMMISSION**

Planning Commission met at City Hall on Tuesday, July 10, 2012 at 7:30 p.m. A public hearing was held to consider amendments to the zoning regulations that allow home occupations when a Conditional Use Permit is approved by the Zoning Board of Adjustment in the A-1, R-1, R-2, R-3 and R-4 zoning districts. The Planning Commission is recommending approval of the proposed amendments. A public hearing will be held at the August 7, 2012 City Council meeting to consider the proposed amendments.

**AIRPORT COMMISSION**

Airport Commission met at City Hall on Thursday, July 12, 2012 at 6:30 p.m. Items considered included: 1) approval of financial reports: 2) Robert Crain with Burns and McDonnell presented a proposal to conduct a Geotechnical Study to determine the condition of the runway subgrade and to update the Boundary Survey of the Airport property. This has been discussed with MoDOT and they were in agreement that this information will be used to determine if the runway needs major reconstruction or if other work is needed. Airport Commission is recommending approval of the proposal for \$46,500 which will be paid 90% (\$41,850) with MoDOT funds and 10% (\$4,650) with City funds (FY2012-13 budget includes \$13,000 in funding): 3) approved Robert Griffey's request to install doors on the hangar that he leases at his expense estimated at \$4,000 to \$5,000 and his hangar fee would not be increased for (5) years: 4) discussed repairs needed to leave areas above open hangars south of terminal building: 5) discussed a plan being worked on by Ted Miles to base a DC-3 Airplane at the Airport: 6) were advised that the rotating beacon is continuing to operate without any problems since it was repaired: 7) Airport Open House is scheduled for September 8, 2012.

**NEIGHBORHOOD ADVISORY COMMISSION**

Neighborhood Advisory Commission met at City Hall on July 16, 2012 at 7:00 pm. The Neighborhood Advisory Commission decided to meet once a month on the first Monday at 7:00 pm before the first council meeting of the month. Councilman Burg informed council they will have two new members at the next meeting, Bill & Stella Nieder.

**BILL NO. 2012-13**  
**ORD NO. 951**  
**1<sup>ST</sup> READING**

Motion by Wix, seconded by Burg for the first reading by title only of  
**BILL NO. 2012 -13 ORDINANCE NO. 951**  
**AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR CARE OF STREET PARKS, PUBLIC RIGHT OF WAY AND EASEMENTS 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. 2012-13**  
**ORD NO. 951**  
**2<sup>ND</sup> READING**

Motion by Phillips, seconded by Simons for the second reading by title only of  
**BILL NO. 2012 -13 ORDINANCE NO. 951**  
**AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR CARE OF STREET PARKS, PUBLIC RIGHT OF WAY AND EASEMENTS 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. 2012-13  
ORD NO. 951  
ADOPTION**

Motion by Wix, seconded by Boyd to adopt

**BILL NO. 2012 -13 ORDINANCE NO. 951**

**AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR CARE OF STREET PARKS, PUBLIC RIGHT OF WAY AND EASEMENTS 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. 2012-14  
ORD NO. 952  
1<sup>ST</sup> READING**

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

**BILL NO. 2012 -14 ORDINANCE NO. 952**

**AN ORDINANCE ESTABLISHING CONDITIONS ON LOTS OR LAND THAT CONSTITUTE PUBLIC NUISANCE 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. 2012-14  
ORD NO. 952  
2<sup>ND</sup> READING**

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

**BILL NO. 2012 -14 ORDINANCE NO. 952**

**AN ORDINANCE ESTABLISHING CONDITIONS ON LOTS OR LAND THAT CONSTITUTE PUBLIC NUISANCE 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. 2012-14  
ORD NO. 952  
ADOPTION**

Motion by Boyd, seconded by Brown to adopt

**BILL NO. 2012 -14 ORDINANCE NO. 952**

**AN ORDINANCE ESTABLISHING CONDITIONS ON LOTS OR LAND THAT CONSTITUTE PUBLIC NUISANCE 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

**REPORTS  
POLICE CHIEF**

**CITY ADMINISTRATOR  
LIGHT PLANT/BATTERIES**

Police Chief informed council the radio & 911 systems are being installed.

City Administrator Arbuthnot informed council maintenance and testing performed by Criswell Engineering at the Light Plant indicated that the 72 batteries for back-up power needed to be replaced along with a relay in the switchgear. The relay was replaced with one that was on hand at the Light Plant and the bad one was sent in for rebuilding or replacement. City Administrator Arbuthnot checked with Charlie Harrill at the Light Plant and he stated that the replacement of the batteries was necessary to provide backup power to operate the switchgear and the Caterpillar generators in the event of a loss of power from the KAMO interconnection. He said he did not know the reason for the large difference in the bids that he requested for the batteries. The batteries are being purchased from the low bidder, Weisler & Associates, Inc. for \$11,342.40 as approved by the City Council at their meeting on July 3, 2012. The old batteries will be sold for salvage value.

**LAZY RIVER**

City Administrator Arbuthnot informed council the recirculation pump for the Lazy River at the Aquatic Center has stopped working and has been taken in for repairs. It could be several weeks before it can be back in service.

**1/8 SALES TAX**

City Administrator Arbuthnot reminded council the Fire Department 1/8 cent sales tax will be voted on August 7, 2012.

**MUNICIPAL COURT/CREDIT CARDS**

City Administrator Arbuthnot reported the Municipal Court will be accepting credit cards to pay fines.

**WINTER AVERAGING/SEWER RATES**

City Administrator Arbuthnot reported he is looking into implementing winter averaging for sewer rates next year, possibly starting with the April 1, 2013 billing. Motion by Weil, seconded by Phillips to continue putting together information for the winter averaging for sewer rates. Motion passed unanimously with a show of hands.

**PUBLIC WORKS/UTILITY DIRECTOR**

Public Works/Utility Director Diehl informed council due to high temperatures Osage Valley has called for peek alert and the river pump is shut down between 4pm and 8pm. Diehl stated we are in good shape as the lake is 10 inches from being full.

**CODE ENFORCEMENT**

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

**MAYOR**

Mayor Malan appointed Bill Nieder and Bill DelliPaoli to the Airport Commission and Bill Nieder and Stella Nieder to the Neighborhood Advisory Commission. Motion by Phillips, seconded by Brown to approve the appointments. Motion passed unanimously with a show of hands.

**COUNCIL MEMBERS  
BROWN**

Need to be diligent on our purchases. Brown commended Simons on his attention regarding the bills.

**PHILLIPS**

Trees are ready for the North Park but will keep the trees due to high temperatures. Phillips stated council needs to think about annexation before highway 71 goes to interstate 49. It could mean lost revenues if we do not annex. City Administrator Arbuthnot stated it would need to go to the planning commission.

**BURG**

**SIMONS**

Nothing to report.

**WEIL** Thanked City employees. They did a good job cleaning up the Clark property lot at highway 52 & 71.

**AGNEW** Nothing to report.

**BOYD** Nothing to report.

**WIX** Commended Public Works/Utility Director Diehl on the property at 306 E. Walnut St.

Called a Finance Committee meeting for August 7, 2012 at 6:30pm.

**NEW BUSINESS**

**LIGHT PLANT STATION POWER BATTERIES**

Consider an agreement for services with Burns & McDonnell to conduct a Geotechnical Study and an updated Boundary Survey of the Airport property. The Airport Commission is recommending approval of this agreement. The agreement will need to be sent to MoDOT for their approval for funding after approval by the City. Motion by Burg, seconded by Wix to approve the agreement with Burns & McDonnell to conduct the Geotechnical Study and updated Boundary Survey. Motion passed unanimously with a show of hands.

**ADJOURN**

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:

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Mayor Don H. Malan

\_\_\_\_\_  
City Clerk Mary Jo Cook