

CITY OF BUTLER
MINUTES OF A MEETING OF THE CITY COUNCIL
MAR 19, 2013

The Butler City Council met in regular session on Tuesday, March 19, 2013 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, City Clerk Casey Koehn, City Attorney Tom Addleman, Lt Jerret Wheatley, Public Works Director Trent Diehl, and Officer Jim Wheatley.

OTHER GUESTS

Chris McGrath, Donna Sue Foreman, Peggy Flint, Kevin Hart, Steve Clark, Trevor Hutchinsen, Dave Carter and Jim Ramsey were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Wix to approve the minutes of the regular session of Mar 5, 2013. Motion passed unanimously by a show of hands. Motion by Boyd, seconded by Wix to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Simons, seconded by Burg to approve travel and training requests. Motion passed unanimously by a show of hands. Motion by Phillips, seconded by Wix to add Ord No. 966 and a public hearing to the agenda. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS
PEGGY FLINT

Peggy Flint addressed Council about keeping a pot belly pig in her home. Council decided to put the issue in committee.

KEVIN HART (CENTURY LINK)

Kevin Hart (Centurylink) spoke about the pole attachment agreement between the City of Butler and Centurylink. He stated that he wants an agreement as soon as possible. Centurylink has operational issues with the current proposed contract and not with the new pole fee of \$8.50. Consensus of the Council was to take the contract back to Dan Vogel and discuss it with him.

BOARDS AND COMMISSION
NEIGHBORHOOD ADVISORY

Mayor Malan reported that the Neighborhood Advisory Commission met and appointed Brian Boyd the new Chair.

PUBLIC HEARING

The Public Hearing to discuss the FY 12-13 budget amendment was opened. Arbuthnot went over the amendment. The Public Hearing was closed.

BILLS, ORDS, RES

RESOLUTION NO 395

Resolution No 395 A RESOLUTION ESTABLISHING A CHECKING ACCOUNT AT COMMUNITY FIRST BANK FOR SRF CLEAN WATER
Motion was made by Phillips, seconded by Wix to approve the resolution.
Motion passed unanimously by a show of hands.

RESOLUTION NO 396

Resolution No 396 A RESOLUTION ESTABLISHING A CHECKING ACCOUNT AT COMMUNITY FIRST BANK FOR SRF DRINKING WATER

Motion was made by Wix, seconded by Boyd to approve the resolution.
Motion passed unanimously by a show of hands.

RESOLUTION NO 397

Resolution No. 397 A RESOLUTION TO APPROVE A POLE
ATTACHMENT AGREEMENT WITH OSAGE VALLEY COOP

Motion was made by Simons, seconded by Phillips to approve the resolution.
Motion passed unanimously by a show of hands.

**BILL NO 2013-4 ORD NO 965
DIED**

**Bill No 2013-4 ORD No 965 AN ORDINANCE AMENDING CHAPTER
13. LICENSES, PERMITS AND MISCELLANEOUS BUSINESS
REGULATIONS, TO INCLUDE SECTION 13-35 OF THE BUTLER
CITY CODE.**

Bill No 2013-4 died for lack of motion.

**BILL NO 2013-5 ORD NO 966
1st reading**

**Bill No 2013-5 ORD No 966 AN ORDINANCE APPROVING AN
AMENDMENT TO THE 2012-2013 FISCAL YEAR BUDGET OF THE
CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE
FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR
THE ADJUSTMENTS THEREOF TO THE PARKS AND STORM
WATER FUND**

Motion for 1st reading by title only was made by Phillips, seconded by Boyd
Roll call vote:

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 2013-5 ORD NO 966
2nd reading**

**Bill No 2013-5 ORD No 966 AN ORDINANCE APPROVING AN
AMENDMENT TO THE 2012-2013 FISCAL YEAR BUDGET OF THE
CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE
FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR
THE ADJUSTMENTS THEREOF TO THE PARKS AND STORM
WATER FUND**

Motion for 2nd reading by title only was made by Phillips, seconded by Wix
Roll call vote:

Brian Boyd -aye	Pat Simons- aye
Brian Phillips- aye	Thom Burg-aye
Terry Agnew - aye	Brian Phillips-aye
Harold Weil - aye	David Brown-aye

**BILL NO 2013-5 ORD NO 966
ADOPTION**

**Bill No 2013-5 ORD No 966 AN ORDINANCE APPROVING AN
AMENDMENT TO THE 2012-2013 FISCAL YEAR BUDGET OF THE
CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE
FUNDS FROM THE REVENUE OF THE CITY, PROVIDING FOR
THE ADJUSTMENTS THEREOF TO THE PARKS AND STORM
WATER FUND**

Motion for adoption by title only was made by Boyd, seconded by Wix
Roll call vote:

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

CITY CLERK

Clerk Koehn informed Council of a Special Tax Bill that was paid by Les Akers last year. The interest and publishing fee were not paid. Koehn recommended that the interest and fee be waived. Motion was made by Phillips, seconded by Burg to waive interest and fee totaling \$498.00. Motion passed with a vote of 7-yes and 1-no with Councilmen Simons voting ‘no.’

**CITY ADMINISTRATOR
UNSAFE STRUCTURES**

City Administrator Arbuthnot reported the CDBG application to apply for funding to demolish and cleanup unsafe structures is being worked on by the City staff and Kaysinger Basin Regional Planning Commission (KBRPC) staff.

The CDBG application requires minimum funding of \$1,000 for residential properties and 25% for commercial properties for the demolition and cleanup costs. The City has budgeted \$50,000 to provide this funding and will also provide in kind services for inspections, utility disconnects and site cleanup as part of the local funding match.

A public hearing will be scheduled for the April 2, 2013 City Council meeting and the property owners of the unsafe structures will be notified to attend the public hearing to discuss the proposed CDBG application. Several other items will need to be considered for approval by the City Council at the public hearing as part of the application. The City will also have to go through a selection process again this year for Grant Writing and Grant Administration Services to meet the CDBG application requirements. Request for Proposals have been sent to the list of service providers and published in the newspaper. Proposals are to be submitted by March 27th and these will be provided at the April 2nd City Council meeting to make a selection to provide these services.

**SHOW-ME GREEN SALES TAX
HOLIDAY**

The State of Missouri Show-Me Green Sales Tax Holiday for a seven day period will begin on April 19th and end on April 25th on sales of qualifying Energy Star certified new appliances that will be exempt from state and local sales tax in Butler.

MPUA information regarding the power supply facilities that MJMEUC has part ownership in to supply the MoPEP member cities power requirements is included in the meeting packet. There is also information regarding issues that have been raised about the cost and operation of the Prairie State facility.

PUBLIC WORKS DIRECTOR

Public Works Director Trent Diehl requested approval from Council to install much needed fencing around the River Pump Station. Motion was made by Wix, seconded by Phillips to accept the low bid from Friday’s Fencing for \$5341.78. Motion passed unanimously by a show of hands.

CODE ENFORCEMENT

MAYOR

Code Enforcement Officer Wheatley gave the code enforcement report.

COUNCIL MEMBERS

Mayor Malan had nothing to report.

BROWN

Councilman Brown called a Community Development meeting to discuss

PHILLIPS

animals for Apr 2nd at 6pm.

BURG

Councilman Phillips had nothing to report.

Councilman Burg had nothing to report.

SIMONS

Councilman Simons had nothing to report.

WEIL

AGNEW

Councilman Weil had nothing to report.

BOYD

Councilman Agnew had nothing to report.

WIX

Councilman Boyd had nothing to report.

NEW BUSINESS

Councilman Wix called a Finance Committee meeting to discuss sewer adjustments for Apr 2nd at 6:30pm.

CATALYTIC CONVERTORS

Arbuthnot recommended that the bid from Foley Power Solutions for \$80,614 to install the catalytic convertors and closed crankcase ventilators and the bid from Air Hygiene International for \$5400.00 for the testing certification at the Light Plant be accepted. Motion was made by Phillips, seconded by Simons to accept the bids. Motion passed unanimously by a show of hands.

INTERCONNECTION KAMO

Arbuthnot recommended that the proposed construction of the interconnection line with KAMO be postponed and evaluated. He requested from Council that he be allowed to go back to Engineering Associates and B&L Electric to discuss these issues. Motion was made by Phillips, seconded by Simons to approve request. Motion passed unanimously by a show of hands.

MC POWER SOLAR FARM

MC Power has requested a (30) day extension until April 15, 2013 on the closing date for the purchase of the 12.48 acres of Industrial Park property from the City for the development of the 3 MW Solar Farm. Motion was made by Burg, seconded by Simons to approve extension. Motion passed unanimously by a show of hands.

HAY BIDS

Clerk Koehn read the following hay bids:

Tract 1: approx 10 acres directly west of Oak Hill Cemetery between Pine St and MO Rt H- Randy Radar \$15.05/acre, Neale Oerke \$15.75/acre

Tract 2: approx 10 acres at the Butler City Lake north of Mo Rt 52- Neal Oerke \$20.75 acre, Robert Shine \$32.00/acre

ADJOURN

Motion was made by Wix, seconded by Phillips to accept the high bids for both tracts. Motion passed unanimously by a show of hands.

There being no further business, motion was made by Wix, seconded by Brown to adjourn the regular meeting and go into Closed session to discuss personnel matters. Roll Call:

ATTEST:

David Brown-aye

Harold Weil- aye

Brian Phillips- aye

Terry Agnew-aye

Thom Burg- aye

Brian Boyd-aye

Pat Simons- aye

Doug Wix-aye

City Clerk Casey Koehn

Mayor Don H. Malan