

**CITY OF BUTLER**  
**MINUTES OF A MEETING OF THE CITY COUNCIL**  
**APRIL 2, 2013**

The Butler City Council met in regular session on Tuesday, April 2, 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 Attorney Tom Addleman, Public Works Director Trent Diehl, City Clerk Mary Jo Cook, Deputy City Clerk Barb Scrogam, Officer Jerret Wheatley and Officer Jim Wheatley

**OTHER GUESTS**

Austin Mount, Kristi Mackey, Robert Hardie, Marcello Foraker, Michael Bright, Andrew Culbertson, Peggy Flint, Mary Phillips, Linn Nitsche, Mel Ewing, Jim Fisher, Pastor Dave Owsley, Eugene Miller, Cary Bolton, Donna Gregory, Scot Lawson, Jeremiah Meade and Naomi Sims.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Wix to approve the minutes of the regular session of March 19, 2013. Motion passed unanimously by a show of hands. Motion by Wix, seconded by Brown to approve the minutes of the closed session of March 19, 2013. Motion passed unanimously by a show of hands. Motion by Simons, seconded by Wix to approve the bills presented for payment. Motion passed unanimously by a show of hands. Motion by Burg, seconded by Boyd to approve travel/training. Motion passed unanimously by a show of hands.

**APPROVAL OF AGENDA-  
ADDITIONS OR DELETIONS**

Motion by Wix, seconded by Phillips to add closed session minutes of March 19, 2013. Motion passed unanimously by a show of hands. Motion by Phillips, seconded by Brown to add to the agenda the appointment of Mary Jo Cook as City Clerk and Barbara Scrogam as Deputy City Clerk. Motion passed unanimously by a show of hands.

**SCHEDULED GUEST  
PASTOR DAVE OWSLEY, OHIO  
STREET UNITED METHODIST  
CHURCH**

Mayor Malan presented a certificate of appreciation to Pastor Dave Owsley on behalf of the Ohio Street United Methodist Church members for their help with cleaning up properties and areas in Butler.

**SCOT LAWSON, APAC**

Mayor Malan also presented a certificate of appreciation to Scot Lawson on behalf of APAC for the donation of equipment and operators in the reconstruction of our baseball and softball fields.

**ANDREW CULBERTSON**

Andrew Culbertson gave an update to Council concerning the remodeling of his house at 206 N. Fulton. Mr. Culbertson requested another 6 month extension. Motion by Phillips, seconded by Wix to approve the 6 month extension. Motion passed unanimously by a show of hands.

**AUSTIN MOUNT, EXECUTIVE  
DIRECTOR FOR THE  
KAYSINGER BASIN REGIONAL  
PLANNING COMMISSION**

Austin Mount, Executive Director for the Kaysinger Basin Regional Planning Commission (KBRPC), and Donna Gregory, Bates County Commissioner attended the council meeting to speak about a plan for an Economic Development position. To work for the cities and Bates County. It was proposed that this person would be an employee of KBRPC based out of Bates County and work with the three cities of Adrian, Butler and Rich Hill. The initial start up budget for this position would be \$50,000 for salary, benefits, travel and miscellaneous expenses. Bates County has agreed to pay \$25,000 and it is proposed that the remaining \$25,000 in funding would be split between the three cities based on population as follows: Adrian-\$5,748, Butler-\$14,467 and Rich Hill-\$4,785. The Economic Development funding issue was deferred to the Finance Committee.

**COMMITTEES  
COMMUNITY DEVELOPMENT  
COMMITTEE**

Councilman Brown reported the Community Development Committee met before the regular City Council meeting on April 2, 2013 at 6:00 p.m. at City Hall to discuss allowing chickens and pot bellied pigs to be kept within the City limits. The recommendation from the Community Development Committee was not to allow farm animals inside city limits or homes and to rescind prior approval that was given to Joe Bearden allowing turkeys inside city limits.

**FINANCE COMMITTEE**

Councilman Wix reported the Finance Committee met before the regular City Council meeting on April 2, 2013 at 6:30 p.m. at City Hall to discuss the following items: policy allowing grave sites to be sold in the Oakhill Cemetery and proposed sewer user fee increase. The recommendation from the Finance Committee was to change the wording of the policy pertaining to the sale of grave sites and to consider an increase to the sewer rates after the May 7, 2013 public hearing.

**BOARDS AND COMMISSION  
NEIGHBORHOOD ADVISORY  
COMMISSION**

Councilman Boyd reported there was not a quorum at the Neighborhood Advisory Commission meeting so no report was provided.

**PUBLIC HEARING  
COMMUNITY DEVELOPMENT  
BLOCK GRANT**

Mayor Malan opened the Public Hearing to discuss the City submitting an application for 2013 Community Development Block Grant (CDBG) funding for the demolition of unsafe structures. Austin Mount, Executive Director from Kaysinger Basin Regional Planning Commission, was present to answer questions from the public. Mr. Mount explained the City has budgeted \$50,000 for the demolition of the 40 residential and four commercial properties on the list. The City will contribute \$1,000 toward the demolition cost of the residential structures and 25% of the demolition cost of the commercial structures. Additional in-kind services will be provided by the City for inspections, utility disconnections and site clean-up activities for the demolitions. There is no cost to the property owners if the application for funding is approved. The property owners have been requested to sign a letter of intent to participate in the program and return it to the City by April 10, 2013.

Mr. Mount inquired if any of the citizens had any questions or comments.  
Question: Do you feel that the City would be better off if people would repair their properties instead of tearing them down?  
Answer: The rule used is if it cost more than \$15.00 per square foot to do repairs then it would be better to tear the structure down.

Question: So you have the intention of someone building a new home on the property or would you rather have vacant lots across town?

Answer: The hope is that someone would build a single family home or a duplex on the property.

Question: Has the City thought about building its own duplexes or rental houses?

Answer: No, some of the houses do not have footings or foundations and are not worth putting money into.

Comment: Some are worth putting money into. He received a letter and he is not letting his house be torn down. He just purchased it and has put a lot of money into it and now it is one of the nicest houses on the block and you would think the City would encourage such practice as that. Instead all he received was triple taxes, a bunch of fees and a lot of red tape to go through. It discourages people from investing in Butler and making it a better place. So I think you need to change some of your policies or the way you go about it, you don't want to drive people out of Butler. Trying to develop Butler and make people want to live in Butler to do things there. There has to be a better way. I do understand there are some places that do need to be torn down but some don't need to be torn down at all.

Answer: Last year a couple showed up wanting to remodel a property and as yet nothing has been done and it is in worse condition. Also, if a property has not been vacant 12 months or more, it cannot be a part of the project.

Question: If the property is demolished it will not cost the property owner anything?

Answer: Yes, that is correct if the City receives the grant.

Question: If I sign up now and the City does not receive the grant, what happens?

Answer: If the grant is not received, and your property is on the list for condemnation, then depending on the condition of the structure and the placement on the list, the City will continue with the demolition of 1-2 houses per year.

Question: If on the list and no grant is received, is there still a deadline to have the structure torn down by the property owner?

Answer: Don't necessarily think so. Next year if the property is on the condemnation list and depending on the safety hazards and a lot of others factors, the owner needs to do something or the City will demolish the structure and a lien will be applied to the property.

Kristi Mackey with Kaysinger Basin Regional Planning Commission handed out a community needs assessment survey to Council and Mayor. The assessments will show KBRPC what some of the needs for Butler are and other relevant information. Miss Mackey stated a list of the structures will be submitted to SHIPO to see if any of the structures are of any historic value. Mayor Malan closed the public hearing.

**REPORTS**  
**POLICE CHIEF**

Officer Jerret Wheatley gave the police report.

**CITY ADMINISTRATOR**

City Administrator Arbuthnot presented to council a quote from Tiger Direct for 8 tablets to be purchased for the councilmen and mayor. Motion by Phillips, seconded by Wix to purchase the 8 tablets. Motion failed by a vote of 3 to 5. With the following voting no: Brown, Simons, Burg, Weil and Boyd. City Administrator Arbuthnot reported City Council will need to meet on Tuesday, April 9, 2013 at 6:00 p.m. at City Hall for a special council meeting. Dan Vogel with Cunningham, Vogel and Rost, will be present to discuss the proposed Pole Attachment Agreement with Century Link. Motion by Brown, seconded by Wix to approve a special council meeting on Tuesday April 9, 2013 at 6:00pm at City Hall. Motion passed unanimously by a show of hands.

City Administrator Arbuthnot reported the City Wide Spring Cleanup for residential properties is scheduled to start Monday, May 6<sup>th</sup> north of Ft. Scott Street and continue on Monday, May 13<sup>th</sup> south of Ft. Scott Street with pick up provided by Bates County Disposal.

City Administrator Arbuthnot reported a retirement reception has been scheduled for Charlie Harrill who will be retiring after many years of service to the City working at the Light Plant. The reception will be held at City Hall on Friday, April 12<sup>th</sup> from 1:00 pm to 3:00 pm.

City Administrator Arbuthnot informed council he was approached by an insurance company who felt they could save the city money by a self insurance program. City Administrator Arbuthnot explained to council CBIZ would be the ones getting all the information and what plan would work best for the City. Motions by Phillips, seconded by Wix to proceed with CBIZ acquiring proposals. Motion passed unanimously by a show of hands.

**PUBLIC WORKS DIRECTOR**

Public Works Director Diehl informed council he has obtained three quotes for security fencing to be installed around the river pump station. Public Works Director Diehl informed council the fencing is a recommendation from MoDNR and will soon be a requirement for all water treatment facilities. Motion by Simons, seconded by Burg to accept the low bid from Highlight Fence. Motion passed unanimously by a show of hands.

**CODE ENFORCEMENT**

Code Enforcement Officer Jim Wheatley gave the code enforcement report.

**MAYOR**

Mayor Malan expressed his thanks to all City employees for their efforts in the snow removal. Mayor Malan also expressed his thanks to City Administrator Arbuthnot, Public Works Director Diehl, City Clerk Mary Jo Cook, City Attorney Tom Addleman and all departments for a job well done.

**COUNCIL MEMBERS**

**BROWN**

Nothing to report.

**PHILLIPS**

Nothing to report.

**BURG**

Nothing to report.

**SIMONS**

Motion by Simons, seconded by Burg to start looking for a City Administrator using the firm of Davis Consultants. Motion passed unanimously by a show of

hands.

Nothing to report.

**WEIL**

Nothing to report.

**AGNEW  
BOYD**

Nothing to report.

**WIX**

Nothing to report.

**NEW BUSINESS  
CDBG/GRANT WRITING AND  
GRANT ADMINISTRATION  
SERVICES**

Consider proposal for Grant Writing and Grant Administration Services to meet the CDBG unsafe structure application requirements. Motion by Burg, seconded by Phillips to proceed with the Grant Writing and Grant Administration Services to meet the CDBG unsafe structure application requirements. Motion passed unanimously by a show of hands.

**CITY CLERK AND DEPUTY CITY  
CLERK APPOINTMENTS**

Motion by Simons, seconded by Brown to appoint Mary Jo Cook City Clerk and Barbara Scrogam Deputy City Clerk. Motion passed unanimously by 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.

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Mayor Don H. Malan

ATTEST:

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Barbara Scrogam  
Deputy City Clerk