

**CITY OF BUTLER**  
**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**JULY 16, 2013**

The Butler City Council met in regular session on Tuesday, July 16, 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-Absent
Thom Burg	Brian Boyd
Gayle Stark	

**OTHERS PRESENT**

Others present were City Administrator Mark Arbuthnot, Public Works Director Trent Diehl, Deputy City Clerk Barb Scrogam, Attorney Andrew Esselman, Police Chief Randy Beshore and Code Enforcement Officer Jim Wheatley.

**OTHER GUESTS**

Lee Ullman, Sara Lough, Keisha Carlton, Doris Fuller and Linn Nitsche were also in attendance.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by Burg to approve the minutes of the regular session of July 2, 2013 and closed session of July 2, 2013. Motion passed unanimously by a show of hands.  
Motion by Phillips, seconded by Brown to approve the bills presented for payment. Motion passed unanimously by a show of hands.

**APPROVAL OF AGENDA-  
ADDITIONS OR DELETIONS**

Motion by Brown, seconded by Boyd to add accepting bids for Micro Seal to the agenda. Motion passed unanimously by a show of hands.

**SCHEDULED GUESTS**  
**SARA LOUGH/KEISHA  
CARLTON 5K FUNDRAISER FOR  
JACKSON LOUGH**

Sara Lough and Keisha Carlton requested approval for a 5K fund raiser for Jackson Lough. Motion by Burg, seconded by Phillips to approve the 5K fund raiser and route. Motion passed unanimously by a show of hands.

**DORIS FULLER/CERTIFICATE  
OF APPRECIATION**

Mayor Malan presented to Doris Fuller a Certificate of Appreciation from the City for volunteering at the Oak Hill Cemetery for taking care of the flowers in Babyland and the Pine Street gate entrance for several years.

**LEE ULLMAN/MC POWER**

Lee Ullman of MC Power attended the council meeting to discuss their redevelopment proposal for the City to consider approval of a Chapter 353 Redevelopment Plan for the Solar Farm project. If approved, this would allow them to receive property tax abatement on the project. A funding agreement with the City needs to be approved in order for them to move ahead with the application process. Motion by Burg, seconded by Phillips to approve the funding agreement. Motion passed 6-1 with Boyd voting no.  
Motion by Brown, seconded by Burg to call for a special meeting and a public hearing on July 30, 2013 at 7:00 pm. Motion passed unanimously by a show of hands.

**BOARDS & COMMISSIONS**  
**PARK & RECREATION**

City Administrator Arbuthnot reported the Park and Recreation Commission

COMMISSION

met on July 11, 2013 at noon at City Hall and did not have a quorum present so no action could be taken. Agenda items they discussed were 1) Pool prices compared to other cities in the area, Butler slightly higher than Nevada and Clinton but lower than Harrisonville, 2) Skate Park concrete bids for replacement of existing asphalt surface and recommend replacement and this should be a high priority because of unsafe conditions and they do not recommend moving the Skate Park to the Tennis Courts, 3) Osage Field fence bids for outfield and foul lines and recommend this to be completed when funding is available and to reuse existing fence from this field for perimeter fencing at Sunset Park, 4) reducing number of members on board due to lack of a quorum to conduct business four of the first seven months this year, recommend to reduce to total of eight members from the current ten members which will reduce the quorum requirement from six members to five members for meetings. City Administrator stated there was a nice article in the July 12<sup>th</sup> News XPress highlighting the Park Department projects and activities.

**BILL, ORDINANCES,  
RESOLUTIONS AND POLICIES**

**BILL NO. 2013-14  
ORD NO. 975  
1<sup>ST</sup> READING**

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

**BILL NO. 2013-14 ORDINANCE NO. 975**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 13-021A-1 FUNDING FOR THE BUTLER MEMORIAL AIRPORT RUNWAY 18-36 CROSS-DRAIN INSTALLATION AND SEAL COAT PROJECT.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Absent
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	

**BILL NO. 2013-14  
ORD NO. 975  
2<sup>ND</sup> READING**

Motion by Boyd, seconded by Agnew for the second reading by title only of

**BILL NO. 2013-14 ORDINANCE NO. 975**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 13-021A-1 FUNDING FOR THE BUTLER MEMORIAL AIRPORT RUNWAY 18-36 CROSS-DRAIN INSTALLATION AND SEAL COAT PROJECT.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Absent
Thom Burg-Aye	Brian Boyd-Aye
Gayle Stark-Aye	

**BILL NO. 2013-14  
ORD NO. 975  
ADOPTION**

Motion by Phillips, seconded by Boyd to adopt.

**BILL NO. 2013-14 ORDINANCE NO. 975**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BUTLER, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR STATE BLOCK GRANT PROJECT NO. 13-021A-1

FUNDING FOR THE BUTLER MEMORIAL AIRPORT  
RUNWAY 18-36 CROSS-DRAIN INSTALLATION AND SEAL COAT  
PROJECT.

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Aye
Brian Phillips-Aye	Terry Agnew-Absent
Thom Burg-Aye	Brian Boyd-Aye
Gayle Start-Aye	

**REPORTS**  
**POLICE CHIEF**

Chief Beshore reported he received a grant for the 4<sup>th</sup> of July weekend which allowed for two extra officers to work the holiday.

**ATTORNEY ESSELMAN**

Attorney Andrew Esselman filling in for City Attorney Addleman reported on the issue of a liquor license issued to El-Dorado IV and the existence of a church within 300 feet of the restaurant/cantina. Mr. Esselman explained several different alternatives to this issue. The consensus is to draw up a new ordinance for council approval.

Attorney Andrew Esselman informed council the Police Department made inquiries concerning house numbers not being visible and if the present ordinance could be reworded. It was the consensus of council to draft an updated ordinance for council approval.

**CITY ADMINISTRATOR**  
**HB 331 AND HB 346/CITY ROW**

City Administrator Arbuthnot informed council that Governor Nixon has signed HB 331 and HB 345 concerning the use of City rights of way and pole attachment requirements for the telecommunications industry. These will take effect on August 28, 2013 and will require amendments to the City regulations regarding these two issues. The proposed amendments will be provided to the City Council for consideration after they are drafted.

**SB 23 AND SB 99/REINSTATES**  
**LOCAL SALES TAXES FOR OUT**  
**OF STATE PURCHASES**

City Administrator Arbuthnot informed council that Governor Nixon has signed SB 23 and SB 99 that reinstates local sales taxes for vehicles, boats, trailers and motors purchased out of state or from an individual. This was estimated to be \$16,000 to \$20,000 in annual sales tax revenue for the City. Within the next two years, local governments that do not already have a local use tax must provide a chance for citizens to vote on whether to repeal the sales tax. The City does not have a local use tax so an election and citizen approval will be required to continue the collection of the sales tax.

**CATALYTIC CONVERTORS**

City Administrator Arbuthnot reported the installation of the catalytic convertors on two of the Caterpillar generators at the Light Plant by Foley Power Systems is almost completed. Foley Power Systems is waiting for delivery of several pieces of the required crankcase ventilation system that need to be installed. After completion of this work the generators will need to be operated and certified by Air Hygiene as meeting the EPA Air Quality Regulations. The certification information will need to be provided to the Missouri Department of Natural Resources for their approval of the City's air quality permit for the Light Plant.

**KBRPC MEETING AT FLAMING**  
**LANTERN**

City Administrator Arbuthnot reported Kaysinger Basin Regional Planning Commission is holding their next meeting in Butler next Thursday, July 18, 2013 at noon at the Flaming Lantern Restaurant. The Mayor and City Council

are invited to attend the meeting.

**PUBLIC WORKS DIRECTOR**

Public Works/Utilities Director Trent Diehl reported he checked the property at 307 W. Dakota Street owned by Marilyn Eneff and determined that it is served by City sewer.

**CODE ENFORCEMENT**

Code Enforcement Officer Wheatley gave the code enforcement report.

**MAYOR**

Mayor Malan informed council he is still looking for a replacement for the vacant council seat in ward 4. Mayor Malan hopes to fill this seat next council meeting.

**COUNCIL MEMBERS**

**BROWN**

Nothing to report.

**PHILLIPS**

No complaints. Thanked City Administrator Arbuthnot for providing information and answers to his questions.

**BURG**

Reported the Ohio Street United Methodist Church assisted with the cleanup efforts on Orange St, to Nursery St. also 619 & 620 Pine St. by mowing and weed eating.

**STARK**

Nothing to report.

**WEIL**

Reported the Bear banners are in need of repair and the boat ramp at City Lake has a hole in it.

**AGNEW**

Absent.

**BOYD**

Reported this will be his last council meeting due to personal reasons. Boyd stated he has really enjoyed his time on council and hates to step down.

**NEW BUSINESS**

City Administrator Arbuthnot recommended City Council approve to accept bids for approximately 15,000 square yards of Micro-Surfacing work to be completed by November 15, 2013. Motion by Phillips, seconded by Brown to authorize taking bids for Micro- Surfacing. Motion passed unanimously by a show of hands.

**ADJOURNMENT**  
**CLOSED SESSION**

Motion by Brown, seconded by Stark to adjourn the regular session and enter into closed session. Legal Actions and/or Communication from the City Attorney as provided under Section 610.021 (1),

David Brown-Aye  
Brian Phillips-Aye  
Thom Burg-Aye  
Gayle Stark-Aye

Harold Weil-Aye  
Terry Agnew-Absent  
Brian Boyd-Aye

**ATTEST**

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Barbara Scrogam  
Deputy City Clerk

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Mayor Don H. Malan

