

**CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
AUGUST 20, 2013**

The Butler City Council met in regular session on Tuesday, August 20, 2013 at 7:05 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	Shawn McVey
Gayle Stark	Kyle DuBray-absent

OTHERS PRESENT

Others present were City Administrator Mark Arbuthnot, Public Works Director Trent Diehl, City Clerk Mary Jo Cook, Deputy City Clerk Barb Scrogam, City Attorney Tom Addleman, Officer Denny Rich and Code Enforcement Officer Jim Wheatley.

OTHER GUESTS

Mary & Wylie Welston, Greg Mullinax, Lynn Snapp, Lee Anna Schowengerdt, Ruben Campos, Israel Carlin and Carolyn Forhy were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by McVey to approve the amended minutes of the regular session to include a Motion by Brown, seconded by Phillips to approve the appointment of Kyle DuBray and Shawn McVey as new councilmen. Motion approved unanimously by a show of hands of the August 6, 2013 and closed session of August 6, 2013. Motion passed unanimously by a show of hands.

Motion by Burg, seconded by Agnew to approve the bills presented for payment. Motion passed unanimously by a show of hands.

Motion by Phillips, seconded by Brown to approve travel/training. Motion passed unanimously with a show of hands.

**APPROVAL OF AGENDA-
ADDITIONS OR DELETIONS
LYNN SNAPP/BANKING
AGREEMENT/CBIZ
AMENDMENT**

Motion by Brown, seconded by Phillips to add guest Lynn Snapp, also add under new business to consider an extension with the banking agreement the City has with Community First Bank and consider an amendment to the agreement the City has with CBIZ (health care consultants). Motion passed unanimously by a show of hands.

**SCHEDULED GUESTS
MARY WELSTON-704 W. FT.
SCOTT TAX LIEN**

Mary Welston spoke to City Council about purchasing the property at 704 W. Ft. Scott, which has a special tax lien of \$6,113.28 plus interest charges owed to the City. This will be a third year delinquent property tax sale with Bates County. The sale is scheduled for August 26, 2013. Mrs. Welston inquired if the City would be willing to reduce the amount owed. Council informed Mrs. Welston they would be willing to negotiate with her if she purchased the property and for her to return to the next council meeting on September 3, 2013.

**LEE ANNA SCHOWENGERDT,
CHAMBER OF COMMERCE**

Lee Anna Schowengerdt, Executive Director of the Butler Area Chamber of Commerce requested approval of the forthcoming annual events. October 5,

EVENTS

2013 Hucksters Day, October 25-26, 2013 Country Mart and Bates County 7th Annual BBQ State Championship & Festival, October 31, 2013 Halloween Parade and December 7, 2013 Christmas Parade. Motion by Burg, seconded by Agnew to approve the annual events. Motion passed unanimously by a show of hands.

GREG MULLINAX, CHAMBER OF COMMERCE SPEAKER SYSTEM

Greg Mullinax, with the Butler Area Chamber of Commerce requested \$600.00 from the City to help with the cost of moving the speaker system from its present location to the new Chamber Office. City Administrator Arbuthnot informed council this needs to be looked into before donating any funds due to it being a private enterprise.

PASTOR LYNN SNAPP-EVENT

Lynn Snapp, Pastor of the Immanuel Baptist Church informed council of an upcoming event to be held at the church on August 31, 2013. Pastor Snapp explained this would be a fundraiser for the Wells boy and inquired if there were any permits or such that needed to be purchased. None are needed.

**COMMITTEES
FINANCE COMMITTEE
COMMITTEE**

Councilman Weil reported the Finance Committee met on Tuesday, August 20, 2013 at 6:15 p.m. to discuss the proposed Butler Solar Farm 353 Redevelopment Area Plan. Tom Davis and Lee Ullman with MC Power Companies attended the finance committee meeting to provide additional information and discuss their proposed plan. Motion by Brown, seconded by Burg to call for a Public Hearing on September 3, 2013 at 7:00 pm to reconsider the Chapter 353 Redevelopment Area Plan submitted by MC Power Co. for the Solar Farm development at the Butler Industrial Park. Motion passed unanimously by a show of hands.

**BOARDS & COMMISSIONS
AIRPORT COMMISSION**

City Administrator Arbuthnot reported the Airport Commission met on Thursday, August 8, 2013 at 6:30 p.m. at City Hall. Agenda items considered were: 1) financial reports 2) reviewed the runway drainage improvements and seal coat project with Robert Crain of Burns and McDonnell and authorized to take bids on September 10, 2013. Scheduled a special meeting on September 12, 2013 to consider the bids and make a recommendation to the City Council who will consider the bids at their meeting on September 17, 2013, 3) discussed plans for the terminal building restroom remodeling 4) advised roof repairs for the blue hangar to start next week depending on weather conditions, 5) Airport manager's report.

**PUBLIC HEARING
2013 TAX LEVY**

Councilman Phillips and City Administrator Arbuthnot reported the Planning Commission met on Tuesday, August 13, 2013 at 7:30 p.m. at City Hall. A public hearing was held to consider an application for the continuation of a dance studio, as a nonconforming use for the property at 8 N. Fulton Street. This property is owned by the American Legion which is a permitted use in the R-4 Residential Zoning District. Connie White has operated a dance studio in the building as an accessory use but wants to purchase the property from the American Legion contingent on her being able to continue to operate the dance studio but this is not permitted in the R-4 Residential Zoning District. A nonconforming use can be continued if approved by the Planning Commission. The Planning Commission approved the continuation of the dance studio as a nonconforming use. Connie White submitted an application on August 14, 2013 to rezone this property to C-2 General Commercial District which will allow the dance studio as an outright use, if approved. Rezoning applications

require a public hearing and consideration by the Planning Commission and then a public hearing and consideration by the City Council for approval.

Public Hearing to consider the proposed property tax levy rate for 2013 for the City of Butler. Mayor Malan opened the public hearing.

City Administrator Arbuthnot-the proposed levy is based on the budgeted amount for property tax for the general fund, park fund, and lake fund up from last year. When you adopted the tax levy last year you indicated you wanted to try and increase those a little bit up to the ceiling, there is a ceiling level which we can levy the tax and not have to go to a vote of the people. It increases because of increase in valuation and things like that in the community, property and improvements. The state has a formula by which they calculate that ceiling and that's what we propose then to levy up to those amounts. What that will generate is \$25,180.00 in additional tax funds, property taxes if everyone pays their property taxes. Not everyone pays their property taxes. There are delinquents; we don't get 100% of tax money we levy every year. The proposed ordinance you will consider after the hearing is closed will include that increase in the property tax amounts by \$25,180.00.

Councilman Burg-do you have a figure of how it will affect the average person's taxes?

City Administrator Arbuthnot-It's not much, about a 10% increase of total taxes. Because the total proposed property tax is about \$270,000.00 that is all the City receives, so that would include the \$25,000.00 increase. It's about 10%. You don't have to levy that amount. You can stick with the levy amount we had last year if you don't want to increase it. You are not obligated to raise it.

Councilman Burg-I think we ought to stick with the one we have now at least for another year because we are going to be hitting people pretty hard this summer.

Councilman Weil-this will be the third tax increase in just a matter of a few months.

Councilman Burg-probably will have some more changes.

City Administrator Arbuthnot-it's whatever you want to do.

Mayor Malan-Mark, what is your recommendation?

City Administrator Arbuthnot-I would increase it, the budget is based on the increase.

Councilman Brown-that averages about \$12.50 a month basically.

City Administrator Arbuthnot-it depends on your evaluation. Everybody is going to be different.

Councilman Brown-on average it probably will be \$12.00-\$15.00 a month.

City Administrator Arbuthnot-this is my fifth year with the City and the City has not increased it since I have been with the City. I don't know when the last increase was taken.

Councilman Phillips-I think at some point, I know it's the third tax. I think at some point, since the budget is based on that \$25,000.00 we might get around next year and say, we might have an unexpected expense and say we wished we had taken that \$25,000.00 increase.

Mayor Malan-very similar to the sales tax, where would we be with the sales tax, we would be right where we used to be. We have a lot of wants and can't even take care of our needs.

Councilman Phillips-we just might look back and wished we had it next year.

City Administrator Arbuthnot-there is 2000 households approximately in Butler. So if you took 2000 into \$25,000.00 that's pretty close.

Mayor Malan closed the hearing.

Motion by Phillips, seconded by Brown for the first reading by title only of
BILL NO 2013-15 ORDINANCE NO. 976
AN ORDINANCE ESTABLISHING THE 2013 TAX LEVY FOR THE CITY OF BUTLER.

BILL, ORDINANCES,
RESOLUTIONS AND POLICIES
BILL NO. 2013-15
ORD NO. 976
1ST READING

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Absent

Motion by Brown, seconded by Phillips for the second reading by title only of
BILL NO 2013-15 ORDINANCE NO. 976
AN ORDINANCE ESTABLISHING THE 2013 TAX LEVY FOR THE CITY OF BUTLER.

BILL NO. 2013-15
ORD NO. 976
2ND READING

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Absent

Motion by Phillips, seconded by Brown to adopt.
BILL NO 2013-15 ORDINANCE NO. 976
AN ORDINANCE ESTABLISHING THE 2013 TAX LEVY FOR THE CITY OF BUTLER.

BILL NO. 2013-15
ORD NO. 976
ADOPTION

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Aye	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Absent

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

BILL NO. 2013-17 ORDINANCE NO. 978
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 4.
ALCOHOLIC BEVERAGES, SECTION 4-11 OF THE CITY OF
BUTLER, MISSOURI.

BILL NO. 2013-17
ORD NO. 978
1ST READING

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Nay	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Absent

Motion by McVey, seconded by Phillips for the second reading by title only of
BILL NO. 2013-17 ORDINANCE NO. 978
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 4.
ALCOHOLIC BEVERAGES, SECTION 4-11 OF THE CITY OF
BUTLER, MISSOURI.

BILL NO. 2013-17
ORD NO. 978
2ND READING

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Nay	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Absent

Motion by Phillips, seconded by McVey to adopt.

BILL NO. 2013-17 ORDINANCE NO. 978
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 4.
ALCOHOLIC BEVERAGES, SECTION 4-11 OF THE CITY OF
BUTLER, MISSOURI.

BILL NO. 2013-17
ORD NO. 978
ADOPTION

Motion passed with the following votes:

David Brown-Aye	Harold Weil-Nay
Brian Phillips-Aye	Terry Agnew-Aye
Thom Burg-Nay	Shawn McVey-Aye
Gayle Stark-Aye	Kyle DuBray-Absent

REPORTS
CITY ADMINISTRATOR
PURCHASED POWER
ADJUSTMENT

City Administrator Arbuthnot reported information is included in the meeting packet regarding the Purchase Power Adjustment for electricity that is applied to the monthly utility bills when it is applicable. There is also information included in the meeting packet on the Missouri Public Utility Alliance (MPUA), Missouri Association of Municipal Utilities (MAMU), Missouri Joint Municipal Electric Utility Commission (MJMEUC) and the Missouri Public Energy Pool (MoPEP) that the City has membership in. City Administrator Arbuthnot reported there has not been a rate increase since 2011.

City Administrator Arbuthnot reported Art Davis has completed the proposed Community Profile and Job Advertisement for the City Administrator position.

ART DAVIS

City Administrator Arbuthnot also reported at this time he is still unable to give his retirement date.

City Administrator Arbuthnot reported the installation of the catalytic convertors on the two Caterpillar generators at the Light Plant has been

CATALYTIC CONVERTORS

completed by Foley Power Systems. Air Hygiene is scheduled to be here on October 15, 2013 to do the required air quality testing and certify that they meet the EPA and DNR air quality regulation requirements.

PA SYSTEM

City Administrator Arbuthnot thanked CA Moore for his editorial bringing to his attention the non-working PA system. Public Works Director Diehl and Mike Kershner are working on acquiring pricing information for replacing the PA system and will have the information for the next council meeting on September 3, 2013 to consider.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley gave the code enforcement report. Code Enforcement Officer Wheatley also reported for Chief Beshore the cars have been ordered and will be here in three to four months.

MAYOR

Mayor Malan expressed his appreciation to council and City Administrator Arbuthnot for all their hard work. Mayor Malan stated he sees the Solar Farm as an opportunity and we need to be going ahead and make it happen.

Brown-nothing to report

COUNCIL MEMBERS

BROWN

Phillips-no complaints. We might consider asking CA Moore to put a little note in the paper about the tax levy. It has not been raised for the last five years.

PHILLIPS

Phillips asked what it would take to revisit the ordinance to have a City merchant license. Have the City Attorney look into it. It would be nice to have a list of who everybody is and what they are doing. I think the Solar Farm is going ahead and I wasn't aware they brought back a higher number for the pilot payment (payment in lieu of taxes). I like it, let's get it going.

BURG

Burg-I think now that we understand what the pilot is, it makes more sense. Several complaints concerning lots of cars parked in the street at a resident's home on Country Club Drive. It is an inconvenience and it is a problem if a little kid ran between the cars it is a blind spot.

STARK

Stark-nothing to report.

WEIL

Weil-inquired if the City Administrator had heard anything on the demolition grant. City Administrator Arbuthnot reported he has not heard a word concerning the demolition grant. It was around September last year when he had received information, so it may be September again this year.

AGNEW

Agnew-inquired if Public Works Director Diehl had anything going on at Vine & Pine Streets. Public Works Director Diehl reported they had a water leak there previously.

MCVEY

McVey-appreciated Tom Davis from MC Power Co. coming and explaining the Solar Farm. I was lost two weeks ago but now not as lost.

NEW BUSINESS

Consider bid of \$2.70 a sq yard from Vance Brothers for micro-surfacing of City streets.

Motion by Brown, seconded by Burg to accept the bid. Motion passed unanimously by a show of hands.

MICRO-SURFACING

Consider a Bank extension agreement with Community First Bank until January 1, 2014. Motion by Burg, seconded by Brown to approve the extension agreement with Community First Bank. Motion passed unanimously by a show of hands.

**COMMUNITY FIRST BANK
EXTENSION AGREEMENT**

Consider an amendment to the agreement with CBIZ concerning the new health care act changes. Motion by McVey, seconded by Phillips to approve the amendment to the agreement to allow them to provide this service to the City. Motion passed unanimously by a show of hands.

**CBIZ AGREEMENT
AMENDMENT**

Motion by Phillips, seconded by McVey to call for a Public Hearing on September 3, 2013 at 7:00 pm to consider an exception for El Dorado Mexican Restaurant and Cantina to serve alcoholic beverages. Motion passed unanimously by a show of hands.

**PUBLIC HEARING
EXCEPTION EL DORADO
MEXICAN RESTAURANT AND
CANTINA**

Motion by Brown, seconded by Phillips 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),

**ADJOURNMENT
CLOSED SESSION**

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

Harold Weil-Aye
Terry Agnew-Aye
Shawn McVey-Aye
Kyle DuBray-Absent

Mayor Don H. Malan

ATTEST

Barbara Scrogam
Deputy City Clerk