

**CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
SEPTEMBER 17, 2013**

The Butler City Council met in regular session on Tuesday, September 17, 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	Shawn McVey
Gayle Stark	Kyle DuBray

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 and Code Enforcement Officer Jim Wheatley.

OTHER GUESTS

Mel Ewing, Mike Kershner, Chad Anderson and Joyce Fitzpatrick were also in attendance.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Burg to approve the minutes of the regular session of September 3, 2013 and the closed session of September 3, 2013. Motion passed unanimously by a show of hands.
Motion by McVey, seconded by Phillips 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 McVey to add Joyce Fitzpatrick and Chad Anderson to the agenda. Motion passed unanimously by a show of hands.

**SCHEDULED GUESTS
JOYCE FITZPATRICK/FOOD
PANTRY 5K RUN**

Joyce Fitzpatrick on behalf of the Food Pantry requested permission to use the Butler streets Nursery and Ft. Scott St. for a 5k run. Motion by Burg, seconded by DuBray to approve the use of Butler streets for a 5k run.

**CHAD ANDERSON/GO CART
OVAL TRACK**

Chad Anderson on behalf of the Butler Bear Backers requested to put in an oval race track for go-carts on City property located at the Butler Fair Grounds behind the fence row North of the brush pile. Mr. Anderson explained they have the personnel who are willing to donate their time and effort to build the track and maintain it. Motion by Phillips, seconded by DuBray to approve the construction of the track to be located behind the fence row North of the brush pile pending approval by the City Administrator and Public Works Director Diehl and all parties provide proper insurance. Motion passed unanimously by a show of hands.

**COMMITTEES
FINANCE COMMITTEE
COMMITTEE**

Finance Committee met on Tuesday, September 17, 2013 at 6:30 p.m. before the regular council meeting to discuss the special tax lien that the City has on the property at 704 W. Ft. Scott for the demolition and cleanup of a house and garage. The special tax lien on the property is \$6,113.28 plus interest charges of \$489.06 for a total of \$6,602.34. Mary Welston purchased the property at the third year delinquent property tax sale at the Bates County Courthouse on

Monday, August 26, 2013. She has asked the City to reduce the amount of the special tax lien that she needs to pay to the City. Motion by Weil, seconded by Stark to forgive all but \$2,000.00 of the special tax lien. Motion passed unanimously by a show of hands.

BOARDS & COMMISSIONS
PARK AND RECREATION
COMMISSION

Park and Recreation Commission met on Thursday, September 5, 2013 at noon at City Hall. As a quorum was not present no action was considered or taken by those in attendance. Colin Lanyon was at the meeting and spoke about the overall poor and unsafe condition of the Skate Board Park. He stated that he felt the condition at the bottom of the ramps was better before the City patched these areas with cold mix asphalt. He said that a concrete surface would be better suited for the Skate Board Park to replace the current asphalt surface and this was based on skate boarding he has done at other Skate Board Parks. The commission members in attendance acknowledged that the condition of the asphalt surface in the Skate Board Park was very poor and that funding would be needed before any major improvements could be made by the City.

The commission had previously discussed costs for concrete to replace the asphalt in the Skate Board Park. A new surface for the Skate Board Park was included in the proposed FY 2013-14 Budget but was not able to be funded so it was included in the five Year Capital Improvement Plan for FY 2014-15 contingent on available funding. The Park and Recreation Superintendent, Scott Bitner, reviewed his monthly report.

PLANNING COMMISSION

Planning Commission held a public hearing on Tuesday, September 10, 2013 at 7:00 p.m. at City Hall to consider the rezoning of the property at 8 N. Fulton from R-4 Multi-Family District to C-2 General Business District. At the close of the public hearing the Planning Commission approved to recommend to the City Council that the property be rezoned as requested. Connie White received approval from the Planning Commission in August to continue her dance studio as a non-conforming use but has offered to purchase the property from the American Legion contingent on the property being rezoned. The City Council will now need to hold a public hearing to consider the rezoning of the property. The public hearing will be held at the October 15, 2013 City Council meeting.

AIRPORT COMMISSION

Airport Commission held a special meeting on Thursday, September 12, 2013 at 6:30 p.m. at City Hall to consider the bid from Vance Brothers for \$644,364.80 that was submitted on September 10, 2013 for the Airport runway cross-drains and seal coat project. Burns and McDonnell estimated the project cost to be \$366,625.00. Because the bid was higher than the engineers estimate MoDOT is being contacted to determine what options are available for funding the project.

NEIGHBORHOOD ADVISORY
COMMISSION

Neighborhood Advisory Commission met September 16, 2013 at 7:00 pm. The commission discussed amount of fines and also went of the Code Officer's report.

REPORTS
CITY ADMINISTRATOR
SHARON JONES RETIREMENT
RECEPTION

City Administrator Arbuthnot and City Clerk Mary Jo Cook reported the retirement reception will be held for Sharon Jones at City Hall on Friday, September 27, 2013 from 1 – 3 p.m. Sharon is retiring after working 30 years for the City as a Utility Clerk in City Hall.

SCOULAR COMPANY

City Administrator Arbuthnot reported the Scoular Company in Adrian has donated a “Grain Wall” to the Butler Fire Department to be used in rescue situations in grain facilities. A thank you letter has been sent by the Mayor, Don Malan, to Matt O’Hern at the Scoular Company.

CODE ENFORCEMENT

Code Enforcement Officer Wheatley gave the code enforcement report. He also reported for Chief Beshore that the calls are going up and the new Officers are doing well.

MAYOR

Mayor Malan stated he is thrilled about the Solar Farm and stated good things attract other things. Mayor Malan expressed his appreciation to City Administrator Arbuthnot, Public Works Director Diehl and City Attorney Addleman for all their hard work.

COUNCIL MEMBERS

BROWN

Brown-nothing to report

PHILLIPS

Phillips-no complaints and likes the sound system.

BURG

Burg-reported curbs falling in around square.

STARK

Stark-nothing to report.

WEIL

Weil-nothing to report.

AGNEW

Agnew-inquired about High & Vine St. Public Works Director Diehl explained the setting on the valve automatic opens and closes it has been rebuilt and have not had any problems in awhile. Councilman Agnew also inquired about a water leak behind Daemon McGuire’s? Public Works Director Diehl explained it was a bad leak. There is a 10 inch cast iron line there.

MCVEY

McVey-nothing to report.

DUBRAY

DuBray-nothing to report.

NEW BUSINESS

VANCE BROTHERS

Consider the bid that was submitted by Vance Brothers for \$644,364.80 on September 10, 2013 for runway cross-drains and seal coat work at the Butler Memorial Airport. Burns and McDonnell’s construction estimate for the project was \$366,625.00. Motion by Brown, seconded by Phillips to reject the bid and rebid in January, 2014.

**NATIONAL STREETSCAPE
FINAL CHANGE ORDER**

Consider approval of the National Streetscape Final Change Order and HNTB Supplemental Agreement #7. Motion by McVey, seconded by Phillips to approve National Streetscape final change order. Motion passed unanimously by a show of hands.

**HNTB SUPPLEMENTAL
AGREEMENT #7**

Motion by Burg, seconded by McVey to approve HNTB supplemental agreement #7. Motion passed unanimously by a show of hands.

**ADJOURNMENT
CLOSED SESSION**

Motion by Brown, seconded by McVey 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-Aye
Shawn McVey-Aye
Kyle DuBray-Aye

ATTEST

Mayor Don H. Malan

Barbara Scrogam
Deputy City Clerk