

CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
February 18, 2014

The Butler City Council met in regular session on Tuesday, February 18, 2014 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 Chief Jim Henry, City Attorney Tom Addleman, Public Works Director Trent Diehl, Police Chief Randy Beshore, Code Enforcement Officer Jim Wheatley, Deputy City Clerk Mary Jo Cook and Corey Snead.

OTHER GUESTS

Linn Nitsche, Steven McSperitt and Trevor Hutchison

Motion by Councilman Phillips, seconded by Councilwoman Stark to approve the minutes of the regular session of February 4, 2013 and closed session of February 4, 2014. Motion passed unanimously by a show of hands.

APPROVE CONSENT AGENDA

Motion by Councilman McVey, seconded by Councilman DuBray to approve the bills presented for payment. Motion passed unanimously by a show of hands.

Motion was made by Councilman Phillips, seconded by Councilman Agnew to approve travel/training presented. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

Steven McSperitt from the West Central Warriors wanted to thank the city for the use of the youth football field. He stated it has been a great experience using the facilities and is requesting the use of the field for the upcoming season. The West Central Warriors have been parting with the city on maintenance of the field. Councilman Weil asked if the Warriors had looked into using the old high school football field. They had not asked about the use of the old high school football field. The youth football field was the right size for the arena style football they play. Councilman Weil suggested that in the future they look into using the old high school football field. Mr. McSperitt did state that there are teams that play on a regular size field, but there is more equipment involved for that process.

Councilman Burg made a motion for the West Central Warriors to use the youth football field. Councilwomen Stark seconded the motion. The motion

passed unanimously by a show of hands.

COMMITTEES
FINANCE COMMITTEE

No committee report

BOARDS AND COMMISSIONS

Planning Commission - Chief Henry reported that Elizabeth Ogg was at the meeting. She has been updating the subdivision regulations. The commission was going to compare the updated regulations to the current and discuss at the next meeting.

Airport Commission – Chief Henry reported that City Clerk Koehn attended the meeting on Feb 13th, 2014. During the meeting they approved the 2014-2015 budget, discussed the bathroom remodel project and the runway project bids. Bids are due on March 14th, 2014 to the City Clerk to be open on March 18th, 2014 and to the Airport Commission for recommendation on March 20th, 2014 for discussion.

Park Board – The Mayor was unable to attend. Councilwomen Stark was at the meeting. The pool hours and swim lessons were discussed during the meeting.

UNFINISHED BUSINESS

No unfinished business

PUBLIC HEARINGS

No Public Hearings

BILLS, ORDS, RES

Bill NO 2014-1
ORD NO 985
1ST Reading

Motion by Councilman Phillips, seconded by Councilwoman Stark for the first reading by title only of

BILL NO 2014-1 ORD NO 985 AN ORDINANCE AMENDING SECTION 23-106, DRIVING WHILE INTOXICATED OR DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

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

Bill NO 2014-1
ORD NO 985
2nd Reading

Motion by Councilman Brown, seconded by Councilman McVey for the second reading by title only of

BILL NO 2014-1 ORD NO 985 AN ORDINANCE AMENDING SECTION 23-106, DRIVING WHILE INTOXICATED OR DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

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

Bill NO 2014-1
ORD NO 985
Adoption

Motion by Councilman Phillips, seconded by Councilman Burg to adopt.

BILL NO 2014-1 ORD NO 985 AN ORDINANCE AMENDING SECTION 23-106, DRIVING WHILE INTOXICATED OR DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

Bill NO 2014-2
ORD NO 986
1ST Reading

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

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

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

BILL NO 2014-2 ORD NO 986 AN ORDINANCE AMENDING SECTION 14-4, POSSESSIONS AND USE OF DRUG PARAPHERNALIA IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

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

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

Bill NO 2014-2
ORD NO 986
2nd Reading

Motion by Councilman McVey, seconded by Councilwoman Stark for the second reading by title only of

BILL NO 2014-2 ORD NO 986 AN ORDINANCE AMENDING SECTION 14-4, POSSESSIONS AND USE OF DRUG PARAPHERNALIA IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

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

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

Bill NO 2014-2
ORD NO 986
Adoption

Motion by Councilman Brown, seconded by Councilman DuBray to adopt.

BILL NO 2014-2 ORD NO 986 AN ORDINANCE AMENDING SECTION 14-4, POSSESSIONS AND USE OF DRUG PARAPHERNALIA IN THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

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

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

REPORTS

CITY CLERK

POLICE CHIEF

No Report City Clerk Koehn was absent from the meeting.

CITY ATTORNEY

Chief Randy Beshore reported that last Friday the recorder on the 911 system had gone down. That a loaner had been installed and the technician was working to see if it can be fixed. Chief Beshore stated that the life span for one is about 7-10 years. The current system is 7 years old.

PUBLIC WORKS

CODE ENFORCEMENT

No Report will discuss issues during closed session.

MAYOR

Will discuss his items during new business.

Working with the City Attorney on nuisance ordinances and abatement fees are still on the rise.

COUNCIL MEMBERS

BROWN	No Report The Mayor has been receiving several questions about the Street Projects and when they will start.
PHILLIPS	
BURG	
STARK	No Report
WEIL	No Report
	No Report
AGNEW	No Report
MCVEY	No Report
DUBRAY	No Report
<u>NEW BUSINESS</u>	No Report
	No Report

Heise Meyer Agreement – Co-City Administrator Henry reported Heise Meyer wants to do a sixth amendment to the lease agreement. This would give them exclusive right to be the real estate agent for the city until February 28th, 2018. Councilman Phillips would like to see the City put this out to bid and see if we can get another realtor before we give them another year. Councilman Phillips made a motion that we have bids for a new realtor for the property at the Industrial Park. Councilman DuBray seconded the motion. The motion passed unanimously by a show of hands.

Street Bids – Public Works Director Trent Diehl reported about the bids for the Street Projects. He recommended to council to accept the low bid on the project. The bids did come in low and there is additional money. Vance Brothers will be doing the Micro Seal Project, Blevins will be doing the build overlay, and the rebuild would be done by Sprouls Construction. Councilman Phillips made a motion to accept the low bids on all the Street Projects. Councilman McVey seconded the motion. The motion passed unanimously by a show of hands.

Purchase of Membranes for the Water Plant – Public Works Director Trent Diehl shared a memo with council about the purchase of membranes for the Water Plant. In October 2014, the Butler Water Treatment Plant will need to be compliant with the LT2 stage 2 Disinfection By-product Rule. The LT2 Rule is the increase of filtration capability from 3 log (99.9%) to 4 log (99.9%) removal of viruses. Diehl made a recommendation that council consider the purchase of 21 INGE.dizzer XL Ultra Filtration Modules for the replacement of 27 Hydro cap 60 membranes for the amount of \$59,791.00. Co-City Administrator Henry did state that the money is in the budget for this project. However if the project did go over budget a budget amendment would have to

be done for this fiscal year.

Councilman Brown made a motion to purchase the new membranes. Councilman Burg seconded the motion. The motion was unanimously approved by a show of hands.

There being no further business, motion was made by Councilman Brown, seconded by Councilman Phillips to adjourn the regular meeting and to enter into closed session to discuss LITIGATION, LEGAL ACTIONS, AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED UNDER SECTION 610.021 (1). Motion passed with a roll call vote:

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

Casey Koehn
City Clerk