

**CITY OF BUTLER**  
**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL**  
**July 15, 2014**

The Butler City Council met in regular session on Tuesday, July 15, 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 City Administrator Larry Tucker, Deputy City Clerk Corey Snead, Police Lt. Jerret Wheatley, City Attorney Tom Addleman, Public Works Director Trent Diehl, Code Enforcement Officer Jim Wheatley and Bates County Economic Developer Elizabeth Ogg.

**OTHER GUESTS**

Angie Kauffman, Kacey Chandler, Erin DuBray, Misty Kauffman, Sharon Kellogg, CJ Kellogg, Floyd Gaston, Edwin Nelson, and Michael Taranto were also in attendance.

**APPROVE CONSENT AGENDA**

Motion by Phillips, seconded by DuBray to approve the minutes of the regular session of July 1, 2014. Motion passed unanimously by a show of hands.

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

**ADDITION TO AGENDA**

Motion was made by Brown, seconded by Phillips to add Edwin Nelson to speak about his property at 305 S Mechanic, add Lawn Mowing Nuisance Bids to New Business, and to go into close session after the regular meeting. Motion passed unanimously by a show of hands.

**SCHEDULED GUESTS**

**Erin DuBray**

The Bear Backers requested to hold a 5k GLOW Run on 9/20/2014 starting at 8:30pm. The run would start and end at the Butler High School and would benefit the athletic department. Motion was made by Burg to approve the 5k run, seconded by Stark. Motion passed unanimously by show of hands.

**Roger Cecil**

Roger Cecil informed Council that the current dog license policy is not working and only 88 tags were sold last year. Of the 88 tags sold 48 of them were only sold because the dog had been captured by Animal Control. They are asking that we go to a micro chip system going forward. The cost of the

chip would be \$25. They would also like us to look into the vicious animal ordinance. It was decided that the City Attorney would look into an ordinance regarding pit bulls/vicious animal ordinance and the micro chip.

**CJ Kellogg**

Kellogg presented information about Pit Bulls and different ordinances that other cities have on Pit Bulls. No action was taken by council.

**Edwin Nelson**

Mr. Nelson stated he had hired a handyman to help him with the house. The projects at the house still have not been completed. It was discussed that Mr. Nelson has had many extensions to fix the house and has not complied. Motion was made by Agnew seconded by Burg that the building inspector would inspect the house on Wednesday morning and document the condition. Mr. Nelson would have 20 days to make the necessary improvements. The building inspector would then come back at that time and see if any improvements had been made and report back to council at the August 5<sup>th</sup> meeting. The vote was tied with Brown, Burg, Agnew, and Stark voting Aye, Phillips, Weil, McVey, and DuBray voting Nay. The Mayor broke the tie by voting yes for the motion.

**Michael Taranto**

Taranto talked about possibly having gardens on the properties that are being torn down to better the community and, for beautification. He also talked about grants for shade objects in our local parks.

**COMMITTEES**

**Visioning Committee**

Phillips gave an update on how they are planning on doing meet and greets with the public to talk about the committee and get the community on board.

**BOARDS AND COMMISSIONS**

**Park**

Tucker gave a report that the stolen banners had been replaced at the ball park they are also planning a free movie in the park in late August.

**Planning**

Tucker gave a report that the commission meet on July 8<sup>th</sup>. Public Hearing on a rezoning request was tabled because the person making the request was not present.

**REPORTS**

**CITY CLERK**

City Clerk Casey Koehn will return from her military assignment on Monday.

**POLICE CHIEF**

Lt. Jerret Wheatley reported that Police Chief Beshore was in training all this week. What he has seen with the Pit Bulls is a majority of it is based on the owner, interaction and raising of the dog.

**BATES CO ECON DEV**

Ogg updated Council on Georgetown University energy grant and should know if we made the quarter finals by August 5<sup>th</sup>. The Vision Committee Meeting will be 1<sup>st</sup> Wed of each month at 5:30pm. Please spread the word about the sales tax that will be on the August ballot.

**CITY ADMIN**

Tucker spoke about the ¾ cent state transportation sales tax that is on the ballot in August. He is having the City Attorney work on an employee safety ordinance for the city that employee safety is a top priority.

**PUBLIC WORKS**

Diehl prepared a memo that was in the council packet if any questions please let him know. A burn process at the brush pile has started in order to get the amount down at the brush pile.

**CODE ENFORCEMENT**

Wheatley gave his report. He also requested that the City Attorney look at the city ordinance about cutting hay and adding a second cutting of hay a year.

**MAYOR**

The Mayor is pleased about the progress he has seen around town with the lawns. The local AA group has given a donation to the city for use of the classroom in the Old High School.

**COUNCIL MEMBERS**

**BROWN**

Nothing to report.

**PHILLIPS**

Given the presentation on Pit Bulls a Public Safety meeting was called for August 5<sup>th</sup> starting at 6:15pm.

**BURG**

City Owned Facility Committee meets before council and they felt the work at the airport needs to be completed. The work is scheduled to start on August 25<sup>th</sup> 2014 during the project the airport will be closed 4-6 weeks. Motion was made by Phillips, seconded by Stark to go ahead with the project as planned with the August 25<sup>th</sup> start date passed unanimously by show of hands.

**STARK**

Nothing to report

**WEIL**

Nothing to report

**AGNEW**

That he was also involved with the Pit Bull situation because Mr. Kellogg is his neighbor. That people are speeding on County Club Drive. Lt. Wheatley stated that officers have watched County Club Drive but have not found any offenders.

**MCVEY**

Nothing to report

**DUBRAY**

Nothing to report

**New Business  
Lawn Service Bids**

There were three bids for the Lawn Service of the nuisance lawns. One bid

was not accepted because it came in after the deadline. There were bids from TimeLine and Culler's Lawn Care. The council talked through both bids and decided that we could use the service of both companies. McVey made a motion and Burg seconded. TimeLine be the primary lawn service for nuisance and that Culler's Lawn Care is the secondary. By a roll call vote  
Brown – Abstain Phillips – Nay Burg – Aye Stark – Abstain Weil – Aye  
Agnew – Aye McVey – Aye DuBray – Nay, motion passed

There being no further business, motion was made by Phillips, seconded by Stark to adjourn the regular meeting and go into closed session. By roll call vote  
Brown – Aye Phillips – Aye Burg – Aye Stark – Aye Weil – Aye  
Agnew – Aye McVey – Aye DuBray – Aye.

**ADJOURN**

ATTEST

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Mayor Don H. Malan

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Corey Snead  
Deputy City Clerk