

CITY OF BUTLER
MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
Aug 5, 2014

The Butler City Council met in regular session on Tuesday, Aug 5, 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, City Clerk Casey Koehn, Police Chief Randy Beshore, 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

Others in attendance are attached to the minutes herein.

APPROVE CONSENT AGENDA

Motion by Phillips, seconded by Dubray to approve the minutes of the regular session of July 15, 2014. Motion passed unanimously by a show of hands.

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

Motion by McVey, seconded by Stark to approve the travel and training presented. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS
CINDY MCGINNIS

Cindy McGinnis requested (706 W Ohio) requested to park in her yard. The street that she previously parked on has been narrowed due to the construction of grain bins at Heiman Ag Service. Motion was made by Stark, seconded by McVey to allow her to park her car in her yard. Motion passed unanimously by a show of hands.

ANITA AZBILL

Anita Azbill thanked Council for allowing her and her daughter, who is home schooled, to attend the meeting to learn about and observe City government.

JAMI CHASTAIN

Jami Chastain spoke against ordinance 990

RANDY CANTRELL

Randy Cantrell spoke against ordinance 990.

JIM CRUST

Jim Crust spoke against ordinance 990.

STACY CRUST

Stacy Crust spoke against ordinance 990. She also informed Council of HB 1116, a Bill that does not allow for breed specific legislation.

Much discussion was held on the issue of the pit bull ordinance.

COMMITTEES
PUBLIC SAFETY COMMITTEE

Phillips reported that the Public Safety committee met on Wednesday July 30 to discuss micro chipping dogs and cats, banning pit bulls inside city limits and safety equipment for city employees.

PERSONNEL COMMITTEE

Phillips reported that the Personnel Committee met on Wednesday, July 30 to discuss employee safety regulations.

BOARDS AND COMMISSIONS
NEIGHBORHOOD ADVISORY

Burg reported that the Neighborhood Advisory Commission met on Monday, Aug 4 to discuss the hay ordinance and other various items.

OLD BUSINESS
LAWN MOWING BIDS

Koehn informed Council that the vote that was taken for the lawn mowing bids did not pass at the last Council meeting.

Motion was made by McVey, seconded by Burg to accept the bid from Timeline and to make Culler the alternate if Timeline cannot get to the job within 24 hrs. Roll call:

David Brown-no	Harold Weil-yes
Brian Phillips-no	Terry Agnew-yes
Thom Burg-yes	Shawn McVey-yes
Gayle Stark-abstain	Kyle Dubray-no
Mayor Malan- no	

Motion did not pass

Motion was made by Phillips, seconded by Dubray to accept the bid from Culler and to make Timeline the alternate if Culler cannot get to the job within 24 hrs. Roll call:

David Brown-no	Harold Weil-yes
Brian Phillips-yes	Terry Agnew-yes
Thom Burg-yes	Shawn McVey-no
Gayle Stark-abstain	Kyle Dubray-yes

Motion passed

Edwin Nelson reported to Council that there has been progress on his house

and asked for another extension on his building permit. Motion was made by McVey, seconded by Phillips for a 60 day extension providing that progress checks are made by Chief Henry. Motion passed unanimously by a show of hands.

Motion was made by Brown, seconded by Burg to revisit the current vicious dog ordinance. Motion passed unanimously by a show of hands.

BILLS, ORDS, RES
BILL NO 2014-6 ORD NO 990
FAILED-NO MOTION

BILL NO 2014-6 ORD NO 990
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II. DOGS AND CATS, SECTIONS 5-36 OF THE CITY OF BUTLER, MISSOURI was presented to Council. Bill failed due to lack of a motion.

BILL NO 2014-7 ORD NO 991
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 5. ANIMALS, ARTICLE II, SECTIONS 5-31 THROUGH 5-58 OF THE CITY OF BUTLER, MISSOURI was presented to Council.

BILL NO 2014-7 ORD NO 991
1ST READING

Motion was made by Phillips, seconded by Agnew for the first reading of **BILL NO 2014-7 ORD NO 991 by title only.**

Roll call:

David Brown-no	Harold Weil-yes
Brian Phillips-yes	Terry Agnew-yes
Thom Burg-yes	Shawn McVey-no
Gayle Stark-yes	Kyle Dubray-yes

Motion was made by Phillips, seconded by Stark for the second reading of **BILL NO 2014-7 ORD NO 991 by title only.**

BILL NO 2014-7 ORD NO 991
2ND READING

Roll call:

David Brown-no	Harold Weil-yes
Brian Phillips-yes	Terry Agnew-yes
Thom Burg-yes	Shawn McVey-no
Gayle Stark-yes	Kyle Dubray-yes

Motion was made by Phillips, seconded by Stark to adopt **BILL NO 2014-7 ORD NO 991 by title only.**

BILL NO 2014-7 ORD NO 991
ADOPTION

Roll call:

David Brown-no	Harold Weil-yes
Brian Phillips-yes	Terry Agnew-yes
Thom Burg-yes	Shawn McVey-no
Gayle Stark-yes	Kyle Dubray-yes

BILL NO 2014-7 ORD NO 990 was adopted.

REPORTS

BATES CO ECON DEV

Elizabeth Ogg informed Council of the Visioning Committee being held August 6, 2014 at 5:30 in the upstairs Conference room.

POLICE CHIEF

Police Chief Randy Beshore requested to have a 5k on September 6th, 2014 to benefit the school library. Motion was made by Phillips, seconded by Brown to approve the request. Motion passed unanimously by a show of hands. Beshore also informed Council that he would be looking for other means of housing animals.

PUBLIC WORKS

Trent Diehl requested the following from Council:

In the FY-2014\15 budget **\$30,000.00** was designated for the conversion of the 1994 GMC bucket truck into a dump truck for the Street Department. This bucket truck was taken out of service because of a failure in the interior boom, which resulted in the truck failing the annual inspection for safety reasons. Estimated cost to repair the truck was \$50,000 which was not included in the FY-13\14 budget. The estimated resale value of the truck was determined to be \$5500.00 as is. Taking into consideration that the Street Maintenance department needs a newer dump truck and the low mileage (11,000 miles) on this bucket truck, it would be in the City's best interest to convert this bucket truck into a dump truck. A new dump truck would cost \$100,000+. We have obtained two quotes to complete the project.

- 1) Transwest Truck – Trailer – RV with a quote amount of \$30,380.00.
- 2) Kranz of Kansas City with a quote amount of \$23,436.00

Motion was made by McVey, seconded by Agnew to accept the bid from Kranz with a bid of \$23,436.00. Motion passed unanimously by a show of hands.

Many years ago City crews constructed a service with a bank of three 100 KVA transformers (2000lbs each) next to a business building at 717 W. Pine. This service should have never been constructed this way. Currently the pole has deteriorated and is leaning towards the building. This is an unsafe situation as the building is occupied by office personnel and the owners of the business. I contacted Bob Noel, the City's electric distribution engineer and he has recommended and engineered a solution to the problem. This project is more than our electric crews are experienced to handle, so I contacted B&L Electric for an estimate. I addressed the possibility of bidding the project with Bob Noel. His feeling is that the quote from B&L is very reasonable and bidding the project could actually cost the City more because of his charges to draw bid sheet, contacting bidders and finalizing the bid process. Taking into account this is a safety sensitive situation, I believe we should approach this as a design\build project. B&L Electric has done extensive maintenance work for the City for years, and they are a very reliable contractor. B&L quoted **\$27,665.00** to complete the project. In the FY – 2014\15 budget we allowed **\$50,000.00** in the Line Repair Services line item to assist with problems such

as this.

Motion was made by Brown, seconded by Burg to approve the project and to use B&L Electric as the contractor. Motion passed unanimously by a show of hands.

CODE ENFORCEMENT

Code Enforcement Officer Jim Wheatley gave his report to Council.

MAYOR

Mayor had nothing to report.

COUNCIL MEMBERS

BROWN

Brown thanked the citizens for attending the meeting.

PHILLIPS

Phillips thanked the citizens for attending the meeting. He also called a Public Safety Committee meeting for 6:00pm before the Aug 19th meeting.

BURG

Burg commended the City workers for a job well done.

STARK

Stark thanked the citizens for attending the meeting.

WEIL

Weil called a Finance Committee meeting at 6:30 prior to the Aug 19th Council meeting.

AGNEW

Agnew thanked the citizens for attending the meeting.

MCVEY

McVey thanked the citizens for attending the meeting.

DUBRAY

Dubray thanked the citizens for attending the meeting.

ADJOURN

There being no further business, motion was made by Brown, seconded by Dubray to adjourn the meeting. Meeting was adjourned.

ATTEST

Casey Koehn
City Clerk

Mayor Don H. Malan