

MEETING OF THE CITY COUNCIL
MARCH 20, 2018

The Butler City Council met in regular session on Tuesday, March 20, 2018 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

Jim Garnett	Craig Irwin
David Brown	Terry Agnew -Absent
Mike Irick	Gayle Cook
Gayle Stark	Carolyn Jett

OTHERS PRESENT

Others present were City Administrator Casey Koehn, City Clerk Corey Snead, City Attorney Jennifer Baird, Economic Developer Shayla Gedrose, Police Lieutenant Jerret Wheatley and Police Sergeant Mark Frost.

OTHER GUESTS

Linn Nitsche, Michelle Lile, Alisa Dugn, Carla Keough, Aimee Lee, Seth Fuller, Darin Carter, Lindsay Henderson, Brian Phillips, Rob Clover, Sam Macdonald, Mark Williams, Becky Clift, John Bisby, Stacy McCrary, Marty Whitworth, Bill Nieder, Kelly Hall, Jeff Hall, Gary Schowengerdt, Trevalyn Schowengerdt, James Duane, Betty Irwin, Therese Hurshman, Tatricia McGuire, Karla Crepeau, Rodger Koehn, Michelle Schroeder, Larry Hacker, Alan Mundey, Lucille Mundey, Mark Goebel, and Greg Mullinax

APPROVE CONSENT AGENDA

Motion by Irick, seconded by Cook to approve the minutes of the March 6th, 2018 regular session. Motion passed unanimously by a show of hands.

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

Motion by Garnett, seconded by Brown to approve the Travel and Training request. Motion passed unanimously by a show of hands.

DELETION/ADDITION TO AGENDA

None

SCHEDULED GUESTS

Beck Clift

Becky Clift came before council about a 5K run the Carpenters Cup was

planning on May 6th. Koehn did state that Clift has gone through the Special Event Form Committee and they had approved the 5K run. Motion by Brown to allow the 5K run being held by the Carpenters Cup, seconded by Cook. Motion passed unanimously by a show of hands.

New Business

Fee Schedule

Koehn presented the new fee schedule for building permits, fire dues, cemetery graves, zoning applications, variance applications and conditional use permits. Motion by Jett to approve the new fee schedule, seconded by Irwin. Motion passed with a 6-1 vote.

Street Signs

Angela Van Horn requested a donation of a street sign by the city for the Jackie Bearce fundraiser. Koehn stated she had checked and the city did have a several extra street signs in storage. Motion by Stark to donate five street signs for the fundraiser, seconded by Garnett. Motion passed unanimously by a show of hands.

Utility Billing Due Date

Koehn had received a request from a citizen about moving the due date for the utilities. The possible new due date would be on the 15th of each month. The issue was sent to the finance committee for further review and makes a recommendation back to council.

COMMITTEES

Finance

Jett reported that the Finance Committee met before council at 6:00 p.m. to talk about the 2018-2019 budget.

BOARDS AND COMMISSIONS

Planning

Jett reported that the Planning Commission met on March 13th and passed two resolutions for the crematoriums at Schowengerdt Funeral Chapel and Mullinax Funeral Home. These resolutions will come before council later tonight.

Park

Garnett reported that the Park Commission met on March 8th and discussed the new shelter house at North Park. They also discussed Sunset Park and the beginning stages of that park. The property located east of Boy Scout Hall is for sale and would like to purchase the property for additional parking. The item of the property was sent to Finance Committee for further review.

UNFINISHED BUSINESS

None

PUBLIC HEARING

FY 2018-2019 Budget

Mayor Malan opened the public hearing meeting at 7:08 p.m. about the proposed 2018-2019 budget. Koehn informed council about her budget memo that was in the council packet. Mayor Malan asked if anyone had any questions about the proposed budget. Seeing no other comments from the floor Mayor Malan closed the hearing at 7:12 p.m.

**BILLS, ORDINANCES,
RESOLUTIONS, POLICES and
PROCLAMATIONS**

**BILL NO. 2018-4
Ordinance NO. 1054**

Bill NO. 2018-04 Ordinance 1054- AN ORDINANCE APPROVING THE 2018-2019 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

**1st Reading
Bill NO. 2018-4
Ordinance NO. 1054**

Motion by Jett for first reading by title only, seconded by Stark
Bill NO. 2018-04 Ordinance 1054- AN ORDINANCE APPROVING THE 2018-2019 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

**2nd Reading
Bill NO. 2018-4
Ordinance NO. 1054**

Motion by Jett for second reading by title only, seconded by Garnett
Bill NO. 2018-04 Ordinance 1054- AN ORDINANCE APPROVING THE 2018-2019 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

**Adoption
Bill NO. 2018-4
Ordinance NO. 1054**

Motion by Brown to adopt, seconded by Jett
Bill NO. 2018-04 Ordinance 1054- AN ORDINANCE APPROVING THE 2018-2019 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

**BILL NO. 2018-7
Ordinance NO. 1057**

AN ORDINANCE REPEALING CHAPTER 13, ARTICLE II, REGARDING BUSINESS LICENSES AND ENACTING A NEW ARTICLE II OF THE CITY OF BUTLER CODE OF ORDINANCES

**TO ADDRESS THE QUALIFICATIONS FOR, ENFORCEMENT OF,
AND SUSPENSION AND REVOCATION OF BUSINESS LICENSES.**

1st Reading

Bill NO. 2018-7

Ordinance NO. 1057

Motion by Jett for first reading by title only, seconded by Garnett
**AN ORDINANCE REPEALING CHAPTER 13, ARTICLE II,
REGARDING BUSINESS LICENSES AND ENACTING A NEW
ARTICLE II OF THE CITY OF BUTLER CODE OF ORDINANCES
TO ADDRESS THE QUALIFICATIONS FOR, ENFORCEMENT OF,
AND SUSPENSION AND REVOCATION OF BUSINESS LICENSES.**

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

2nd Reading

Bill NO. 2018-7

Ordinance NO. 1057

Motion by Irwin for second reading by title only, seconded by Stark
**AN ORDINANCE REPEALING CHAPTER 13, ARTICLE II,
REGARDING BUSINESS LICENSES AND ENACTING A NEW
ARTICLE II OF THE CITY OF BUTLER CODE OF ORDINANCES
TO ADDRESS THE QUALIFICATIONS FOR, ENFORCEMENT OF,
AND SUSPENSION AND REVOCATION OF BUSINESS LICENSES.**

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

Adoption

Bill NO. 2018-7

Ordinance NO. 1057

Motion by Jett to adopt, seconded by Stark

**AN ORDINANCE REPEALING CHAPTER 13, ARTICLE II,
REGARDING BUSINESS LICENSES AND ENACTING A NEW
ARTICLE II OF THE CITY OF BUTLER CODE OF ORDINANCES
TO ADDRESS THE QUALIFICATIONS FOR, ENFORCEMENT OF,
AND SUSPENSION AND REVOCATION OF BUSINESS LICENSES.**

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

BILL NO. 2018-8

Ordinance NO. 1058

**BILL NO. 2018-08 ORDINANCE NO.1058
ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A
LEASE PURCHASE TRANSACTION, THE PROCEEDS OF
WHICH WILL BE USED TO PAY VARIOUS CAPITAL
EXPENDITURES; AND APPROVING THE EXECUTION AND
DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION
THEREWITH.**

1st Reading

Bill NO. 2018-8

Ordinance NO. 1058

Motion by Garnett for first reading by title only, seconded by Jett
**BILL NO. 2018-08 ORDINANCE NO.1058
ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A
LEASE PURCHASE TRANSACTION, THE PROCEEDS OF
WHICH WILL BE USED TO PAY VARIOUS CAPITAL
EXPENDITURES; AND APPROVING THE EXECUTION AND**

DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

2nd Reading

Bill NO. 2018-8

Ordinance NO. 1058

Motion by Jett for second reading by title only, seconded by Cook
BILL NO. 2018-08 ORDINANCE NO.1058

ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY VARIOUS CAPITAL EXPENDITURES; AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

Adoption

Bill NO. 2018-8

Ordinance NO. 1058

Motion by Irick to adopt, seconded by Stark
BILL NO. 2018-08 ORDINANCE NO.1058

ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY VARIOUS CAPITAL EXPENDITURES; AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

PUBLIC HEARING

Conditional Use Permit for
Mullinax Funeral Home

Mayor Malan opened the public hearing at 7:16 p.m. for the conditional use permit at Mullinax Funeral Home. Koehn entered into record Resolution 003 from the Planning Commission that passed for Mullinax Funeral Home and all supporting documentation from the Planning Commission.

Jerry Riffel

Jerry Riffel from Lathrop Gage Law Firm representing Mullinax Funeral Home. The conditional use permit be granted by the City Council that Mullinax Funeral Home meets the requirements and ordinances and have been given additional requirements for the permit. That the stack be placed on the south side of the building. A photo of the building with the stack on the south side was entered into the records. These stacks are common in Missouri and with crematoriums. Mr. Riffel also placed a document Incinerators, Special Type into the record. A permit to Construct by the Missouri Department of Natural Resources was also placed into the record.

This is a prompted business in Butler and has been operating for ten years and has provided good services to the community. The business is in the downtown area and contributes to the community and provides competitive services to the community. The business is fundamental sound and fundamental economical sound for the community.

Greg Mullianx

Service its customers and meet the request of its customers we must and provide for loved ones. We have an understanding of what people like and don't like. You are transporting loved one and providing them a service. The cremation industry used to have a different atmosphere than it does today. We have examined all ordinances that apply. We are not asking for special treatment, we understand the zoning and ordinances. We are just asking that you hold us to the standards that have been set. We are asking for things to be fair and just.

Mark Goebel

Mark Goebel is a fifth generation funeral home director and cremation operator. Worked in Johnson County Kansas with an operation that did over 400 cremations in a year. We are going to be installing a machine we know how to operate. Any trouble or smoke with the machine they shut themselves down automatically. We want to bring the best machine possible to Bates County.

Dr. Lindsay Henderson

Dr. Lindsay Henderson supports having a crematorium in the city. There are still diseases that spread after death. You decrease exposure to any disease if you have a crematorium. At 200 degrees you kill most germs, at 600 degrees you kill most bacteria, 1800 degrees all humans are killed. Shorter transport time and can get body burned very quickly. Would like to see a crematorium in Butler.

Kevin Dewayne

Has an EPA study been done? Has DNR study the emission of a crematorium? Had a neighborhood in KC that had a crematorium it had a physiological affect on them? Does it affect the kids especially since it is so close to the school?

Amy Lee

Lives a few houses down from Mullianx Funeral Home, and does not have any concerns about the crematorium. The kids know what a funeral home is and it's just another way of taking care of the dead.

Michelle Schroeder

Has no concerns and cannot find any research that it will harm anyone medically. The kids know it's a funeral home.

David Randles

David Randles speech was entered into records see attached.

Karla Crepeau

Karla Crepeau submitted a petition from 29 faculty and staff from the Butler Elementary School that was against the crematorium. The petition was entered into the record

Jeff Hall

Jeff Hall who lives at 607 W. Dakota his house is right behind Mullianx Funeral Home. He is also representing the people on his street that could not be here tonight that also do not want to see the crematorium. Jeff is a 25 year veteran of the Butler Fire Department. Has served the community in many different ways over the years and is currently running for City Council. If the crematorium is allowed this could take Jeff back to some of the smells he has

faced as a fire fighter. These are certain smells Jeff would not like to remember if possible. This is an unfair issue and expanding their business at the risk of others. Especially since it is so close to homes and school. Should be able to find another location to build on.

Kelly Hall

Kelly Hall lives at 607 W. Dakota and her back door is 125 feet from the proposed crematorium. She purchased her house knowing a funeral home was behind it. She did post on Facebook about her concerns of the proposed crematorium and received several comments back. Cannot go with the crowd and not be a follower and face your fear. Spoke with Mr. Mullinax and discussed the situation with him. Had put a petition together to postpone the Planning Commission original hearing. That her prayers had been answered when they arrived at the meeting and error had accrued causing the vote to be delayed for thirty days. They have called DNR, EPA, Assessor and countless other funeral homes. They wanted to make sure they had the knowledge and information about crematoriums and the effects they have on people. That this is their home and they want to keep it this way for many more years to come.

Jerry Riffel

A special use permit can be granted and is a committed business to the community and continues to be a concerned business. This is not a KCPL plant and using equipment approved by DNR. Valuable businesses will do more for property values and no negative impacts.

Michelle Lile

Since we can do it should we do it? Let's look at this down the road? May it be wise to build two crematoriums in Butler? It is nonsense to say a business will fall apart because this is not approved.

Brian Phillips

Higher mercury levels in fish, higher toxics sprayed on foods. As a parent and citizen it's our responsibility to protect our children and limit their exposure. Mr. Mullinax has been a very good to the community and not hiding a single thing. To think about the business that is going on across the street.

Seeing no other comments from the floor Mayor Malan closed the hearing at 8:40 p.m.

**BILLS, ORDINANCES,
RESOLUTIONS, POLICES and
PROCLAMATIONS**

**BILL NO. 2018-5
Ordinance NO. 1055**

**BILL NO: 2018-05 ORDINANCE NO: 1055
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BUTLER, MO APPROVING AN APPLICATION FOR A
CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE
INSTALLATION AND OPERATION OF A CREMATORIUM AT 10 S.
HIGH STREET.**

1st Reading
Bill NO. 2018-5
Ordinance NO. 1055

Motion by Jett for first reading by title only, seconded by Stark
BILL NO: 2018-05 ORDINANCE NO: 1055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 10 S. HIGH STREET

Brown – Nay Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

2nd Reading
Bill NO. 2018-5
Ordinance NO. 1055

Motion by Jett for second reading by title only, seconded by Irick
BILL NO: 2018-05 ORDINANCE NO: 1055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 10 S. HIGH STREET

Brown – Nay Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

Adoption
Bill NO. 2018-5
Ordinance NO. 1055

Motion by Irwin to adopt, seconded by Stark
BILL NO: 2018-05 ORDINANCE NO: 1055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 10 S. HIGH STREET

Brown – Nay Irick – Aye Irwin – Aye Cook – Aye
Garnett – Nay Stark – Aye Agnew – Absent Jett – Aye

PUBLIC HEARING

Schowengerdt Funeral Chapel

Mayor Malan opened the public hearing at 8:51p.m. for the conditional use permit at Schowengerdt Funeral Chapel. Koehn entered into record Resolution 002 from the Planning Commission that passed for Schowengerdt Funeral Chapel and all supporting documentation from the Planning Commission.

Gary Schowengerdt

They have gone through the process and have been zoned properly for the crematorium. They have made sure everything has been done properly so the permit could be approved. They hope the city will approve the permit so they can move forward.

Seeing no other comments from the floor Mayor Malan closed the hearing at 8:55 p.m.

**BILLS, ORDINANCES,
RESOLUTIONS, POLICES and
PROCLAMATIONS**

**BILL NO. 2018-6
Ordinance NO. 1056**

BILL NO: 2018-06 ORDINANCE NO: 1056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 1301 N. ORANGE STREET.

Motion by Jett for first reading by title only, seconded by Stark

BILL NO: 2018-06 ORDINANCE NO: 1056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 1301 N. ORANGE STREET.

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

Motion by Jett for seconded reading by title only, seconded by Irick

BILL NO: 2018-06 ORDINANCE NO: 1056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 1301 N. ORANGE STREET.

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

Motion by Irwin to adopt, seconded by Stark

BILL NO: 2018-06 ORDINANCE NO: 1056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUTLER, MO APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A CREMATORIUM AT 1301 N. ORANGE STREET.

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Agnew – Absent Jett – Aye

Brown left the meeting at 9:04 p.m.

No report.

Reports

CITY CLERK

POLICE CHIEF	No report.
CITY ATTORNEY	Split lot to Planning Commission before the building permit can be issued.
<u>CITY ADMIN</u>	No Report.
BATES COUNTY ECONOMIC DEVELOPER	Working with Missouri Career Center to organize mini job fair for the workers that lost their job at Farner-Bocken. It will be May 9 th from 10-2 p.m. at the Old High School. Gedrose asked City Council for \$150.00 to help with advertisement for the job fair. Motion by Cook to approve the \$150.00 request for advertisement for the job fair, seconded by Stark. Motion passed unanimously by a show of hands. Working on new welcome to Butler signs.
PUBLIC WORKS	No Report.
CODE ENFORCEMENT	No Report.
MAYOR	Would like to see more people attend City Council meetings. Would like to thank all the employees for their hard work.
<u>COUNCIL MEMBERS</u>	
GARNETT	Nothing to Report.
BROWN	Nothing to Report.
IRICK	Very blessed to have Gary and Greg to lead us during difficult times.
STARK	Did not take this decision lightly and the people in my ward wanted this.
IRWIN	The question I asked myself. Would I want to live in Jeff's house? Yes I could do it.
AGNEW	Nothing to Report.
COOK	Was not an easy decision tonight by any matters.
JETT	Jett called for another Finance Committee meeting on 4-3-18 starting at 5:00 p.m.

ADJOURN

There being no further business, motion by Stark to adjourn the regular session council meeting, seconded by Cook. Motion passed unanimously by a show of hands.

ATTEST

Mayor Don H. Malan

Corey Snead
City Clerk