

**MEETING OF THE CITY COUNCIL
JUNE 5, 2018**

The Butler City Council met in regular session on Tuesday, June 5, 2018 at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio with Mayor Henry presiding. The following Councilmen were present:

ROLL CALL

Jim Garnett	Craig Irwin
David Brown	Jeff Hall
Mike Irick	Gayle Cook - absent
Gayle Stark	Carolyn Jett

OTHERS PRESENT

Others present were City Administrator Casey Koehn, City Clerk Corey Snead, City Attorney Joe Lauber, Public Works Director Trent Diehl, Code Enforcement Officer Brian Boyd, Economic Developer Shayla Gedrose and Police Chief Randy Beshore.

OTHER GUESTS

Gayle Alexander, Rodger Koehn, Susan Anderson and Ewell Lawson

APPROVE CONSENT AGENDA

Motion by Stark, seconded by Irick to approve the minutes of the May 15, 2018 regular session. Motion passed unanimously by a show of hands.

Motion by Garnett, seconded by Jett to approve the minutes of the May 15, 2018 closed session. Motion passed unanimously by a show of hands.

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

Motion by Jett, seconded by Irick to approve the travel/training request submitted. Motion passed unanimously by a show of hands.

**DELETION/ADDITION TO
AGENDA**

None

SCHEDULED GUESTS

Ewell Lawson

Ewell Lawson, MPUA Vice President of Public Affairs and Communications came before City Council to present a check for \$45,668.00. The City of Butler had received a grant for pole change outs around the city. Mr. Lawson also went on to explain MPUA and the benefits it brings to the city. He also explained further about the Solar Farm and the energy we receive from it and

the impact it has on rates.

Bates County Saddle Club

Susan Anderson from the Bates County Saddle Club came before City Council to ask for permission for a 5K run and beer garden during the rodeo. Both of these events have gone before the special event committee and were approved. The rodeo will be held June 15, 16 and 17 at the Bates County Fairgrounds. The 5K route was presented to City Council and would entail about two miles of city streets and the rest would be run around the fairgrounds. Motion by Stark to approve the request for the 5K run for the Bates County Saddle Club, seconded by Irick. Motion passed unanimously by a show of hands.

Ms. Anderson also requested to have a beer garden during the nights of the rodeo that would open at 5:00 p.m. and close at midnight. The Saddle Club will be assisting with security for the beer garden. No minors will be allowed inside the beer garden. City Council would like a list of people who will be doing security for the beer garden. The Saddle Club will also have another follow up meeting with the special event committee about the beer garden on June 12. Motion by Jett to approve the beer garden during the Bates County Rodeo on June 15, 16 and 17 from 5:00 p.m. to midnight, seconded by Stark. Motion passes with a 4-3 vote.

Butler Chamber

Corey Snead from the Butler Chamber came before City Council requesting to have a car show on the square July 27 from 5:00 to 9:00 p.m. This is the annual car show for the Chamber. The request has gone before the special event committee and was approved. The inner and center lanes of the square on the South and East side would need to be blocked off Thursday night for the show. The Chamber would also have a DJ during the event playing music. Motion by Garnett to allow the car show on July 27 from 5:00-9:00 p.m. seconded by Stark. Motion passed unanimously by a show of hands.

COMMITTEES

City Owned Facility

Brown reported that the committee met before City Council to discuss the X-Country track meet that was proposed. Brown reported that the committee felt that they should come up with a different route for the X-Country track meet. Once they do come up with a different route to go back to the special event committee.

BOARDS AND COMMISSIONS

Neighborhood Advisory

Gayle Alexander reported they did not have enough for a quorum.

UNFINISHED BUSINESS

None

PUBLIC HEARING

None

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

**BILL NO 2018-19 ORDINANCE NO 1069 AN ORDINANCE
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE
TOLLING AGREEMENTS AND GRANTING FURTHER
AUTHORITY**

Reports

CITY CLERK	No Report.
POLICE CHIEF	No Report.
CITY ATTORNEY	No Report.

CITY ADMIN

Project Lemonade	Project Lemonade. The lease agreement with WCCAA that City Council approved last meeting was approved at their board meeting on May 24 th . We are still waiting on the owner of the other property to sign off. I am asking Council to consider the following- Once Project Lemonade is complete, and WCCAA has conveyed the property to the City, would Council convey the wall to Chance Hedrick, the owner of the adjacent building, for the use of public restrooms in his building that he is installing for Community Café?
Two Hour Parking	Koehn has had business owners around the square ask about the possibility of installing 2 hour parking signs in front of businesses for customers. Koehn would recommend that this topic go to committee for discussion.
Swimming Pools	City staff is still working on a plan regarding the sewer costs when swimming pools are filled.
Small Wireless	Small wireless update- The Missouri Senate took up and passed a floor substitute (SS SCS HCS HB 1991 , as amended by SA1 and SA2) that stripped out municipal electric utility distribution poles and facilities from state regulation over small cell antenna attachment contracts between cities and wireless carriers. This action will allow municipal utilities to continue to independently negotiate on price and attachment requirements without limitation. Since January, all prior versions had municipal utilities under state regulation. Cities will still need to follow state oversight for other infrastructure in the right-of-way with a pricing cap of \$150 when working with wireless carriers. However, mid-span wire line micro cell attachments by cable providers will be exempt from additional application and notification when they have an existing wire line agreement. This was a concession MPUA gave to achieve the municipal utility exemption from state oversight on small cell wireless antenna attachments. During debate, Senator Nasheed amended the bill (SA1) to increase the non-utility infrastructure attachment rate from \$100 to \$150 and Senator Rowden amended the bill (SA2) to make the microcell language consistent with language found elsewhere in the bill (as

agreed to by MPUA). The bill passed as amended by a vote of 30-1. The bill now returns to the House for a final up-or-down vote. We expect that to come by the end of the week. If agreed to by the House, the bill will be considered truly agreed and finally passed, ready to head to the Governor for signature.

Tolling Agreement

Tolling Agreements- In recent years, many telecommunications companies have been sued by Missouri municipalities for non-payment or underpayment of gross receipts taxes. Over the last year or more, it has become clear that some providers have been underpaying gross receipts taxes significantly by excluding certain types of revenue from their payments. These underpayments have created a significant drop in tax revenue from both landline and wireless telephone providers for many cities during a decade of increased business activity in the telecom industry. The Missouri Supreme Court is currently considering four Missouri cities' claims that CenturyLink has underpaid its gross receipts license taxes. Depending on the Court's decision, it could affect Butler's claims for unpaid taxes from various telecoms. A decision is expected as early as late summer of 2018, or as late as spring of 2019. As a low-cost measure to preserve the City's claims and stop them from eroding by the passage of time while the Supreme Court case is pending, the City successfully negotiated tolling agreements with AT&T Wireless, AT&T Landline, and Sprint (the few telecom companies that are still willing to agree to tolling). The companies agreed to toll the City's statute of limitations at least until May 31, 2019, in exchange for an agreement not to sue during that time. Essentially, these agreements "stop the clock" on the Cities' claims during that time and ensure that another years' worth of taxes is not lost by the passage of time. The agreements will expire on May 31, 2019 (or earlier, with 30 days' notice), and at that time the City may reassess and possibly pursue litigation to collect the back taxes.

BATES COUNTY ECONOMIC DEVELOPER

Proposed IRT project the military is paired with communities to do projects. Shayla is working on this for Butler. Railroad entities met and discussed about putting rail in the industrial park. Looking at partnering with several other counties for the fall job fair. SBA Seminar on June 13th from 5:30-6:30 p.m. at the Bates County Annex office. The city was also informed they did not win the bid for Project Cold.

PUBLIC WORKS

No Report.

CODE ENFORCEMENT

No Report.

MAYOR

To appoint Laurie Lacey to the Park Commission and Shawn McVey to the Zoning Board of Adjustments. Motion by Brown to approve the appointments to the boards and commissions, seconded by Irick. Motion passed unanimously by a show of hands. Mayor Henry also talked about the Robert Heinlein trading card ceremony he attended.

COUNCIL MEMBERS

GARNETT

Went to the Site Selection training in Harrisonville.

BROWN

Called for a City Owned Facility Meeting at 6:30 p.m. before the next council meeting.

IRICK

It is a good thing we have the Sensory Swim up and going this year.

STARK

Nothing to Report.

IRWIN

The cemetery looked good this year for Memorial Day. What are the hours of the composite? 9-4 during the week and obtain a key from the PD on the weekend. What is the status of Sunset Park? It is being looked at by the Park Commission still.

HALL

Received information from the Public Works Director on the street progress. Would like an update on the driveway situation in town? It is currently still being handled by the Planning Commission.

COOK

Nothing to Report.

JETT

Troy Burton would like to see something down with Broadway, Ft Scott and Wells streets. These streets are in terrible condition.

New Business

Conveyance of Wall

Koehn asked council if they agree that we have the lawyers draw up an agreement for the conveyance of the wall at the Project Lemonade site. City Council agreed that we should move forward and bring something back that they could officially vote on.

Internship

City Council was approached about doing an internship for economic development. The intern would work 15 hours per week and would get paid \$10 per hour. Due to a lack of a motion the item died.

There being no further business, motion by Brown to go into closed session, seconded by Garnett. Roll Call vote.

Garnett – Aye Brown – Aye Irick – Aye Stark – Aye Irwin – Aye

Agnew – Aye Cook – Absent Jett - Aye

ADJOURN

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

ATTEST

Mayor James W. Henry

Corey Snead
City Clerk