

**MEETING OF THE CITY COUNCIL
AUGUST 7, 2018**

The Butler City Council met in regular session on Tuesday, August 7, 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
Gayle Stark - Absent	Carolyn Jett

OTHERS PRESENT

Others present were City Administrator Casey Koehn, City Clerk Corey Snead, Public Works Director Trent Diehl, Code Enforcement Officer Brian Boyd and Police Lt. Jerret Wheatley.

OTHER GUESTS

Linn Nitsche, Larry Hacker, Alvin Griffin and Erin Dubray

APPROVE CONSENT AGENDA

Motion by Irwin, seconded by Irick to approve the minutes of the July 17, 2018 regular session and the July 17, 2018 closed session. Motion passed unanimously by a show of hands.

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

Motion by Brown. Seconded by Jett to approve the Travel/Training request. Motion passed unanimously by a show of hands.

**DELETION/ADDITION TO
AGENDA**

To add Northern Commissioner Alvin Griffin and Southern Commissioner Larry Hacker to the agenda. Motion by Irick to add Northern Commissioner Alvin Griffin and Southern Commissioner Larry Hacker to the agenda, seconded by Irwin. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

Erin Dubray

The Butler Bear Backers would like to hold their annual 5K Glow Run on October 6th. They have been to the event committee and they have approved the run. The 5K route will be the same as it has been in years past. Motion by Garnett to approve the 5K run on October 6th, seconded by Irick. Motion passed unanimously by a show of hands.

Bates County Commissioners

The addition to the county jail does not meet the requirements for water pressure for the sprinkler system that will be put in place. The county has been working with Public Works Director and engineers to figure out the best solution possible for the issue. The Commissioner submitted three different proposals to City Council that could fix the problem. They are currently trying to get figures together on the proposals. Once they have the figures they will come back to City Council to discuss the matter further and ask for assistance from the City.

COMMITTEES

Work Session

Koehn reported that the City Council met before at 5:30 p.m. for a work session. They went over Fiber, Streets, 2018 tax Levy and Utility Amendment.

BOARDS AND COMMISSIONS

Park

Jett reported that the Park Commission met on August 2. They did not have enough for quorum but did talk about the future of Sunset park.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS

None

**BILLS, ORDINANCES,
RESOLUTIONS, POLICES AND
PROCLAMATIONS**

**BILL NO. 2018-23
Ordinance NO. 1073**

**BILL NO. 2018-23 ORDINANCE NO. 1073
AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI,
AMENDING SECTION 24-41, METER READING; BILLINGS; DUE
DATE; PENALTY FOR LATE PAYMENT AND AMENDING
SECTION 24-42, DISCONNECTION OF SERVICE.**

**1st Reading
Bill NO. 2018-23
Ordinance NO. 1073**

Motion by Irick for first reading by title only, seconded by Jett
**BILL NO. 2018-23 ORDINANCE NO. 1073
AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI,
AMENDING SECTION 24-41, METER READING; BILLINGS; DUE
DATE; PENALTY FOR LATE PAYMENT AND AMENDING
SECTION 24-42, DISCONNECTION OF SERVICE**
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

Ordinance NO. 1073 will be up for public comment for the next two weeks. Will be brought back before council during the August 21, 2018 meeting.

**BILL NO. 2018-24
Ordinance NO. 1074**

**BILL NO. 2018-24 ORDINANCE NO: 1074
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER
WITH JAYCE AND ANNE GHERE.**

1st Reading
Bill NO. 2018-24
Ordinance NO. 1074

Motion by Garnett for first reading by title only, seconded by Jett
BILL NO. 2018-24 ORDINANCE NO: 1074
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

2nd Reading
Bill NO. 2018-24
Ordinance NO. 1074

Motion by Jett for second reading by title only, seconded by Garnett
BILL NO. 2018-24 ORDINANCE NO: 1074
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

Adoption
Bill NO. 2018-24
Ordinance NO. 1074

Motion by Garnett to adopt, seconded by Jett
BILL NO. 2018-24 ORDINANCE NO: 1074
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.
Brown – Aye Irick – Aye Irwin – Nay Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

BILL NO. 2018-25
Ordinance NO. 1075

BILL NO. 2018-25 ORDINANCE NO: 1075
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.

1st Reading
Bill NO. 2018-25
Ordinance NO. 1075

Motion by Jett for first reading by title only, seconded by Irick
BILL NO. 2018-25 ORDINANCE NO: 1075
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

2nd Reading
Bill NO. 2018-25
Ordinance NO. 1075

Motion by Jett for second reading by title only, seconded by Garnett
BILL NO. 2018-25 ORDINANCE NO: 1075
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

Adoption
Bill NO. 2018-25
Ordinance NO. 1075

Motion by Jett to adopt, seconded by Garnett
BILL NO. 2018-25 ORDINANCE NO: 1075
AN ORDINANCE APPROVING A USER AGREEMENT FOR WATER WITH JAYCE AND ANNE GHERE.
Brown – Aye Irick – Aye Irwin – Nay Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

Reports

CITY CLERK

If any member of council would like to attend the Missouri Municipal League Conference please let him know ASAP. The 2018 Tax Sale will be held on August 27, 2018 at the court house. We currently have six properties up for sale this year. An ordinance will come before City Council at the next meeting for the 2018 Tax Levy.

POLICE CHIEF

A new police officer has been hired.

CITY ATTORNEY

No Report.

CITY ADMIN

Project Lemonade

Project Lemonade. Kurt Higgins has completed the site plan. Koehn is currently working with a company designing the park with the equipment that we have picked out to ensure compliance with federal safety regulations. Over the past few weeks, Koehn has engaged some kids for help picking out park structures. We are still waiting on an adjacent property owner to settle some issues before we can begin demolition of concrete.

Planning Commission

Planning Commission will be holding a public hearing on Aug 14th to consider a text amendment and official zoning map amendment to zone or clarify the zoning of certain rights-of-way within the City of Butler that are adjacent to or nearby residential zoned or used property or where residential uses are permitted to single-family district zone and to zone certain areas of the City of Butler historic districts to address recent changes in law regarding use of the rights-of-way.

Small Wireless

Please familiarize yourself with the language below once again. Since the new law requires cities within “the later of two months after August 28, 2018, or two months after receiving a request from a wireless provider” to “adopt an ordinance or develop an agreement that makes available to wireless providers rate, fees, and other terms that comply with” the new law AND because we will require some revisions in order to protect our rights as much as possible while still complying with the new law, CVR Staff is recommending the rezoning of or clarifying the zoning of the City’s ROW to single-family residential except ROW that is not within 1000 feet of a property zoned or used for a residential dwelling and to zone the City of Butler downtown historic area to include the square to address the numerous changes in law that affect use of the ROW. The most recent change will further affect the use of the City’s ROW in certain areas on August 28. Through the City’s zoning regulations, the City has in place restrictions on permitted uses and other requirements to preserve the residential and community feel and appearance of its single-family residences and zoned areas as well as to preserve the City’s historic areas. Therefore, staff believes it is in the best interest of the City’s

residents to ensure that the City's ROW within, adjacent to, or nearby residential areas is also zoned single-family residential so that the uses and appearance of such uses in the ROW continue to reflect that residential and community feel and appearance. Staff also believes it is in the best interest of the residents to zone the downtown historic area to include the square to preserve the historic nature of the square.

Subdivision Regulations

Koehn is continuing to work on the subdivision regulations and gave the Planning Commission the draft to review and we will continue to work on this document.

Transportation Alternative Program

MoDOT will be announcing this month that they are bringing back the Transportation Alternative Program grant (TAP) for sidewalks. In your packet are proposed areas where we see the most need. In the past, the TAP program has had a \$250,000 max cost share and has required a 20% minimum local match, so this would allow a \$312,000 project of which the city would be responsible for \$65,000 +/- . This is a reimbursement program, so the city would have to fund the entire project and then get reimbursed. To complete the application and submit typically will cost around \$3,000 to \$5,000 that is not reimbursable through the grant. Koehn assumes funds would not be awarded until next FY, but the application process begins this month. Koehn would recommend City Council go ahead with the application for the grant. Allgeier will be assisting with the application.

Sewer Study

Update on the sewer study by Allgeier, Martin. The flow monitoring is complete and they are waiting to receive that information from TREK, another engineering firm they have engaged, to incorporate the results into the study and start formalizing the recommendations. The plan is to have an update meeting with the city in late September

PUBLIC WORKS

Would like to go out to bid for the street overlay project.

CODE ENFORCEMENT

No Report.

MAYOR

No Report.

COUNCIL MEMBERS

GARNETT

Nothing to Report.

BROWN

Would like to see us come to some agreement with Century Link in the near future. What is happening to the concession stand at the little league baseball field? It will be built sometime this year and ready for next season. The bushes

by the Health Department are they still being taken down? It was found out by the county that if the Health Department wants the bushes taken down they would need to do it.

IRICK When is City Wide Clean Up? A date has not been set yet. Likes the activities that have been happening on the square.

STARK Nothing to Report.

IRWIN Nothing to Report.

HALL The dump trucks that caught on fire were they insured? Yes they are insured. Working on the paver for the Street Department? Yes it is currently being worked on.

COOK Nothing to Report.

JETT Nothing to Report.

New Business

Paint Machine Motion by Jett to approve the request for a new paint machine. Diamond Vogel submitted a bid of \$3,629.00, seconded by Brown. Motion passed unanimously by a show of hands.

MoDot Grant Motion by Brown for Koehn to proceed with the TAP grant from MoDot costing the city \$3,000.00 to \$5,000.00 for application cost, seconded by Irick. Motion passed unanimously by a show of hands.

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

Garnett – Aye Brown – Aye Irick – Aye Stark – Absent Irwin – Aye Hall – Aye Cook – Aye Jett - Aye

Brown wanted to bring up the issue on Vine Street about a house not having utilities and dumping sanitation out in the yard. Koehn is working with Jim Henry and Brian Boyd on the matter currently.

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

ATTEST

Mayor James W. Henry

Corey Snead
City Clerk

