

MEETING OF THE CITY COUNCIL
AUGUST 21, 2018

The Butler City Council met in regular session on Tuesday, August 21, 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	Carolyn Jett

OTHERS PRESENT

Others present were City Administrator Casey Koehn, City Clerk Corey Snead, City Attorney Joe Lauber, Code Enforcement Officer Brian Boyd and Police Chief Randy Beshore.

OTHER GUESTS

Linn Nitsche, Gayle Alexander, Pat Simons, John Bisby, Betty Irwin, Denny Rich and Nelson Meyers

APPROVE CONSENT AGENDA

Motion by Jett, seconded by Garnett to approve the minutes of the August 7, 2018 regular session and the August 7, 2018 closed session. Motion passed unanimously by a show of hands.

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

DELETION/ADDITION TO AGENDA

Nothing

SCHEDULED GUESTS

Nothing

COMMITTEES

Airport

Irwin reported that the Airport Commission met on August 9, 2018. That the deal they had to purchase a new mower fell through. They are looking at a different mower. There was a mechanical failure on the fuel tank at the airport and caused a spill. Chris Hall buys the fuel and is looking at a reimbursement for the spill.

Planning

Brown reported that the Planning Commission met before City Council

tonight. They discussed carports and driveways during the meeting.

Neighborhood Advisory

Irick reported that the Neighborhood Advisory met on August 20, 2018. They discussed properties that are violating codes. That maybe we start to publish code violators in the paper each week.

BOARDS AND COMMISSIONS

None

UNFINISHED BUSINESS

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.

2nd Reading
Bill NO. 2018-23
Ordinance NO. 1073

Motion by Brown for second reading by title only, seconded by Garnett
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 – Aye Hall – Aye Jett – Aye

Adoption
Bill NO. 2018-23
Ordinance NO. 1073

Motion by Jett to adopt, seconded by Garnett
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 – Aye Hall – Aye Jett – Aye

PUBLIC HEARINGS

2018 Tax levy

Mayor Henry opened the public hearing at 7:09 p.m. Koehn explained the 2018 tax levy rates. That there would be an increase from 2017.

General Fund - 0.6466 per \$100 assessed valuation

Park Fund - 0.0350 per \$100 assessed valuation

Lake Fund - 0.0150 per \$100 assessed valuation

Nelson Meyers came before City Council and wanted to know why the increase and where the money would be going. Koehn and Snead both explained the increase was needed to help maintain the city. That the money would go towards services that the city provides to the citizens. That the average citizen would see about \$5 increase because of this. Seeing no other comments from the floor Mayor Henry closed the public hearing at 7:15 p.m.

Driveways

Mayor Henry opened the public hearing at 7:15 p.m. Zoning Board of Adjustments has been receiving request for variances on driveways. In 2011 City Council passed an ordinance that all driveways must be concrete or asphalt. This has been a burden to citizens due to the cost. Looking at changing the definition of a driveway and that off the street parking could be gravel. Pat Simons asked about alleyways and how they be handled? They would still be handled the same way and no changes to them. Mayor Henry asked for any other public comments, seeing none the public hearing was closed at 7:26 p.m.

Right of Ways

Koehn entered into record the 2018-04 Resolution from Planning Commission that was approved on August 14, 2018 and a notice of a Public Hearing. This would keep telecommunication companies from putting antennas on poles in our Right of Ways and historic district. Mayor Henry asked for any public comments on the issue. Hearing and seeing no other comments the public hearing was closed at 7:29 p.m.

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

RESOLUTION 437

**A RESOLUTION APPOINTING DIRECTOR AND ALTERNATE
DIRECTOR TO THE MISSOURI JOINT MUNICIPAL ELECTRIC
UTILITY COMMISSION**

Motion by Cook to approve resolution 437 appointing the City Administrator as Director and the Public Works Director as Alternate Director, seconded by Garnett. Motion passed unanimously by a show of hands.

BILL NO. 2018-26
Ordinance NO. 1076

BILL NO. 2018-26 ORDINANCE NO. 1076
**AN ORDINANCE ESTABLISHING THE 2018 TAX LEVY FOR THE
CITY OF BUTLER**

1st Reading
Bill NO. 2018-26
Ordinance NO. 1076

Motion by Irick for first reading by title only, seconded by Irwin
BILL NO. 2018-26 ORDINANCE NO. 1076
**AN ORDINANCE ESTABLISHING THE 2018 TAX LEVY FOR THE
CITY OF BUTLER**

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

2nd Reading
Bill NO. 2018-26
Ordinance NO. 1076

Motion by Jett for second reading by title only, seconded by Irick
BILL NO. 2018-26 ORDINANCE NO. 1076
**AN ORDINANCE ESTABLISHING THE 2018 TAX LEVY FOR THE
CITY OF BUTLER**

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

Adoption
Bill NO. 2018-26
Ordinance NO. 1076

Motion by Irick to adopt, seconded by Jett
BILL NO. 2018-26 ORDINANCE NO. 1076
AN ORDINANCE ESTABLISHING THE 2018 TAX LEVY FOR THE CITY OF BUTLER
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Hall – Nay Jett – Aye

BILL NO. 2018-27
Ordinance NO. 1077

BILL NO. 2018-27 ORDINANCE NO. 1077
AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF BUTLER, MISSOURI, TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION SERVICES BETWEEN THE CITY OF BUTLER, MISSOURI AND BURNS & McDONNELL ENGINEERING COMPANY, Inc.

1st Reading
Bill NO. 2018-27
Ordinance NO. 1077

Motion by Irwin for first reading by title only, seconded by Brown
BILL NO. 2018-27 ORDINANCE NO. 1077
AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF BUTLER, MISSOURI, TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION SERVICES BETWEEN THE CITY OF BUTLER, MISSOURI AND BURNS & McDONNELL ENGINEERING COMPANY, Inc.
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

2nd Reading
Bill NO. 2018-27
Ordinance NO. 1077

Motion by Brown for second reading by title only, seconded by Jett
BILL NO. 2018-27 ORDINANCE NO. 1077
AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF BUTLER, MISSOURI, TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION SERVICES BETWEEN THE CITY OF BUTLER, MISSOURI AND BURNS & McDONNELL ENGINEERING COMPANY, Inc
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

Adoption
Bill NO. 2018-27
Ordinance NO. 1077

Motion by Garnett to adopt, seconded by Irwin
BILL NO. 2018-27 ORDINANCE NO. 1077
AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF BUTLER, MISSOURI, TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION SERVICES BETWEEN THE CITY OF BUTLER, MISSOURI AND BURNS & McDONNELL ENGINEERING COMPANY, Inc
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Absent Hall – Aye Jett – Aye

BILL NO. 2018-28
Ordinance NO. 1078

BILL NO. 2018 – 28 ORDINANCE NO. 1078
AN ORDINANCE AMENDING THE ZONING CODE AND OFFICIAL ZONING MAP TO ZONE OR CLARIFY THE ZONING OF CERTAIN RIGHTS-OF-WAY TO SINGLE-FAMILY DISTRICT ZONES AND HISTORIC OVERLAY OVER THE HISTORIC DOWNTOWN SQUARE.

1st Reading
Bill NO. 2018-28
Ordinance NO. 1078

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

BILL NO. 2018 – 28 ORDINANCE NO. 1078

AN ORDINANCE AMENDING THE ZONING CODE AND OFFICIAL ZONING MAP TO ZONE OR CLARIFY THE ZONING OF CERTAIN RIGHTS-OF-WAY TO SINGLE-FAMILY DISTRICT ZONES AND HISTORIC OVERLAY OVER THE HISTORIC DOWNTOWN SQUARE

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

2nd Reading
Bill NO. 2018-28
Ordinance NO. 1078

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

BILL NO. 2018 – 28 ORDINANCE NO. 1078

AN ORDINANCE AMENDING THE ZONING CODE AND OFFICIAL ZONING MAP TO ZONE OR CLARIFY THE ZONING OF CERTAIN RIGHTS-OF-WAY TO SINGLE-FAMILY DISTRICT ZONES AND HISTORIC OVERLAY OVER THE HISTORIC DOWNTOWN SQUARE

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

Adoption
Bill NO. 2018-28
Ordinance NO. 1078

Motion by Garnett to adopt, seconded by Irwin

BILL NO. 2018 – 28 ORDINANCE NO. 1078

AN ORDINANCE AMENDING THE ZONING CODE AND OFFICIAL ZONING MAP TO ZONE OR CLARIFY THE ZONING OF CERTAIN RIGHTS-OF-WAY TO SINGLE-FAMILY DISTRICT ZONES AND HISTORIC OVERLAY OVER THE HISTORIC DOWNTOWN SQUARE

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

Reports

CITY CLERK

Currently gathering bids for a 2018 shred of old records and files for the city. Took the old tablets over to the public library. Director Tiffany Fugate was very appreciative of the donation the city had made.

POLICE CHIEF

Received an overtime grant.

CITY ATTORNEY

Cydney Mayfield has resigned from the firm; Nathan Nicklaus will be taking her place in the Boonville office.

CITY ADMIN

Project Lemonade

Project Lemonade. In the council packet the finished design of the park along with pictures of play equipment proposed. We are still waiting on an adjacent property owner to settle some issues before we can begin demolition of concrete.

Planning Commission

Planning Commission held 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. The Commission approved a resolution recommending approval to City Council. The Commission also reviewed changes and updates to Article V of the Butler City Code addressing driveways and off-street parking areas. Carports were also discussed, and changes were recommended to the zoning chapter.

TAP Grant

Koehn has asked Kurt Higgins to apply for the TAP grant for the City as soon as it is available for application. If awarded, the project would more than likely begin next FY. Applicants who apply for construction only funds will receive additional consideration. Additional points are given to applicants who pay for all or portions of costs related to preliminary engineering including planning, design, plans specs and estimates, environmental assessments, mitigation, survey work, acquisition of ROW and other property purchase costs. The more we can pay for ourselves, the more consideration we will receive on the application. Within eligible project categories, the department is particularly interested in those projects that reflect a high degree of collaboration and community consensus while directly contributing to the department's safety and connectivity goals. Projects that enhance bicycle and pedestrian safety, provide access to or between existing community investments in bicycle and pedestrian facilities, public transportation, or other mobility options, propose a direct connection to important community destinations (such as schools, employment, shopping and recreational areas), or contribute as an individual project to a larger investment consistent with complete streets design are strongly encouraged. Complete streets are designed and operated to enable access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and

abilities. Like Project Lemonade, the more inventive and unique we are with this project, the more likely we are to receive a grant award.

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

New Business

Koehn received a request from a Missouri business that wants to expand, possibly in our area. I am working closely with the County Commissioners to put together an incentive package through the EEZ Board to present in the next month

Kaysinger Board Meeting

Koehn attended the KBRPC Board meeting and the TAC meeting on August 16th. Larry Hacker and Koehn prioritized projects in Bates County and the 52 bridge is the number one on the list. There are 7 counties in KBRPC prioritizing projects. The Kaysinger staff will be putting the projects in order and we should find out where our project will fall next month.

Proposition D

Proposition D- During the final week of the 2018 legislative session, the Missouri General Assembly passed HB 1460 that places a ballot measure on the Nov. 6, 2018, ballot increasing the state motor fuel tax. If approved by voters, the ballot measure would increase the state's motor fuel tax by \$.10 from \$.17 per gallon in increments of 2.5 cents a year over four years, bringing the state fuel tax to \$.27 per gallon providing municipalities an additional \$60,000,000 annually in revenue, when fully implemented, to fund local transportation projects with the City of Butler's portion of the revenue being approx. \$66,000 per year. We currently receive \$170,000 per year from the tax. The estimated cost for the average tax payer is estimated to be about \$1.28 per month for every 2.5 cents increase in the motor fuel tax. When Prop D is fully phased in at 10 cents after four years, the average driver will spend \$5.10 per month for safer state roads and law enforcement. Voting YES on Proposition D will cost the average driver a few dollars per month but that helps ensure safe travel to protect motorists and their families on our state's roads and bridges. Missouri currently ranks 49th in the nation for funding but 7th in the nation for miles of roads.

Telecommunications

At the last Council meeting, Koehn was asked by Council to seek a second legal opinion regarding some telecom issues. Cydney Mayfield did agree with Dan Vogel on the direction the city needs to go with the Centurylink agreements.

Street Projects

We are currently seeking bidders for the street projects that were brought to Council last meeting. Koehn is asking that our engineer estimate the projects without prevailing wage to see if we would meet the new threshold of \$75,000, meaning that projects less than that amount are exempt from prevailing wage bidding, and will be effective August 28, 2018. The new legislation also changes the parameters for how wages are calculated on public works projects by county. Occupations with less than 1,000 reportable hours by county will be paid the public works contracted minimum wage rate. The prevailing wage shall be set using the weighted average of the wages for an occupational title, and the public works contracting minimum wage shall be 120% of the average hourly wage in a particular locality. In addition, all public works projects estimated to cost, or with an accepted bid of \$10,000 or less for all occupational titles shall be exempt from competitive bidding requirements.

PUBLIC WORKS

No Report.

CODE ENFORCEMENT

Has talked with Bates County Disposal about dates for City Wide Clean Up. September 17-21 for the North side and September 24-28 for the South side. Motion by Irick to approve the dates of September 17-21 for the North side and September 24-28 for the South side for City Wide Clean Up, seconded by Stark. Motion passed unanimously by a show of hands.

MAYOR

No Report.

COUNCIL MEMBERS**GARNETT**

Nothing to Report.

BROWN

Would like to see energy efficient tips in the newspaper. To help citizens save on their utility bill.

IRICK

Likes the activities that have been happening on the square that are family orientated.

STARK

Any new development on having a grocery store in town?

IRWIN

Would like to see a list of properties that are violating code on the city's website. Would also like to see a report from the Code Officer on the properties and what movement is happening with them. Put the dumpster issue back on the work session agenda again. Would like to see fee's increased for people who access water outside the city limits. Motion by Brown for water fees to be increased for people, who access water outside the city limits, second by Irwin. Motion passed unanimously by a show of hands. Staff is to

explore the increased amount for the water rates and bring back to City Council.

HALL What is happening with the house on Vine Street? Boyd the issue is currently being worked on.

COOK Nothing to Report.

JETT Nothing to Report.

New Business

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

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

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

ADJOURN

Mayor James W. Henry

Corey Snead
City Clerk