

**MEETING OF THE CITY COUNCIL
NOVEMBER 20, 2018**

The Butler City Council met in regular session on Tuesday, November 20, 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 Peter Rottgers, Code Enforcement Officer Brian Boyd and Police Chief Randy Beshore.

OTHER GUESTS

Linn Nitsche, Gayle Alexander, Tim Young, Stephen Miller, Marcene Irwin, Betty Irwin, Doris Fuller, Mitch Oakes, Tim Young Jr, Jim Baldwin, Susie Horynes, Lynerica Heckadon, Charles Scrogham and Scott Parish

APPROVE CONSENT AGENDA

Motion by Jett, seconded by Stark to approve the minutes of the November 6, 2018 regular session. Motion passed unanimously by a show of hands.

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

Motion by Brown, seconded by Garnett to approve the travel/training request. Motion passed unanimously by a show of hands.

**DELETION/ADDITION TO
AGENDA**

None

SCHEDULED GUESTS

Scott Parish

Scott Parish came before City Council to discuss the new business license that must be purchased of \$25.00 by the end of the year. Mr. Parish feels that since the city is not growing in population a business license is not needed at this time. That before the city ask businesses to contribute more to the city it needs to expand to help the businesses grow. That the city is putting a burden on business owners with this new license. Mr. Parish feels that his fourth

Amendment right is being violated. Mr. Parish will not buy a license and be in compliance with the new ordinance.

COMMITTEES

None

BOARDS AND COMMISSIONS

Planning Commission

Koehn reported that three new resolutions have passed by the Planning Commission. There will be public hearings tonight on each resolution. Then they will be brought forth to City Council for approval.

UNFINISHED BUSINESS

Ordinance 1082

BILL NO. 2018-32 ORDINANCE NO. 1082

AN ORDINANCE REPEALING CHAPTER 21. STREETS AND SIDEWALKS, ARTICLE V, SECTION 21-135 THROUGH 21-145 OF THE BUTLER CITY CODE AND ADOPTING THE FOLLOWING:

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

BILL NO. 2018-32 ORDINANCE NO. 1082

AN ORDINANCE REPEALING CHAPTER 21. STREETS AND SIDEWALKS, ARTICLE V, SECTION 21-135 THROUGH 21-145 OF THE BUTLER CITY CODE AND ADOPTING THE FOLLOWING:

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye

Garnett – Aye Stark – Aye Hall – Aye Jett – Aye

Motion by Garnett to adopt, seconded by Irick

BILL NO. 2018-32 ORDINANCE NO. 1082

AN ORDINANCE REPEALING CHAPTER 21. STREETS AND SIDEWALKS, ARTICLE V, SECTION 21-135 THROUGH 21-145 OF THE BUTLER CITY CODE AND ADOPTING THE FOLLOWING:

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye

Garnett – Aye Stark – Aye Hall – Aye Jett – Aye

PUBLIC HEARINGS

1300 S Main Street

APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A RETAIL SALES AND AGRITOURISM BUSINESS ON RESIDENTIAL PROPERTY AT 1300 S. MAIN STREET

Mayor Henry opened the Public Hearing at 7:22 p.m. for comments.

Stephen Miller

Stephen Miller would like to open a family owned business at 1300 S. Main Street. The land is currently zoned residential and would like to do retail business on the property. His property would be set up somewhat similar to the Louisburg Cider Mill. He would have an orchard on the property and in the

winter have a Christmas Tree farm. He is also looking at having an event space on the property as well. The property is 21 acres and parking would be on the property itself.

Casey Koehn

That the business would comply with all city ordinances especially the noise ordinance.

Jeff Hall

What do the neighbors think of this that back up to the property?

Mitch Oakes

Thinks that this is a great opportunity for the city.

Doris Fuller

Likes the idea and would add to the community.

Mike Irick

Great way to improve the property and bring tourism to the community. Good way to honor Agricultural in Butler.

Jeff Hall

Would the permit be transferable if the property sold?

Casey Koehn

No if the property sold the new owner would have to apply for a permit.

David Brown

Would the permit only for produce to be grown?

Casey Koehn

Yes that only produce can be grown.

Mayor Henry closed the public hearing at 7:36 p.m.

Rezoning

AN APPLICATION TO REZONE CERTAIN PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (HEAVY INDUSTRIAL) IN ACCORDANCE WITH CHAPTER 26 OF THE MUNICIPAL CITY CODE OF THE CITY OF BUTLER, MISSOURI.

Mayor Henry opened the public hearing up at 7:36 p.m.

Casey Koehn

Rezoning the Industrial Park from I-1 to I-2. The Planning Commission has approved a resolution to move forward with the rezoning of the Industrial Park from I-1 to I-2. I-2 would still need a conditional use permit.

Carolyn Jett

Why would I-2 need a conditional use permit still?

Casey Koehn

The current ordinance does require it. That it helps protect a neighborhood from something like a smell or odor.

Mayor Henry closed the public hearing at 7:41 p.m.

Carports

REGARDING THE LOCATION AND REQUIREMENTS FOR

LOCATING CARPORTS WITHIN THE CITY.

Mayor Henry opened the public hearing at 7:41 p.m.

Casey Koehn

Been working on the carport issue with Planning Commission for over a year. Planning Commission has approved a resolution and an ordinance appears before City Council tonight. People have been requesting variances for carports; this would make it easier for people to put them up that do not have a structure to park their vehicle in.

Mayor Henry closed the public hearing at 7:44 p.m.

BILLS, ORDINANCES, RESOLUTIONS, POLICES AND PROCLAMATIONS

BILL NO. 2018-34 ORDINANCE NO. 1084

AN ORDINANCE OF THE CITY OF BUTLER CITY COUNCIL APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A RETAIL SALES AND AGRITOURISM BUSINESS ON RESIDENTIAL PROPERTY AT 1300 S. MAIN STREET.

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

BILL NO. 2018-34 ORDINANCE NO. 1084

AN ORDINANCE OF THE CITY OF BUTLER CITY COUNCIL APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT WHICH WOULD ALLOW THE INSTALLATION AND OPERATION OF A RETAIL SALES AND AGRITOURISM BUSINESS ON RESIDENTIAL PROPERTY AT 1300 S. MAIN STREET

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

BILL NO. 2018-35 ORDINANCE NO. 1085

AN ORDINANCE OF THE BUTLER CITY COUNCIL APPROVING AN APPLICATION TO REZONE CERTAIN PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (HEAVY INDUSTRIAL) IN ACCORDANCE WITH CHAPTER 26 OF THE MUNICIPAL CITY CODE OF THE CITY OF BUTLER, MISSOURI.

Motion by Irick for first reading by title only, seconded by Brown

BILL NO. 2018-35 ORDINANCE NO. 1085

AN ORDINANCE OF THE BUTLER CITY COUNCIL APPROVING AN APPLICATION TO REZONE CERTAIN PROPERTY WITHIN THE CITY OF BUTLER, MISSOURI FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (HEAVY INDUSTRIAL) IN ACCORDANCE WITH CHAPTER 26 OF THE MUNICIPAL CITY CODE OF THE

1st Reading
Bill NO. 2018-35
Ordinance NO. 1085

CITY OF BUTLER, MISSOURI.

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

BILL NO. 2018-36 ORDINANCE NO. 1086

**AN ORDINANCE OF THE BUTLER CITY COUNCIL APPROVING
AN AMENDMENT TO THE CITY OF BUTLER ZONING
ORDINANCE, REGARDING THE LOCATION AND
REQUIREMENTS FOR LOCATING CARPORTS WITHIN THE CITY**

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

BILL NO. 2018-36 ORDINANCE NO. 1086

**AN ORDINANCE OF THE BUTLER CITY COUNCIL APPROVING
AN AMENDMENT TO THE CITY OF BUTLER ZONING
ORDINANCE, REGARDING THE LOCATION AND
REQUIREMENTS FOR LOCATING CARPORTS WITHIN THE CITY**

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye

Garnett – Aye Stark – Aye Hall – Aye Jett – Aye

BILL NO. 20118-37 ORDINANCE NO. 1087

**AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF BUTLER
BY ADDING ONE NEW ARTICLE REGARDING STORMWATER.**

Motion by Irick for first reading by title only, seconded by Garnett

BILL NO. 20118-37 ORDINANCE NO. 1087

**AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI
AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF BUTLER
BY ADDING ONE NEW ARTICLE REGARDING STORMWATER**

Brown – Aye Irick – Aye Irwin – Aye Cook – Aye

Garnett – Aye Stark – Aye Hall – Aye Jett – Aye

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

BILL NO. 20118-37 ORDINANCE NO. 1087

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Brown – Aye Irick – Aye Irwin – Aye Cook – Aye

Garnett – Aye Stark – Aye Hall – Aye Jett – Aye

Motion by Garnett to adopt, seconded by Irick

BILL NO. 20118-37 ORDINANCE NO. 1087

AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI

Adoption

Bill NO. 2018-37

Ordinance NO. 1087

**AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF BUTLER
BY ADDING ONE NEW ARTICLE REGARDING STORMWATER**
Brown – Aye Irick – Aye Irwin – Aye Cook – Aye
Garnett – Aye Stark – Aye Hall – Aye Jett – Aye

Reports

CITY CLERK

Filing will start on December 11th at 8:00 a.m. for the April Municipal Election. Ward 1 Brown is up for re-election, Ward 2 Stark is up for re-election, Ward 3 Irwin is up for re-election and Ward 4 Jett is up for re-election.

POLICE CHIEF

No Report.

CITY ATTORNEY

No Report.

CITY ADMIN

606 W. Vine

The public hearing was held on November 20th at 10am at City Hall

Demo Program

Demolition program- We have our first application submission. The Fire Chief will be assessing the structure to see if it meets dangerous building requirements next week.

Small Wireless

Small wireless updates- Please see your packets in the small cell folder for information regarding changes that were previously discussed. CVR will be working on resolutions for Planning Commission and ordinances for City Council for the December meetings. They will be in attendance via phone for any questions or concerns. Please read over the information and send any questions to me so I can try to get them answered for you prior to December.

Budget

Koehn will be holding department head budget meetings the week of November 26th.

Economic Developer

Irck, Brown, Irwin and Garnett will be meeting on November 26 at 4:30 p.m. to talk about the Economic Developer position.

PUBLIC WORKS

No Report.

CODE ENFORCEMENT

No Report.

MAYOR

No Report.

COUNCIL MEMBERS

GARNETT

Taxi Dinner was very nice and well attended.

BROWN

We still have a smell coming from the water. Why are we having so many electrical outages lately here in town?

IRICK

Ladies Night Out was very well attending this year. Good compliments on the lights around the square. Koehn wanted to thank Electric City Downtown for their help with the Christmas Light project especially Mist Peak.

STARK

Nothing to Report.

IRWIN

Nothing to Report.

HALL

That the rumor going around that he is buying a house and moving to Adrian is false.

COOK

Nothing to Report.

JETT

Community Café would like City Council to serve again on April 9, 2019.

New Business

Election Results

Certification of the November 6, 2018 election results. Use Tax failed 360 yes to 986 no votes. Motion by Garnett to accept the November 6, 2018 election results, seconded by Jett. Motion passed unanimously by a show of hands.

ADJOURN

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

Mayor James W. Henry

ATTEST

Corey Snead
City Clerk