

**MEETING OF THE CITY COUNCIL
AUGUST 20, 2019**

The Butler City Council met in regular session on Tuesday, August 20, 2019 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	Linn Nitsche
David Brown	Jeff Hall
Mike Irick	Gayle Cook-Absent
Heather Diehl	Dale Newkirk

OTHERS PRESENT

Others present were Acting City Administrator Corey Snead, Office Manager Gayle Alexander, Attorney Joe Lauber, Code Enforcement Officer Brian Boyd, Police Chief Randy Beshore and Fire Chief Jason Bennett.

OTHER GUESTS

John Bisby, Crystal Treadwell, Susie Hanes, Lynerica Heckadon, Mel Ewing, Barry Fischer, Jackie Fischer, Kevin Garnett and David Kauffman.

PLEDGE OF ALLEGIANCE

Mayor Henry led the recitation of the Pledge of Allegiance.

APPROVE CONSENT AGENDA

Motion by Diehl, seconded by Newkirk to approve the minutes of the August 6, 2019 Regular Session meeting. Motion passed unanimously by a show of hands.

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

There were no Travel and Training requests.

**ADDITION/DELETION TO
AGENDA**

Motion by Diehl, seconded by Garnett to add Barry Fischer to address Council as a guest. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

Barry & Jackie Fischer

Came to protest high energy bills for their small business. They requested getting off of the "on-demand" charges. They had changed to a ground source heat pump, but were not saving much on the energy costs. They noted that the usage charges were less than the demand charges and that they used less than a residential home, but were being charged more as a business. They also asked

for an explanation on what the peak usage charges consisted of. Snead replied that he had met with the Public Works Director about their situation. He indicated Diehl thought that the winter months charges may have been too high. They will meet again tomorrow to go over the bill and get back with the Fischers on what they discover.

COMMITTEE REPORTS

Personnel Committee Meeting

Irick reported that they discussed various clauses on the City Attorney and Airport Manager contracts. They looked at “fines” and “collections” on the Attorney’s.

Finance Committee Meeting

This meeting was not held.

Council Work Session

The Executive Director of the Kaysinger Basin Regional Planning Commission Sheridan Garman-Neeman met with City Council. She informed the members about various grants that were available for Butler and would come up with a list that the City could apply for.

BOARDS AND COMMISSIONS

Airport Commission Meeting

Brown related that they had discussed steps they need to take for a long-term plan for the airport. They also talked about capital improvement plans and projected goals. There were concerns about crop duster airplanes that could damage the runway by their usage. They decided that guidelines needed to be developed for this condition.

Planning Commission Meeting

Nitsche informed Council that the Commission had a good meeting. They had begun going over the Sub-Division regulations currently in place.

Park & Recreation Commission Meeting

Snead reported that they did not have a quorum for this meeting. He thought that the change in meeting times for every other month has resulted in less attendance. Those who were present related that the Dog Swim went over very well and that there was no damage to the pool. The Animal Control Officer had also been there and had handed out free chips and treats for the pets.

UNFINISHED BUSINESS

There was none.

PUBLIC HEARING

2019 Tax Levy

Mayor Henry opened the Public Hearing at 7:30 pm for questions and comments on this ordinance. Snead explained that this hearing is for citizens to be heard on the property tax rates proposed by the City of Butler. The tax rates are set to produce the revenues that the City budgets for on a yearly basis. There are three funds that are already at the ceiling rates and the total projections of income are \$279,564.00 for the year. He also reported that the total Proposed tax Rate (per \$100) is 0.6654 and is comparable to last year's. If Council wants to raise the rates, it would have to go to the citizens for a vote. There were no comments from the audience nor Council. Mayor Henry closed the hearing at 7:35pm.

BILLS, ORDINANCES, RESOLUTIONS, POLICIES AND PROCLAMATIONS

BILL NO. 2019-16 ORDINANCE NO. 1103 AN ORDINANCE ESTABLISHING THE 2019 TAX LEVY FOR THE CITY OF BUTLER, MISSOURI.

1st Reading

Bill NO 2019-16 Ordinance NO 1103

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

BILL NO. 2019-16 ORDINANCE NO. 1103 AN ORDINANCE ESTABLISHING THE 2019 TAX LEVY FOR THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

Jim Garnett-Aye	Linn Nitsche-Aye
David Brown-Aye	Jeff Hall-Aye
Mike Irick-Aye	Gayle Cook-Absent
Heather Diehl-Aye	Dale Newkirk-Aye

Second Reading

Bill NO 2019-16 Ordinance NO 1103

Motion by Garnett, seconded by Newkirk for a second reading by title only.

BILL NO. 2019-16 ORDINANCE NO. 1103 AN ORDINANCE ESTABLISHING THE 2019 TAX LEVY FOR THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

Jim Garnett-Aye	Linn Nitsche-Aye
David Brown-Aye	Jeff Hall-Aye
Mike Irick-Aye	Gayle Cook-Absent
Heather Diehl-Aye	Dale Newkirk-Aye

Adoption

Bill NO 2019-16 Ordinance NO 1103

Motion by Irick, seconded by Garnett to adopt.

BILL NO. 2019-16 ORDINANCE NO. 1103

AN ORDINANCE ESTABLISHING THE 2019 TAX LEVY FOR THE CITY OF BUTLER, MISSOURI.

Motion passed with the following votes:

Jim Garnett-Aye
David Brown-Aye
Mike Irick-Aye
Heather Diehl-Aye

Linn Nitsche-Aye
Jeff Hall-Aye
Gayle Cook-Absent
Dale Newkirk-Aye

BILL NO 2019-17 ORDINANCE NO. 1104

AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION TO IMPOSE A GENERAL SALES TAX WITHIN THE CITY.

1st Reading

Bill NO 2019-17 Ordinance NO 1104

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

BILL NO 2019-17 ORDINANCE NO. 1104

AN ORDINANCE OF THE CITY OF BUTLER, MISSOURI, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION TO IMPOSE A GENERAL SALES TAX WITHIN THE CITY.

Motion passed with the following votes:

Jim Garnett-Aye
David Brown-Aye
Mike Irick-Aye
Heather Diehl-Aye

Linn Nitsche-Aye
Jeff Hall-Aye
Gayle Cook-Absent
Dale Newkirk-Aye

2nd Reading

Bill NO 2019-17 Ordinance NO 1104

Motion by Brown, seconded by Irick for a second reading by title only.

BILL NO 2019-17 ORDINANCE NO. 1104

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Motion passed with the following votes:

Jim Garnett-Aye
David Brown-Aye
Mike Irick-Aye
Heather Diehl-Aye

Linn Nitsche-Aye
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Gayle Cook-Absent
Dale Newkirk-Aye

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Motion passed with the following votes:

Jim Garnett-Aye

David Brown-Aye

Mike Irick-Aye

Heather Diehl-Aye

Linn Nitsche-Aye

Jeff Hall-Aye

Gayle Cook-Absent

Dale Newkirk-Aye

REPORTS

**City Clerk/Acting City
Administrator**

Sales Tax Levy Promotion

Snead asked Council what they would like to do about informing the public on the Sales Tax Levy that will be on the fall ballot. Council proposed re-scheduling a town hall meeting for October the 14th. Snead will coordinate with the school for the meeting place and inform Council. Diehl handed out a tentative agenda for the town hall meeting. Council decided to hold a work session meeting to discuss it.

Greg & Brad Henson

Snead reported that the potential buyers for the Spec Building had submitted their application to the State of Missouri for the marijuana permit. They would like to visit with Council on October 1st to talk about the purchase agreement.

Turn Lane at Fulton Street

At the last City Council meeting, a citizen requested the addition of a turning lane by the High School. Chief of Police Randy Beshore (the City's Traffic Engineer) did consider the appeal and turned in a full report to Council. He found that the current street is not wide enough to add a turning lane that would be compliant with the specifications given by MoDOT.

Cook Insurance Coverage

Snead did contact Cook Insurance about the amount of coverage we have at the Light Plant and had also received an updated list on the items insured and the amounts they are valued at. Cook had replied and thought that the Light Plant was insured properly. Questions on the values listed for buildings and vehicles were raised by Nitsche and Newkirk. Diehl thought that the City should also look at the deductibles, too. It was decided by consensus that a work session needed to be scheduled to go over the values of the properties with the Cook Insurance representative.

Economic Developer Ad

Advertisements for the Economic Developer position have been sent out to the public per Snead. He posted the job opportunity in the Butler Xchanger/News Xpress, the Nevada Daily Mail, the Missouri Job Center, the Missouri Municipal League, KMAM & KMOE and the Kaysinger Basin Regional Planning Commission in order to receive qualified applicants.

Appraisal Work

Snead had received no response from Tom Coker about doing the appraisal work for the City. When Mr. Coker returns from vacation, he will make try to contact the appraiser again.

Wage Study Committee Meeting called

Snead notified Council that the first meeting for the Wage Study Committee will be held on August 22, 2019 at 10:00 am. Members of the committee are Mayor Henry and Councilmen Brown, Nitsche and Garnett.

2019 Tax Sale

This year the Tax Sale will be held on August 26, 2019. Snead had placed a list of properties that are for sale in the Councilmen's packet.

Water Tower Antenna

David Morse did contact Snead this week about attaching an antenna on the water tower for wireless internet usage. He disclosed the fact that he wanted to start a new business in Butler. Snead had called the City's telecommunications lawyer, Dan Vogel, and discussed the possibilities with him. Mr. Vogel advised Snead that there would need to be an agreement reached with Mr. Morse that is like a pole attachment agreement that we have with other companies. He also recommended that we charge the company \$10,000 to \$15,000 per year for the antenna attachment, or to charge a 10% fee on the revenue produced by the company. Snead mentioned that our Public Works Director also had some concerns that needed to be brought to Council's attention.

Sr. Citizens Board Meeting

Snead met with the Board of the Sr. Center about running the taxi service. They do not have any affiliation with the taxi service right now and did not think that they could take over the management of it. They had questions on maintenance, service and CDL licenses. They did agree that the taxi service is a unique program and did not want it to die. The essential question is about who wants to be responsible for the liability.

MOACCA Meeting

Snead announced that the Missouri Association of City Clerk's Association will be meeting at the Pennell at 11:30am tomorrow. This will be the first time that the Western Division will have met here in Butler. The Mayor and Councilmen were invited to come and introduce themselves.

Police Chief

Chief Beshore gave a report on the fatality accident that occurred last week. He thanked all the departments that came out to assist. There were eight agencies who came to support in the rescue efforts. People were there from 9:47pm through 5:04 am. Beshore mentioned that today was the first day of school, so watch out for kids in the streets.

City Attorney

Attorney Joe Lauber mentioned that the State did extend the application period for medical marijuana and will now hand out a limited number of permits. Mr. Lauber also announced that he has been recognized as an International Municipal Attorney and will receive an award on September 20th.

Public Works

Nothing to report.

Code Enforcement

Boyd came forward and asked for Council's approval for the Fall City Wide Clean-up dates. He suggested October 7th through the 11th for the North side of Ft. Scott Street and October 14 through the 18th for residences south of the same street. Motion was made by Irick to approve the dates with the addition of publishing that things be put out no earlier than 1 week before and to be out on the curb for pick up by the first day of the week. Motion was seconded by Nitsche and approved by all hands.

Fire Chief

Fire Chief Bennett welcomed Garnett back. His department had assisted the others at the deadly accident last week. He was super proud of the Police Department's efficiency and professionalism at the scene. He thought that everyone had worked together well as a result of much training that saved 3 lives. He believes City Council have the best departments working for them.

Mayor

Mayor Henry affirmed that he had attended two of the meetings held by Attorney Lauber and that he had gotten a lot of good out of them for the economic development of our town. He thought that it was important for each department, as well as City Council, to develop and implement 5 year plans.

COUNCIL MEMBERS

Newkirk

Was proud of the Police and Fire Departments. He thought that they don't get enough recognition for the work that they do.

Hall

Hall thanked the First Responders for their actions last week. He was concerned for the younger guys who may have been at this kind of scene for the first time. Hall made an inquiry concerning whether the City had billed the County for their share of the water line. Snead replied that the bill had been sent, but not paid yet. Hall wants to make sure that these funds go back into the proper fund that they came out of. He recognized that there has been a temporary fix on the culvert that collapsed on Ft. Scott street and wondered when it would be repaired. Mayor Henry responded that the money to fix this street may come from FEMA, but the important thing is to get it renovated first. Hall also mentioned that there are a couple of streets on Thompson that also need mending.

Nitsche

Thought that the Economic Development meeting held by Lawyer Lauber was really good. He also thought that trimming the tree limbs along Dakota Street was good. Nitsche remarked that he thought there needed to be 2 more Town Hall Meetings before the fall vote.

Diehl

Acknowledged the remarks of people who were disappointed that the Town Hall meeting had been cancelled on the 12th, but understood why it had been. She loved the Economic Development meetings and applauded Lawyer Lauber for hosting them. She thought that we needed to look at what we are charging non-subscribers of the Rural Fire Fees. Diehl also announced that she thought the EMTs and Police Department had done a wonderful job and that there was counseling available to those who might need it. Other thoughts included thefts and break-ins, and tennis shoes on the electric lines. She is looking at solutions for these.

Irick

Echoed the sentiments of Hall and Diehl for those who might need counseling over the accident. He mentioned that his father had been a Fire Fighter and could understand how responders could feel after working this type of scene. He asserted that the people who were impacted by this wreck were our neighbors and that they needed to know that Council was behind them and supporting them.

Brown

Affirmed "ditto" on Councilman Irick's comments. He asked Snead to set up an Operations Meeting on concessions, who will do so. He made a remark that there is a grating on Dakota Street that is sunk down into the pavement and is a safety hazard for the traffic.

Garnett

Stated that he was glad to be back. He acknowledged the response on the accident and thought that all those involved were very professional.

NEW BUSINESS

New Mower for the Airport

Motion made by Newkirk, seconded by Garnett to approve the low bid from Midwest Lumber to purchase the new mower for the Airport. Motion passed by a show of all hands.

MEDIA QUESTIONS

Doug Mager-Bates Co Live

Made an inquiry about what the overall levy rate was.

**Corey Snead-Acting City
Administrator**

Affirmed that the correct rate is 0.6654.

Doug Mager-Bates Co Live

Offered to professionally stream the Town Hall Meetings for those who could not attend. He also asked whether he could video the Council Meetings. He had concerns about the audio quality.

**Corey Snead-Acting City
Administrator**

Responded that records retention rules would apply and that all recordings would have to be kept as a public record. Snead indicated that this subject would be discussed by Council.

CLOSED SESSION

Motion was made by Garnett, seconded by Newkirk to go into Closed Session.

Motion passed with the following votes:

Jim Garnett-Aye	Linn Nitsche-Aye
David Brown-Aye	Jeff Hall-Aye
Mike Irick-Aye	Gayle Cook-Absent
Heather Diehl-Aye	Dale Newkirk-Aye

OPEN REGULAR SESSION

Motion made at 9:50 pm to go back into Regular Session by Garnett, seconded by Newkirk.

Motion passed with the following votes:

Jim Garnett-Aye	Linn Nitsche-Aye
David Brown-Absent	Jeff Hall-Aye
Mike Irick-Aye	Gayle Cook-Absent
Heather Diehl-Aye	Dale Newkirk-Aye

ADJOURN

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

ATTEST

Mayor James W. Henry

Corey Snead
City Clerk