

**MEETING OF THE CITY COUNCIL
February 7th, 2017**

The Butler City Council met in regular session on Tuesday, February 7th, 2017 at 7:00 p.m. in the Council Chambers at City Hall, 22 West Ohio with Mayor Malan presiding. The following Councilmen were present:

ROLL CALL

Jim Garnett	Craig Irwin
Brian Phillips	Terry Agnew
Mike Irick	Gayle Cook
Gayle Stark	Carolyn Jett

OTHERS PRESENT

Others present were City Administrator Casey Koehn, City Clerk Corey Snead, Police Sergeant Mark Frost, Public Works Director Trent Diehl, City Attorney Tom Addleman and Code Enforcement Officer Brian Boyd.

OTHER GUESTS

Linn Nitsche, Melvin Ewing, Mickie Irick, Patti Cantrell and Terri Norman

APPROVE CONSENT AGENDA

Motion by Phillips seconded by Agnew to approve the minutes of the regular session January 17th. Motion passed unanimously by a show of hands.

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

Motion by Irwin, seconded by Agnew to approve the Travel/Training request. Motion passed unanimously by a show of hands.

**DELETION/ADDITION TO
AGENDA**

To add Patti Cantrell to the scheduled guest and add Resolution #429 to the agenda. Motion by Stark to add Patti Cantrell to the scheduled guest and Resolution #429 to the agenda, seconded by Irwin. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

Terri Norman

Terri Norman came before council and read a statement about smoking on city owned property. She felt that the city should look into banning smoking, and have a fine for people who do smoke and litter with cigarette butts. Mayor Malan thanked Ms. Norman for coming and the council would have to look into state statute about the issue.

Patti Cantrell

Patti Cantrell came before council as the Bates County Economic Developer and talked about a new grant she is working on. The grant is called Art Place and she is working with members of the Electric City Downtown on the grant.

The grant is to accomplish a big challenge and be effective with the use of art. The group is going to be working on the entrances into Butler. The grant is due by February 22, 2017.

COMMITTEES

Finance

Phillips reported that during the finance meeting Koehn started going over the budget for FY17-18.

BOARDS AND COMMISSIONS

Planning Commission

Phillips reported that the Planning Commission met on 1-31-17 during the meeting they discussed shipping containers that have appeared on Ohio Street. That an ordinance will be introduced later in the meeting to ban shipping containers in the city limits. They also talked about Tiny Houses in the city limits as well. That an ordinance will be coming in the future that states a house must be a minimum of 800 square feet. Annexation was also discussed during the meeting and the need for it in the future and the infrastructure that would also need to happen.

Zoning Board of Adjustment

Phillips reported that two variances came before the board during the last meeting. The first from Allen Wix to keep animals on his property. It was approved with the requirement that he work on the fence located on H highway. The second variance was from Brian Boyd to sell honey at his residence that was also approved by the board.

Park Board

Cook reported about the Park Board meeting. That plenty of discussion went around about the Park Banner Program. That the board felt like that the money should be handled differently so it could roll over from year to year, so big projects could be done.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS

None

BILLS, ORDINANCES, RESOLUTIONS, POLICES and PROCLAMATION

**BILL NO. 2017-4 ORDINANCE NO. 1027
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-104 OF THE CITY
OF BUTLER, MISSOURI**

1st Reading

Bill NO 2017-4 Ordinance NO 1027

Motion by Phillips, seconded by Jett for first reading by title only of

**BILL NO. 2017-4 ORDINANCE NO. 1027
AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.**

**MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-104 OF THE CITY
OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

2nd Reading

Bill NO 2017-4 Ordinance NO 1027

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

BILL NO. 2017-4 ORDINANCE NO. 1027

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-104 OF THE CITY
OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

Adoption

Bill NO 2017-4 Ordinance NO 1027

Motion by Jett, seconded by Stark to adopt

BILL NO. 2017-4 ORDINANCE NO. 1027

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-104 OF THE CITY
OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

BILL NO. 2017-5 ORDINANCE NO. 1028

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-103 OF THE CITY
OF BUTLER, MISSOURI**

1st Reading

Bill NO 2017-5 Ordinance NO 1028

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

BILL NO. 2017-5 ORDINANCE NO. 1028

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.

**MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-103 OF THE CITY
OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

2nd Reading

Bill NO 2017-5 Ordinance NO 1028

Motion by Jett, seconded by Stark for seconded reading by title only of

BILL NO. 2017-5 ORDINANCE NO. 1028

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-103 OF THE CITY
OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

Adoption

Bill NO 2017-5 Ordinance NO 1028

Motion by Phillips, seconded by Garnett to adopt

BILL NO. 2017-5 ORDINANCE NO. 1028

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-103 OF THE CITY
OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

BILL NO. 2017-6 ORDINANCE NO. 1029

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.
MISCELLANEOUS PROVISIONS, SECTIONS 14-102 OF THE CITY
OF BUTLER, MISSOURI**

1st Reading

Bill NO 2017-6 Ordinance NO 1029

Motion by Jett, seconded by Cook for first reading by title only of

BILL NO. 2017-6 ORDINANCE NO. 1029

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V.**

MISCELLANEOUS PROVISIONS, SECTIONS 14-102 OF THE CITY OF BUTLER,MISSOURI

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

2nd Reading

Bill NO 2017-6 Ordinance NO 1029

Motion by Garnett, seconded by Jett for seconded reading by title only of

BILL NO. 2017-6 ORDINANCE NO. 1029

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14. MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V. MISCELLANEOUS PROVISIONS, SECTIONS 14-102 OF THE CITY OF BUTLER,MISSOURI

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

Adoption

Bill NO 2017-6 Ordinance NO 1029

Motion by Irwin, seconded by Irick to adopt

BILL NO. 2017-6 ORDINANCE NO. 1029

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14. MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE V. MISCELLANEOUS PROVISIONS, SECTIONS 14-102 OF THE CITY OF BUTLER,MISSOURI

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

BILL NO. 2017-7 ORDINANCE NO. 1030

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE I. IN GENERAL, SECTIONS 26-2 AND 26-14 OF THE CITY OF BUTLER,MISSOURI

1st Reading

Bill NO 2017-7 Ordinance NO 1030

Motion by Phillips, seconded by Jett for first reading by title only and amending 120 days to 30 days of

BILL NO. 2017-7 ORDINANCE NO. 1030

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE I. IN GENERAL, SECTIONS 26-2 AND 26-14 OF THE CITY OF BUTLER,MISSOURI

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

2nd Reading

Bill NO 2017-7 Ordinance NO 1030

Motion by Jett, seconded by Garnett for seconded reading by title only and amending 120 days to 30 days of

BILL NO. 2017-7 ORDINANCE NO. 1030

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE I. IN GENERAL, SECTIONS 26-2 AND 26-14 OF THE CITY OF BUTLER,MISSOURI

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

Adoption

Bill NO 2017-7 Ordinance NO 1030

Motion by Phillips, seconded by Garnett to adopt and amending the ordinance from 120 days to 30 days

BILL NO. 2017-7 ORDINANCE NO. 1030

AN ORDINANCE AMENDING THE CITY CODE CHAPTER 26. ZONING, ARTICLE I. IN GENERAL, SECTIONS 26-2 AND 26-14 OF THE CITY OF BUTLER,MISSOURI

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
Brian Phillips-Aye	Terry Agnew-Aye
Mike Irick-Aye	Gayle Cook-Aye
Gayle Stark-Aye	Carolyn Jett -Aye

Resolution #429

Resolution #429 The City of Butler is applying for federal assistance from the Land & Water Conservation Fund program for the purpose of construction of Project Lemonade. Motion Phillips to approve Resolution #429 for Project Lemonade, seconded by Irick. Motion passed unanimously by a show of hands.

REPORTS

CITY CLERK

No Report.

POLICE CHIEF

No Report.

CITY ATTORNEY

No Report

CITY ADMIN

Community College

Koehn reported that the initiative for a Bates County Community College has

been put on hold. Due to the current budget cuts the Governor has placed on education.

Broadband

Diehl and Koehn met with another company that provides broadband service to many cities in Missouri. The meeting was very informative and promising. Koehn believes that being able to offer quality high speed internet to businesses and residents is almost a must and the City needs to move forward with trying to make this happen for economic development purposes.

Hilltop Trailer Park

Statement of violation for Hilltop Trailer Park was sent out last week and recorded at the Recorder of Deeds Office. The property owner has until March 6th to contact the City for a plan of action regarding cleanup of the property.

206 N Fulton

The property located at 206 N Fulton has a deadline date of Feb 13th. If no attempt has been made to contact the City on the abatement order, then the City will move forward with abatement.

Park Banner Program

Koehn requested that city council move funds into a new checking account for the Park Banner Funds. This account will allow the Park Board to collect money for the banner program and accumulate it so big projects can be done for the Parks. The Mayor and City Administrator will have authority to sign off on checks for the account. Koehn figures around \$11,000.00 will be transferred into the account. Motion by Stark to transfer around \$11,000.00 into the new Park Banner checking account from the previous year's donations, seconded by Cook. Motion passed unanimously by a show of hands.

PUBLIC WORKS

No Report

CODE ENFORCEMENT

All the burned houses in the city are currently being torn down.

MAYOR

Good Job to all the departments and especially a nice job to all the ladies downstairs at City Hall.

COUNCIL MEMBERS

GARNETT

Nothing to Report.

PHILLIPS

Call for a Finance Committee meeting before the next City Council meeting at 6:00 pm. Would also like to say that the ladies at City Hall do a wonderful job. Would like to thank the Police Department and Sergeant Frost on the tour of the PD, they took the Boy Scouts on.

IRICK

Nothing to Report.

STARK

The basketball court lights are being left on at night.

IRWIN

Nothing to Report.

AGNEW

Nothing to Report.

COOK

The lights at the baseball field are still being left on at night.

JETT

That a pole on Lyons Street is leaning very badly. This is not a city owned pole but would like to know who owns it so it can be fixed.

New Business

None

ADJOURN

There being no further business, motion was made by Phillips, seconded by Garnett to adjourn the regular session meeting.

Mayor Don H. Malan

ATTEST

Corey Snead
City Clerk