

**MEETING OF THE CITY COUNCIL**  
**March 21, 2017**

The Butler City Council met in regular session on Tuesday, March 21, 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, Mel Ewing and Kermit Kauffman

**APPROVE CONSENT AGENDA**

Motion by Phillips seconded by Stark to approve the minutes of the regular session March 7<sup>th</sup>. Motion passed unanimously by a show of hands.

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

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

**DELETION/ADDITION TO AGENDA**

None

**SCHEDULED GUESTS**

**Fair Board**

Kermit Kauffman came before city council representing the Bates County Fair Board. This year during the Bates County Fair July 12-16 they would like to set up a beer garden. The fair board has all their licenses in order for this event. The beer garden would be set up next to the bingo hall. You must have an ID to enter the garden and you cannot bring any other items into the garden with you. The Fair Board has also spoken with the sheriff office and highway patrol about extra security during the fair. Motion by Phillips to allow the Bates County Fair Board to move forward with the beer garden during the fair pending the Police Chiefs approval, seconded by Irick. Motion passed unanimously by a show of hands.

**Butler Chamber**

Lee Anna Schowengerdt came before council representing the Butler Chamber. The Chamber is requesting to use the square for Junk in the Trunk for the City Wide Garage Sale on May 13. In previous years this has been held in the parking lot at Family Center, they want to bring it to the square this year. They would need the inside lane blocked off for the event. Motion by Cook to allow the Butler Chamber to have the Junk in the Trunk event on the square for the City Wide Garage Sale, seconded by Stark. Motion passed unanimously by a show of hands.

**COMMITTEES**

**Finance**

Phillips reported on the Finance Committee meeting that took place before city council at 6:00 pm. Went over the final numbers for the upcoming budget year.

**BOARDS AND COMMISSIONS**

**Planning**

Phillips reported on the Planning Commission meeting. During the meeting annexation was the primary topic of conversation. The City Attorney was at the meeting and provided guidance on annexation and the process that we would need to go through. They will begin the process of starting a multi step plan for future annexation.

**Neighborhood Advisory**

Boyd reported on the Neighborhood Advisory meeting. Went over several different code violations during the meeting. Talked about unsafe structures that are in town. That item's have started to show up on curbs already for the City Wide Clean Up. That it is still too early for items to be set out and will receive a violation notice.

**Police Board**

Koehn reported the Police Board met and interviewed two candidates.

**UNFINISHED BUSINESS**

None

**PUBLIC HEARINGS**

**Fiscal Year 2017-2018 Budget**

Mayor Malan opened the public hearing at 7:18 p.m. for the 2017-2018 budget. No one came forward during the public hearing Mayor Malan closed the hearing at 7:20 p.m.

**BILLS, ORDINANCES,  
RESOLUTIONS, POLICES and  
PROCLAMATION**

**BILL NO. 2017- 8 ORDINANCE NO. 1031  
AN ORDINANCE AMENDING BUTLER CITY CODE, CHAPTER 26,  
ZONING, ARTICLE I- IN GENERAL, SECTION 26-2, DEFINITIONS,  
INTERPRETAION OF LANGUAGE.**

**1<sup>st</sup> Reading**

**Bill NO 2017-8 Ordinance NO 1031**

Motion by Phillips, seconded by Garnett for first reading by title only of  
**BILL NO. 2017- 8 ORDINANCE NO. 1031**

**AN ORDINANCE AMENDING BUTLER CITY CODE, CHAPTER 26, ZONING, ARTICLE I- IN GENERAL, SECTION 26-2, DEFINITIONS, INTERPRETAION OF LANGUAGE.**

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

**2<sup>nd</sup> Reading**

**Bill NO 2017-8 Ordinance NO 1031**

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

**BILL NO. 2017- 8 ORDINANCE NO. 1031**

**AN ORDINANCE AMENDING BUTLER CITY CODE, CHAPTER 26, ZONING, ARTICLE I- IN GENERAL, SECTION 26-2, DEFINITIONS, INTERPRETAION OF LANGUAGE**

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 2017-8 Ordinance NO 1031**

Motion by Garnett, seconded by Irwin to adopt

**BILL NO. 2017- 8 ORDINANCE NO. 1031**

**AN ORDINANCE AMENDING BUTLER CITY CODE, CHAPTER 26, ZONING, ARTICLE I- IN GENERAL, SECTION 26-2, DEFINITIONS, INTERPRETAION OF LANGUAGE**

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 -Nay

**BILL NO. 2017-9 ORDINANCE NO. 1032**

**AN ORDINANCE APPROVING THE 2017-2018 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES**

**1<sup>st</sup> Reading**

**Bill NO 2017-9 Ordinance NO 1032**

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

**BILL NO. 2017-9 ORDINANCE NO. 1032**

**AN ORDINANCE APPROVING THE 2017-2018 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR**

**THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES**

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

**2<sup>nd</sup> Reading**

**Bill NO 2017-9 Ordinance NO 1032**

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

**BILL NO. 2017-9 ORDINANCE NO. 1032**

**AN ORDINANCE APPROVING THE 2017-2018 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES**

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 2017-9 Ordinance NO 1032**

Motion by Stark, seconded by Irick to adopt

**BILL NO. 2017-9 ORDINANCE NO. 1032**

**AN ORDINANCE APPROVING THE 2017-2018 FISCAL YEAR BUDGET OF THE CITY OF BUTLER, MISSOURI, APPROPRIATING THE REQUISITE FUNDS FROM THE REVENUES OF THE CITY, PROVIDING FOR THE EXPENDITURES AND ADJUSTMENTS THEREOF, AND PROVIDING FOR THE SALARIES OF THE CITY OFFICERS AND EMPLOYEES**

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. 2017-10 ORDINANCE NO. 1033**

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14. MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE II, SECTION 14-26 AND SECTION 14-27 ASSAULT AND DOMESTIC ASSAULT OF THE CITY OF BUTLER, MISSOURI**

**1<sup>st</sup> Reading**

**Bill NO 2017-10 Ordinance NO 1033**

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

**BILL NO. 2017-10 ORDINANCE NO. 1033**

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14. MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE II, SECTION 14-26 AND SECTION 14-27 ASSAULT AND DOMESTIC ASSAULT OF THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye	Craig Irwin-Aye
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Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett –Aye

2<sup>nd</sup> Reading

Bill NO 2017-10 Ordinance NO  
1033

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

**BILL NO. 2017-10 ORDINANCE NO. 1033**

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.  
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE II,  
SECTION 14-26 AND SECTION 14-27 ASSAULT AND DOMESTIC  
ASSAULT OF THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye  
Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Craig Irwin-Aye  
Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett -Aye

Adoption

Bill NO 2017-10 Ordinance NO  
1033

Motion by Jett, seconded by Irwin to adopt

**BILL NO. 2017-10 ORDINANCE NO. 1033**

**AN ORDINANCE AMENDING THE CITY CODE CHAPTER 14.  
MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE II,  
SECTION 14-26 AND SECTION 14-27 ASSAULT AND DOMESTIC  
ASSAULT OF THE CITY OF BUTLER, MISSOURI**

Motion passed with the following votes:

Jim Garnett-Aye  
Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Craig Irwin-Aye  
Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett -Aye

Motion by Jett to repeal the language in Ordinance NO 1031 due to it being incorrect, seconded by Irwin.

Motion passed with the following votes:

Jim Garnett-Aye  
Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Craig Irwin-Aye  
Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett –Aye

**BILL NO. 2017- 8 ORDINANCE NO. 1031\_**

**AN ORDINANCE CREATING CHAPTER 26. ZONING, ARTICLE VI.  
DIVISION 4., SECTION 26-246., OF THE BUTLER CITY CODE.**

1<sup>st</sup> Reading

Bill NO 2017-8 Ordinance NO 1031

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

**BILL NO. 2017- 8 ORDINANCE NO. 1031\_**

**AN ORDINANCE CREATING CHAPTER 26. ZONING, ARTICLE VI.  
DIVISION 4., SECTION 26-246., OF THE BUTLER CITY CODE.**

Motion passed with the following votes:

Jim Garnett-Aye

Craig Irwin-Aye

Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett –Aye

**2<sup>nd</sup> Reading**

**Bill NO 2017-8 Ordinance NO 1031**

Motion by Garnett, seconded by Irick for seconded reading by title only of  
**BILL NO. 2017- 8 ORDINANCE NO. 1031\_  
AN ORDINANCE CREATING CHAPTER 26. ZONING, ARTICLE VI.  
DIVISION 4., SECTION 26-246., OF THE BUTLER CITY CODE.**

Motion passed with the following votes:

Jim Garnett-Aye  
Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Craig Irwin-Aye  
Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett –Aye

**Adoption**

**Bill NO 2017-8 Ordinance NO 1031**

Motion by Stark, seconded by Irick to adopt  
**BILL NO. 2017- 8 ORDINANCE NO. 1031\_  
AN ORDINANCE CREATING CHAPTER 26. ZONING, ARTICLE VI.  
DIVISION 4., SECTION 26-246., OF THE BUTLER CITY CODE.**

Motion passed with the following votes:

Jim Garnett-Aye  
Brian Phillips-Aye  
Mike Irick-Aye  
Gayle Stark-Aye

Craig Irwin-Aye  
Terry Agnew-Aye  
Gayle Cook-Aye  
Carolyn Jett –Nay

**REPORTS**

**CITY CLERK**

Snead made a request on behalf of the Electric City Downtown, that the remaining money from the original \$9,000.00 that was pledged during the 2016-2017 budget year to the Electric City Downtown. Be given to them so they can continue with the revitalization efforts of the Butler Square. The remaining amount to be given is \$2,633.19. Motion by Cook to give the Electric City Downtown \$2,633.19 so they can continue with the revitalization efforts, seconded by Stark. Motion passed unanimously by a show of hands. Snead thanked the council for allowing him to attend the state wide city clerk convention last week.

**POLICE CHIEF**

No Report.

**CITY ATTORNEY**

Wanted to thank the Police Department on testifying in current court cases. That Code Enforcement Officer Brian Boyd is doing a good job and tickets are getting resolved before court.

**CITY ADMIN**

**Business Licenses**

Koehn we need to look into start charging for business licensees on every business.

**Fiber**

Koehn is still looking into fiber for the city. A company is currently doing fiber

out at the hospital

**Higher Education**

Koehn reported that the State Legislator has put money back into higher education; with this we can start the community college efforts again.

**Fire Department**

Koehn reported that the Fire Department needs to purchase new hoses for this fiscal year. The cost of the new hoses is \$13,000.00. Motion by Garnett to approve the purchase of the new hoses for the Fire Department for \$13,000.00, seconded by Irick Motion passed unanimously by a show of hands.

**Utility Bills**

Koehn wanted to remind everyone that there is a chain of command when someone has a problem with a utility bill or shut off. The utility clerks will handle the problem first if it needs to go further the next step is Mary Jo Cook as the Office Manager and then finally the City Administrator.

**PUBLIC WORKS**

Trent Diehl presented the council with a proposal to replace the water lines on Summit Street. Three bids came in for the two inch lines that are needed. The best bid was from HD Supply for \$17,990.64. Motion by Stark to accept the bid from HD Supply for \$17,990.64 for the water lines, seconded by Irick. Motion passed unanimously by a show of hands.

**CODE ENFORCEMENT**

The Lockard house on Fort Scott Street has been torn down and cleaned up. Currently there are four unsafe structures in town and is in the process of making sure they get torn down. 518 N. Main is finally getting cleaned up.

**MAYOR**

Thanked all the departments for their hard work over the past several weeks. Thankful that the wind storm went around us and nothing was harmed.

**COUNCIL MEMBERS**

**GARNETT**

Nothing to Report.

**PHILLIPS**

Thanked Casey, Trent and Corey for their work on the budget for this year. Would like to see the Police Department patrol around the soccer fields. A speed limit sign is posted for 15 MPH, but people are still speeding in that area and a child could get hit.

**IRICK**

Really like the open lines of communication that is going on with all departments to solve problems.

**STARK**

Nothing to Report.

**IRWIN**

Nothing to Report.

**AGNEW**

Would there be any sidewalk repair for this upcoming fiscal year?

**COOK**

Nothing to Report.

**JETT**

Nothing to Report.

**New Business**

None

**ADJOURN**

There being no further business, motion was made by Phillips, seconded by Stark to adjourn the regular session meeting and go into closed session.

ACCORDANCE WITH RSMo 610.021, THE BOARD MAY GO INTO CLOSED SESSION DURING THIS MEETING TO DISCUSS MATTERS OF LITIGATION, LEGAL ACTIONS, AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED UNDER SECTION 610.021(1) AND/OR PERSONNEL UNDER SECTION 610.021(13) AND/OR EMPLOYEE UNDER SECTION 610.021(3)

Roll call vote.

Garnett– Aye Phillips – Aye Irick – Aye Stark – Aye Irwin – Aye Agnew – Aye Cook – Aye Jett - Aye

ATTEST

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Mayor Don H. Malan

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Corey Snead  
City Clerk