

MEETING OF THE CITY COUNCIL
April 4, 2017

The Butler City Council met in regular session on Tuesday, April 4, 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 Chief Randy Beshore, Public Works Director Trent Diehl, City Attorney Tom Addleman and Code Enforcement Officer Brian Boyd.

OTHER GUESTS

Linn Nitsche, Gayle Alexander, Betty Irwin and Sharon Scrogam

APPROVE CONSENT AGENDA

Motion by Phillips seconded by Irick to approve the minutes of the regular and closed sessions March 21st. Motion passed unanimously by a show of hands.

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

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

DELETION/ADDITION TO AGENDA

None

SCHEDULED GUESTS

Betty Irwin

Sharon Scrogam spoke on behalf of Betty Irwin and the issue she is having at 611 N. Delaware. Councilman Craig Irwin excused himself from any discussion and vote on this matter since it deals with his Mother. A code violation was sent to Mrs. Irwin about the ditch along her property on Nursery and Delaware Street. The violation was that leaves had collected in the ditch and needed to be removed so that proper drainage could happen. According to city ordinance the property owner is responsible for maintaining the ditches on their property. Mrs. Scrogam passed around pictures of the property before and after the clean up. They had cleaned seven 39 gallon trash bags from the ditch and two truck beds full of leaves. That not all of these leaves were Betty

Irwin's and did not fall from her trees. That she lives at the bottom of the hill and these leaves come from other surrounding properties. Mrs. Scrogham also presented pictures showing that in some areas that there was a 3 foot drop from Nursery to the ditch and this was a safety hazard as well. Code Officer Brain Boyd pointed out that the Street Department was concerned about this area because it was supposed to rain and the leaves would clog the whistle. Boyd showed pictures of other ditches in town that he has also sent code violations to because of the same issue. Public Works Director Trent Diehl stated that estimates to fix the problem at Delaware and Nursery would cost around \$100,000.00 to fix the storm drain and widen the street. The issue was sent to the Public Safety Committee for further review.

COMMITTEES

None

BOARDS AND COMMISSIONS

Zoning Board

Phillips reported on the Zoning Board of Adjustment meeting before council at 5:30 pm. A variance came before them at 805 Rice Road South Side Lumber for a gravel driveway. The variance was approved by the board.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS

None

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

Resolution 430

A resolution authorizing execution of a pole attachment agreement with Fidelity Communication. An agreement to use the city utility poles. Motion by Jett to execute the agreement with Fidelity Communications, seconded by Irick. Motion passed unanimously by a show of hands.

REPORTS

CITY CLERK

Snead advised council of a City Officials workshop that Lauber Law firm is holding April 22, 2017 in Appleton City.

POLICE CHIEF

No Report.

CITY ATTORNEY

No Report.

CITY ADMIN

RFQ'S

Last Council meeting Koehn asked for permission to send out RFQs for electrical engineering services. Koehn has been working on an RFQ but would

like to include much needed other services for our water treatment, water distribution, waste water treatment, sewer collection and street departments. Motion by Phillips to add all departments for the RFQ's that Koehn is currently working on, seconded by Garnett. Motion passed unanimously by a show of hands.

Fiber	Koehn is seeking permission from council to go out in the community and see if citizens would want fiber. Koehn would like to put a survey together and present that to the public. The goal is not to cost the tax payers any money for getting fiber to Butler. Motion by Jett to allow Koehn to move forward with doing a survey for fiber, seconded by Garnett. Motion passed unanimously by a show of hands.
Higher Education	Koehn held a meeting with Rep. Patricia Pike, Larry Hacker and Dr. Kirk Nooks regarding the proposed Community College and the way forward. Many items were discussed including possible USDA funding through grants and/or loans. We will be meeting with a USDA representative on April 10 th to discuss further options.
House Bill No 656	In the packet is House Bill No 656 and a letter regarding said bill. This bill, if passed, will have significant negative impacts on the City of Butler. This bill would end franchise fees that telecommunication companies pay. The City of Butler could lose \$200,000.00 in revenue.
Hoffman	A letter thanking Ronald and Margaret Hoffman for the dedication of the east portion of Russell Street to Mechanic Street. This will help fix current sewer issues in this area. Motion by Stark to have the Mayor signs the Thank You letter to the Hoffman's, seconded by Jett. Motion passed unanimously by a show of hands.
Municipal Court	On April 21 st , the City of Rich Hill will be holding court along with the City of Butler and will be handled by a clerk at the Bates County Courthouse. On July 21 st , the City of Adrian will begin to hold court with the City of Butler and will also use a clerk from the County.
PUBLIC WORKS	No Report.
CODE ENFORCEMENT	Grass season is upon us and we will have more issues with ditches and them not being mowed properly.
MAYOR	Thanked all the departments for their hard work over the past several weeks.

COUNCIL MEMBERS

GARNETT

Nothing to Report.

PHILLIPS

Thanked the Police Department for watching the soccer fields and the speed limit around them. Called for a Public Safety meeting at 6:30 p.m. before the next council meeting. To discuss street safety and dumpsters.

IRICK

Nothing to Report.

STARK

Had a complaint about an empty dumpster sitting at a property for an extended amount of time. Boyd stated there is nothing in the code against an empty dumpster. He can only do something if the dumpster is over flowing.

IRWIN

Nothing to Report.

AGNEW

Nothing to Report.

COOK

Nothing to Report.

JETT

Nothing to Report.

New Business

Hay Bids

Snead reported two bids had come in for the hay bids one for each track. Randy Rader for Track 1 at \$10 per acre and Robert Shine for Track 2 at \$31 per acre. Both of these gentlemen have had these tracks in the past, this time the bid would be for three years. Motion by Cook to accept the bids from Rader and Shine for the hay bids, seconded by Garnett. Motion passed unanimously by a show of hands.

Fire Department

Koehn presented quotes for the fire department to buy a new washer and dryer. These are special machines to handle their uniforms. The low bid came from Extractor washer and dryer for \$13,961.00. The fire department also needed to buy piston valves for the pumper fire truck. The current valves are broken and need replaced. Cost of the new valves is \$3,660.00. Motion by Irick to approve the purchase of the washer, dryer and the new valves, seconded by Phillips. Motion passed unanimously by a show of hands.

ADJOURN

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

ATTEST

Corey Snead
City Clerk

Mayor Don H. Malan