

**MEETING OF THE CITY COUNCIL
DECEMBER 19, 2017**

The Butler City Council met in regular session on Tuesday, December 19, 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
David Brown	Terry Agnew
Mike Irick	Gayle Cook
Gayle Stark	Carolyn Jett

OTHERS PRESENT

Others present were City Administrator Casey Koehn, City Clerk Corey Snead, Public Works Director Trent Diehl and Code Enforcement Officer Brian Boyd, City Attorney Jennifer Baird and Police Chief Randy Beshore.

OTHER GUESTS

Linn Nitsche, Sam MacDonald, Gayle Alexander, Ement Potts, Betty Irwin, Marci Irwin, Steven Mullis and Gary Schowengerdt

APPROVE CONSENT AGENDA

Motion by Stark, seconded by Irwin to approve the minutes of the December 5th regular session. Motion passed unanimously by a show of hands.

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

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

**DELETION/ADDITION TO
AGENDA**

Add the agreement with the Mt. Pleasant Township and the City of Butler to new business. Motion by Stark to add the agreement between the Mt. Pleasant Township and the City of Butler to new business, seconded by Irick. Motion passed unanimously by a show of hands.

SCHEDULED GUESTS

Ement Potts – Employment

Emmitt Potts came before council about employment opportunities with the city. Mr. Potts has tried several times to get hired by the city and has not had any luck yet. Mr. Potts wanted to know if he was hireable by the city. He has spoken with Public Works Director Trent Diehl several times about positions that are open. Mr. Potts was informed that City Council does not make the

decisions on hiring that the Department Heads do. That his application is still on file with the city and could be looked at accordingly when a position comes open again.

COMMITTEES

Finance

Jett reported that the Finance Committee met before City Council at 6:00 p.m. That they are moving forward with putting a one half (½) of one cent sales tax on the ballot in April for fiber. An ordinance about the tax will come before council at the next meeting.

Operations

Agnew reported that the Operations Committee met before last City Council meeting. Right of Way maintenance was the topic of discussion and how the City should handle it going forward. Public Works Director Trent Diehl has a map of problems areas in the city that needs to be cleaned of leaves. He is working to finalize the map and present it to City Council for approval. The pickup of leaves in these areas identified would start next fall.

BOARDS AND COMMISSIONS

Park

Garnett reported that the Park Commission met on December 7th. Waiting on bids for the East baseball field to come in. Working on completing the North Park shelter. Looking at interns for a part-time Activities Director job.

Planning

Koehn reported that the Planning Commission met on December 12th. Approved the ordinances for the rezoning.

UNFINISHED BUSINESS

None

BILLS, ORDINANCES, RESOLUTIONS, POLICES and PROCLAMATIONS

**BILL NO. 2017-23
Ordinance NO. 1046**

**BILL NO. 2017-23 ORDINANCE NO: 1046
AN ORDINANCE EXTENDING THE EXISTING MORATORIUM ON
APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT FOR
APPEALS, VARIANCES, OR OTHER DUTIES OF SUCH BOARD OF THE
CITY OF BUTLER AN ADDITIONAL TWENTY-NINE (29) DAYS IN ORDER
TO PROVIDE NOTICE AND HOLD PUBLIC HEARINGS REGARDING THE
PROPOSED CHANGES TO THE ZONING CODE.**

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

**1st Reading
Bill NO. 2017-23
Ordinance NO. 1046**

**BILL NO. 2017-23 ORDINANCE NO: 1046
AN ORDINANCE EXTENDING THE EXISTING MORATORIUM ON
APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT FOR
APPEALS, VARIANCES, OR OTHER DUTIES OF SUCH BOARD OF THE
CITY OF BUTLER AN ADDITIONAL TWENTY-NINE (29) DAYS IN ORDER
TO PROVIDE NOTICE AND HOLD PUBLIC HEARINGS REGARDING THE
PROPOSED CHANGES TO THE ZONING CODE.**

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

2nd Reading
Bill NO. 2017-23
Ordinance NO. 1046

Motion by Jett for second reading by title only, seconded by Stark.

BILL NO. 2017-23 ORDINANCE NO: 1046
AN ORDINANCE EXTENDING THE EXISTING MORATORIUM ON APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT FOR APPEALS, VARIANCES, OR OTHER DUTIES OF SUCH BOARD OF THE CITY OF BUTLER AN ADDITIONAL TWENTY-NINE (29) DAYS IN ORDER TO PROVIDE NOTICE AND HOLD PUBLIC HEARINGS REGARDING THE PROPOSED CHANGES TO THE ZONING CODE.

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

Adoption
Bill NO. 2017-23
Ordinance NO. 1046

Motion by Jett to adopt, seconded by Irick.

BILL NO. 2017-23 ORDINANCE NO: 1046
AN ORDINANCE EXTENDING THE EXISTING MORATORIUM ON APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT FOR APPEALS, VARIANCES, OR OTHER DUTIES OF SUCH BOARD OF THE CITY OF BUTLER AN ADDITIONAL TWENTY-NINE (29) DAYS IN ORDER TO PROVIDE NOTICE AND HOLD PUBLIC HEARINGS REGARDING THE PROPOSED CHANGES TO THE ZONING CODE.

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

PUBLIC HEARINGS

Zoning Classification

A CHANGE IN ZONING CLASSIFICATION FROM A-1 AND R-1 TO C-3 ON CERTAIN LAND LOCATED WITHIN THE CITY OF BUTLER, MISSOURI. Mayor Malan open the public hearing at 7:39 Jennifer Baird from Lauber Municipal Law Firm entered the following information into exhibit. Rezoning Map, Letters mailed to Property Owners within 185 feet (including certified return receipts), Notice published in the newspaper of the Public Hearing, Chapter 26 – Zoning chapter of the Municipal Code, Staff Report dated December 5, 2017 and Resolution No. 2017-02. Being no further comments Mayor Malan closed the public hearing at 7:42 p.m.

BILLS, ORDINANCES,
RESOLUTIONS, POLICES and
PROCLAMATIONS

BILLNO. 2017-24 ORDINANCE NO: 1047
AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM A-1 AND R-1 TO C-3 ON CERTAIN LAND LOCATED WITHIN THE CITY OF BUTLER, MISSOURI, IN ACCORDANCE WITH CHAPTER 26, ZONING REGULATIONS, OF THE CITY CODE OF THE CITY OF BUTLER, MISSOURI.

1st Reading
Bill NO. 2017-24
Ordinance NO. 1047

Motion by Garnett for first reading by title only, seconded by Agnew.

BILLNO. 2017-24 ORDINANCE NO: 1047
AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM A-1 AND R-1 TO C-3 ON CERTAIN LAND LOCATED WITHIN THE CITY OF BUTLER, MISSOURI, IN ACCORDANCE WITH CHAPTER 26,

ZONING REGULATIONS, OF THE CITY CODE OF THE CITY OF BUTLER, MISSOURI

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

2nd Reading

Bill NO. 2017-24

Ordinance NO. 1047

Motion by Jett for second reading by title only, seconded by Irwin.

BILLNO. 2017-24 ORDINANCE NO: 1047

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM A-1 AND R-1 TO C-3 ON CERTAIN LAND LOCATED WITHIN THE CITY OF BUTLER, MISSOURI, IN ACCORDANCE WITH CHAPTER 26, ZONING REGULATIONS, OF THE CITY CODE OF THE CITY OF BUTLER, MISSOURI.

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

Adoption

Bill NO. 2017-24

Ordinance NO. 1047

Motion by Jett to adopt, seconded by Irick.

BILLNO. 2017-24 ORDINANCE NO: 1047

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM A-1 AND R-1 TO C-3 ON CERTAIN LAND LOCATED WITHIN THE CITY OF BUTLER, MISSOURI, IN ACCORDANCE WITH CHAPTER 26, ZONING REGULATIONS, OF THE CITY CODE OF THE CITY OF BUTLER, MISSOURI.

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

PUBLIC HEARINGS

Conditional Uses

AMENDING SECTION 26-136 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ADDRESS THE PROCESS FOR CONSIDERING AND APPROVING CONDITIONAL USES WITHIN THE CITY. Public hearing was opened by Mayor Malan at 7:44 p.m. Jennifer Baird from Lauber Municipal Law Firm entered the following information into exhibit. Notice published in the newspaper of the Public Hearing, Chapter 26 – Zoning chapter of the Municipal Code, Staff Report dated December 5, 2017 and Resolution No. 2017-01. Being there Was no further comments Mayor Malan closed the public hearing at 7:46 p.m.

**BILLS, ORDINANCES,
RESOLUTIONS, POLICES and
PROCLAMATIONS**

BILL NO. 2017-25 ORDINANCE NO: 1048

AN ORDINANCE AMENDING SECTION 26-136 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ADDRESS THE PROCESS FOR CONSIDERING AND APPROVING CONDITIONAL USES WITHIN THE CITY.

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

1st Reading

Bill NO. 2017-25

Ordinance NO. 1048

BILL NO. 2017-25 ORDINANCE NO: 1048

AN ORDINANCE AMENDING SECTION 26-136 OF THE CITY OF BUTLER

ZONING ORDINANCE, TO ADDRESS THE PROCESS FOR CONSIDERING AND APPROVING CONDITIONAL USES WITHIN THE CITY.

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

2nd Reading

Bill NO. 2017-25

Ordinance NO. 1048

Motion by Irwin for second reading by title only, seconded by Agnew.

BILL NO. 2017-25 ORDINANCE NO: 1048

AN ORDINANCE AMENDING SECTION 26-136 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ADDRESS THE PROCESS FOR CONSIDERING AND APPROVING CONDITIONAL USES WITHIN THE CITY.

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

Adoption

Bill NO. 2017-25

Ordinance NO. 1048

Motion by Jett to adopt, seconded by Irick.

BILL NO. 2017-25 ORDINANCE NO: 1048

AN ORDINANCE AMENDING SECTION 26-136 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ADDRESS THE PROCESS FOR CONSIDERING AND APPROVING CONDITIONAL USES WITHIN THE CITY.

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

PUBLIC HEARINGS

Crematoriums

AMENDING SECTIONS 26-103 AND 26-108 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ALLOW CREMATORIAL USES AS A CONDITIONAL USE IN ZONING DISTRICTS R-2 AND C-3 IN THE CITY.

Public Hearing was opened by Mayor Malan at 7:50 p.m. Jennifer Baird from Lauber Municipal Law Firm entered the following information into exhibit. Notice published in the newspaper of the Public Hearing, Chapter 26 – Zoning chapter of the Municipal Code, Staff Report dated December 5, 2017 and Resolution No. 2017-03. There being no further comments Mayor Malan closed the public hearing at 7:53 p.m.

**BILLS, ORDINANCES,
RESOLUTIONS, POLICES and
PROCLAMATIONS**

BILL NO. 2017-26 ORDINANCE NO: 1049

AN ORDINANCE AMENDING SECTIONS 26-103 AND 26-108 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ALLOW CREMATORIAL USES AS A CONDITIONAL USE IN ZONING DISTRICTS R-2 AND C-3 IN THE CITY.

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

1st Reading

Bill NO. 2017-26

Ordinance NO. 1049

BILL NO. 2017-26 ORDINANCE NO: 1049

AN ORDINANCE AMENDING SECTIONS 26-103 AND 26-108 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ALLOW CREMATORIAL USES AS A CONDITIONAL USE IN ZONING DISTRICTS R-2 AND C-3 IN THE CITY.

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

Garnett – Aye Stark – Aye Agnew – Aye Jett – Aye

2nd Reading

Bill NO. 2017-26

Ordinance NO. 1049

Motion by Jett for second reading by title only, seconded by Irwin.

BILL NO. 2017-26 ORDINANCE NO: 1049

AN ORDINANCE AMENDING SECTIONS 26-103 AND 26-108 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ALLOW CREMATORIALS AS A CONDITIONAL USE IN ZONING DISTRICTS R-2 AND C-3 IN THE CITY.

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

Garnett – Aye Stark – Aye Agnew – Aye Jett – Aye

Adoption

Bill NO. 2017-26

Ordinance NO. 1049

Motion by Garnett to adopt, seconded by Agnew.

BILL NO. 2017-26 ORDINANCE NO: 1049

AN ORDINANCE AMENDING SECTIONS 26-103 AND 26-108 OF THE CITY OF BUTLER ZONING ORDINANCE, TO ALLOW CREMATORIALS AS A CONDITIONAL USE IN ZONING DISTRICTS R-2 AND C-3 IN THE CITY.

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

Garnett – Aye Stark – Aye Agnew – Aye Jett – Aye

BILLNO.2017-27 ORD. NO: 1050

BILL NO. 2017-27 ORDINANCE NO: 1050

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT, BY AND BETWEEN THE CITY OF BUTLER, MISSOURI, AND THE TOWNSHIP OF MOUNT PLEASANT, MISSOURI FOR THE PURPOSE OF ROADWAY REPAIR AND MAINTANENCE.

1st Reading

Bill NO. 2017-27

Ordinance NO. 1050

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

BILL NO. 2017-27 ORDINANCE NO: 1050

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT, BY AND BETWEEN THE CITY OF BUTLER, MISSOURI, AND THE TOWNSHIP OF MOUNT PLEASANT, MISSOURI FOR THE PURPOSE OF ROADWAY REPAIR AND MAINTANENCE.

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

Garnett – Aye Stark – Aye Agnew – Aye Jett – Aye

Motion by Irwin for second reading by title only, seconded by Stark.

2nd Reading

Bill NO. 2017-27

Ordinance NO. 1050

BILL NO. 2017-27 ORDINANCE NO: 1050

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT, BY AND BETWEEN THE CITY OF BUTLER, MISSOURI, AND THE TOWNSHIP OF MOUNT PLEASANT, MISSOURI FOR THE PURPOSE OF ROADWAY REPAIR AND MAINTANENCE.

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

Garnett – Aye Stark – Aye Agnew – Aye Jett – Aye

Adoption
Bill NO. 2017-26
Ordinance NO. 1049

Motion by Stark to adopt, seconded by Cook.

BILL NO. 2017-27 ORDINANCE NO: 1050
AN ORDINANCE AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT, BY AND BETWEEN THE CITY
OF BUTLER, MISSOURI, AND THE TOWNSHIP OF MOUNT PLEASANT,
MISSOURI FOR THE PURPOSE OF ROADWAY REPAIR AND
MAINTANENCE.

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

Reports

CITY CLERK

April election filing will run through January 16th at 5:00 p.m. We will be starting a quarterly newsletter from the city called the Electric City News. The first issue will come out mid to late January.

POLICE CHIEF

No Report.

CITY ATTORNEY

No Report.

CITY ADMIN

Fiber

Fiber- Per Council request, Koehn put together a team to review the fiber project and a possible way to fund the project. Koehn met with our attorneys, financial advisor and engineer in Lee's Summit last week to put a plan together for City Council to look at and possibly go forward next month.

Project Cold

We have heard back from MO Partnership regarding Project Cold. This was an RFI that was filled out in late August and submitted. The Bates Co Econ Developer and Koehn presented to the Company in St Louis and the City of Butler has made the next cut. The consultant for the company will be running pro-forma operating expense models for each remaining community and gathering information for specific costs. We were contacted by the State and will be hosting a visit sometime in January.

Budget

Koehn continues to work on the budget, employee evaluations, training for employees and a capital improvement plan for infrastructure.

Industrial Park

Koehn will be meeting with Chris Brownell, MoDOT's Railroad Projects Manager in December to discuss possible alternative entry points to the Industrial Park. In your packet is a GIS map of the Industrial Park with possible new entry points. If any Councilmember would like to attend the meeting, please let Koehn know.

**BATES COUNTY ECONOMIC
DEVELOPER**

The CLG letter has been signed by the Mayor and will be sent off. Been

working with Jana Rosia on commercial properties to advertise what Butler has to offer in a program called Lotus One. Has submitted a RFI for a call center.

PUBLIC WORKS

Will have items in new business to discuss.

CODE ENFORCEMENT

No Report.

MAYOR

Would like to thank all the city employees for their hard work.

COUNCIL MEMBERS

GARNETT

Nothing to Report.

BROWN

Would like to see something done about the railroad underpass on Ft. Scott.

IRICK

Nothing to Report.

STARK

Nothing to Report.

IRWIN

Nothing to Report.

AGNEW

Nothing to Report,

COOK

Nothing to Report.

JETT

Nothing to Report.

New Business

Township Agreement

Motion by Jett to approve the agreement with Mt. Pleasant Township and the City of Butler for the road work on Elks Drive. With the correction in the agreement instead of content it read scope of work, seconded by Garnett. Motion passed unanimously by a show of hands.

Service Truck

Motion by Stark to approve the purchase of a new service truck for the Water/Sewer Department from Max Motors for \$27,641.84, seconded by Cook. Motion passed unanimously by a show of hands.

Utility Truck Bed

Motion by Jett to approve the purchase of a new truck utility bed from Kranz of Kansas City for \$7,000.00, seconded by Stark. Motion passed unanimously by a show of hands.

Pole Change Outs

Motion by Jett to do six pole change out from Kiowa Line Builders for \$13,126.00, seconded by Irick. Motion passed unanimously by a show of hands.

ADJOURN

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

Mayor Don H. Malan

ATTEST

Corey Snead
City Clerk