

**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 5<sup>th</sup> 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 hirable 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 maintence 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 7<sup>th</sup>. 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 12<sup>th</sup>. Approved the ordinances for the rezoning.

## UNFINISHED BUSINESS

### **BILLS, ORDINANCES, RESLOUTIONS. 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.

### **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

2<sup>nd</sup> 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

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.**

1<sup>st</sup> 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

**2<sup>nd</sup> 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.

**BILL NO. 2017-25 ORDINANCE NO: 1048**

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

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

**Bill NO. 2017-25**

**Ordinance NO. 1048**

**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

**2<sup>nd</sup> 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 CREMATORIUMS 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 CREMATORIUMS 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.

**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 CREMATORIUMS AS A CONDITIONAL USE IN ZONING DISTRICTS R-2 AND C-3 IN THE CITY.**

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

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

**Bill NO. 2017-26**

**Ordinance NO. 1049**

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

2<sup>nd</sup> 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 CREMATORIUMS 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

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 CREMATORIUMS 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

**BILL NO. 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 MAINTANANCE.**

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 MAINTANANCE.**

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.

**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 MAINTANANCE.**

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

2<sup>nd</sup> Reading

Bill NO. 2017-27

Ordinance NO. 1050

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 16<sup>th</sup> 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.

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Mayor Don H. Malan

**ATTEST**

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Corey Snead  
City Clerk