

## CITY COUNCIL MEETING OF JANUARY 14, 2019

A meeting of the Warrensburg City Council was held on January 14, 2019, at 7:00 p.m., at the Municipal Center, 200 S. Holden, with Mayor Danielle Johnston presiding. Roll was called as follows: Present were: Jacobs, Lund, Watts, Allen, Johnston. Absent: none.

Minutes of the December 10, 2018 meeting were considered. Jacobs moved to approve the minutes of the December 10, 2018, City Council meeting. Yes: Jacobs, Lund, Johnston. No: none. Abstained: Watts and Allen.

The adoption of the agenda was considered. Lund moved to amend the agenda and move Item 10, Appearances to the Council Not Listed on the Agenda, to the beginning of the agenda. Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none.

Under Appearances to the Council Not Listed on the Agenda, Mayor Johnston called Chris Caldwell, 1441 Grandview Drive, Warrensburg. Caldwell said he had questions about the commuter parking lot by Cayhill. Caldwell said he uses the lot, and it has not been plowed since the snow. He also said the entrance has been extremely rough, making it hard to get in and out of the lot. City Manager Harold Stewart said if Caldwell would contact him tomorrow morning, he will give him the contact information for the district engineer with the Missouri Department of Transportation.

Also under appearances was Jack Mitchell, 503 NE 107<sup>th</sup>, Kansas City, MO. Mitchell said he is Chairman of Governmental Affairs, and he often talks to the Department of Health regarding policies of local governments. Mitchell said he had noticed the second reading of the ordinance concerning marijuana. He said he is surprised about the sensitivity of the proposed ordinance concerning alcohol facilities or stores. Mitchell said he was interested in the alcohol sales in relation to medical marijuana.

Jerry Franklin, Warrensburg, said he has some of the same concerns as Jack Mitchell, but he believes there is some protection because this new law states that marijuana sales are by prescription only. Franklin said he believes this will add new jobs to this area and will mean more sales tax opportunities for the City. He said many consumers might go to another city to purchase the product. Franklin said he does want it known that he has a vested interest in those wanting to purchase medical marijuana because of land he owns.

Mayor Johnston opened a Public Hearing on An Ordinance Approving a Conditional Use Permit for Land Use 8.100 in an LI: Light Industrial District Located at 1095 South Mitchell Street in the City of Warrensburg, Missouri. Community Development Director Barbara Carroll said this strip mall has been located off South Mitchell Street for some time in a Light Industrial District. She said previously there was a hair salon at this location. Carroll said they would like to utilize a portion of this for bridal showers and various other events. She said since there is a kitchen area, it does fall into the land use as a restaurant, and in a Light-Industrial District a Conditional Use Permit is required. Chris Myers, applicant for the Conditional Use Permit, said this application is intended to generate income from this property. He said they would like to try this rather than leaving the building empty. As there was no further discussion, the Public Hearing was closed.

Mayor Johnston opened a Public Hearing on an Ordinance Enlarging an R3: Low-Density Multi-

Family Residence District by Rezoning Land Located at 615 Lakeview Drive from GB: General Business District to R3: Low-Density Multi-Family Residence District. Carroll said this property is south of the Veterinary Clinic, and the owner has had difficulty selling it. She said the conventional financing of the proposed buyer has been difficult to obtain because of the current zoning. Carroll said City staff is in favor of the rezoning because it is an extension of an existing R3 district. As there was no further discussion, the Public Hearing was closed.

Bill No. 1-1-19 being for an Ordinance Amending Chapter 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Marijuana Related Uses was read for the second time by title. Carroll said there was a Public Hearing and a first reading of this ordinance at the December City Council meeting. She said two sets of maps have been created by City Staff. Carroll explained the difference in the maps, one map shows the buffers created around the distance separation requirements for the original ordinance presented in December, and the other map shows the buffers created around the distance separation requirements in the revised ordinance. Carroll explained the color coding on the maps and the zoning districts that are not covered by a buffer color are the areas where marijuana related uses can be located. She said the changes from the original ordinance are the location and distance restrictions. Carroll said liquor by the drink and packaged liquor sales have been reduced from 500 feet to 250 feet.

Stewart said the City would like to see a buffer between the sales and the facilities. He said City staff is trying to look ahead to future changes in the use of marijuana. Stewart said the City has been advised by City Counselor Doug Harris that it may be difficult to make future changes in restrictions should marijuana use change from medical to recreational. Stewart said when something is grandfathered in, it becomes difficult to make any future changes to any restrictions.

Stewart said City staff worked on this with the thought that the super majority voted in favor of medical marijuana sales. He said City staff has tried not to overly restrict and to take into consideration certain areas such as parks, residential areas, schools, child day-care centers, churches and libraries where sales should not be close. Stewart said City staff was also trying to plan for future development in some areas.

Council member Jacobs said he is not sure the package sales buffer is needed because the alcohol cannot be opened at the time. Mayor Johnston pointed out those selling liquor by the drink do not allow the alcohol to be removed from the business. Council member Allen asked several questions about the location of the marijuana facilities. Stewart explained there will be changes as businesses close or change location.

Council member Watts said he agreed with Jacobs about alcohol sales with a 100-foot buffer with package sales taken out. Mayor Johnston said after recently spending a week in Las Vegas, she believes alcohol sales can be removed from the buffer for both liquor by the drink and packaged sales. Chairman Pro Tem Lund said his concern is safety, and he does not like providing two forms of impairment at one location. Lund said he would agree with removing package sales but would like liquor by the drink to remain at this time.

Jacobs moved to amend the bill, according to City staff's new proposal, minus the provision on packaged sales. Stewart clarified this would include the 100 foot-buffer and 250 feet-buffers for liquor by the drink. Yes: Jacobs, Lund, Watts. No: Allen, Johnston. Jacobs moved to approve the bill as amended. Roll was called for the adoption or rejection of said bill as follows: Yes:

Jacobs, Lund, Watts. No: Allen, Johnston. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5494.

Bill No. 1-2-19 being for an Ordinance Approving a Conditional Use Permit for Land Use 8.100 in an LI: Light Industrial District Located at 1095 South Mitchell Street in the City of Warrensburg, Missouri, was read for the first time by title. Lund moved said bill be passed to second reading by title. Carried unanimously. Said bill was read a second time. Roll was called for the adoption or rejection of said bill as follows: Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5495.

Bill No. 1-3-19 being for an Ordinance Enlarging an R3: Low-Density Multi-Family Residence District by Rezoning Land Located at 615 Lakeview Drive from GB: General Business District to R3: Low-Density Multi-Family Residence District was read for the first time by title. Watts moved said bill be passed to second reading by title. Carried unanimously. Said bill was read a second time. Roll was called for the adoption or rejection of said bill as follows: Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5496.

Bill No. 1-4-19 being for an Ordinance Amending Ordinance 5474 Concerning the Adopted FY19 Annual Budget for the General Fund was read for the first time by title. Police Chief Rich Lockhart said this was a fundraiser to replace the department's old automatic electronic defibrillators (AED's). Lockhart said because of the generosity in this community, a total of \$17,139.06 was raised. He said these funds were placed in the City's donation account. Lockhart said with this budget amendment, the department will be able to purchase new AED's. Jacobs moved said bill be passed to second reading by title. Carried unanimously. Said bill was read a second time. Roll was called for the adoption or rejection of said bill as follows: Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5497.

Bill No. 1-5-19 being for an Ordinance Amending Ordinance 5474 Concerning the Adopted FY19 Annual Budget for the General Fund was read for the first time by title. Lockhart said in FY18, \$2,759.56 was received in Federal Forfeiture Funds. He said these funds must be tracked and spent for compliance purposes. Lockhart said these funds were not spent in FY18, so this budget request will allow use of these funds in FY19. Allen moved said bill be passed to second reading by title. Carried unanimously. Said bill was read a second time. Roll was called for the adoption or rejection of said bill as follows: Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5498.

Bill No. 1-6-19 being for an Ordinance of the City of Warrensburg, Missouri, Establishing a Lodging Tax of Five Percent (5%) and Submitting to the Voters the Same Pursuant to Section 67.1000 RSMO was read for the first time by title only. Stewart said the Warrensburg Convention and Tourism Bureau (W.C.V.B.) met this week and voted to submit this to the voters in April. He said the current lodging tax amount is 2.5 per cent, and this would increase the amount to 5 per cent. Stewart said this is to help promote efforts to increase tourism in the City. Council member Watts said it is important to note this increase would be paid by those staying in the hotels in Warrensburg. Allen moved said bill be passed to second reading by title. Carried unanimously. Said bill was read a second time. Roll was called for the adoption or rejection of said bill as follows: Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5499.

In Other Business was a Preliminary Plat of Hunter Hollow, 3<sup>rd</sup> Plat. Carroll said this is for property on West Gay Street. Carroll said this would create six buildable lots with one undevelopable tract of land in the back. Carroll said no permit would be issued for the land in the undevelopable area. She said City staff recommends approval of the preliminary plat with six conditions that will need to be addressed and resubmitted to City staff. Carroll said a voice vote is necessary for approval of this plat with the conditions. Watts moved to approve the preliminary plat. Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Carried unanimously.

In Other Business was Discussion of the Pertle Springs Street Car Project. Stewart said several months ago there were discussions of the restoration of the street cars. He said Bob and Tim Bryant, former Warrensburg residents, are interested in developing the restoration of the street cars. After previous discussions with former City Council members, the Bryants were given a Resolution of Support in 2015.

Stewart said the Bryants have asked the Resolution of Support be reaffirmed by the Mayor and City Council members. Stewart said he has significant concerns about the impact and feasibility of this project. He said at this time the City has bigger priorities such as the Maguire Street Bridge Project. Stewart said he is in favor of preserving history in Warrensburg but does not feel this project is in demand at the time since Pertle Springs is no longer used. Stewart said there have been many changes in transportation since the trolley ran from downtown to Pertle Springs. Stewart said if the City Council does decide to promote this form of transportation, City staff will do all they can to support this project. Stewart said at this time his recommendation is to politely decline supporting this project.

Jacobs said he is concerned about the impact to the infrastructure by adding the tracks. Stewart added approval from the railroad would be necessary, and he said it would be difficult to obtain. Council member Allen said she is concerned about the maintenance and expense of this project. Council member Watts said he is concerned about the maintainability of this project over the years. Mayor Johnston said she enjoyed the Bryants presentation and the history they shared. Chairman Pro Tem Lund said this could be a private project, and he does not feel that it is feasible at this time.

Bob Bryant said he and his brother tried to address issues in advance of this project and understand the concerns that have been raised. Bryant said they are looking at this as an economic development project and have spoken to the County and University of Central Missouri and have gotten their support. He reported they have had a feasibility study done by a well-known company, and the company found no barriers other than raising the money for the project.

Tim Bryant said they are not wanting any funding for the City for this project. He said they will be getting the money for this project so that it can be built. Both Bryants said they will not obligate the City financially in any way. Mayor Johnston thanked the Bryants for the additional information.

Council member Allen said she does love this concept, but she is not in favor of the rail and having to maintain it. Allen moved the City decline the request for the Resolution. Yes: Jacobs, Lund, Watts, Allen, Johnston. No: none. Motion carried unanimously.

In Other Business was the Holden Street Bike Lane Discussion. Senior Project Manager William Graves said the City received a complaint from Mark Banner from the Murdock Banner

Financial Group located at 206 S. Holden about the removal of parking along the west side of Holden Street. Graves said they explained the project to Banner and the realignment of the street and installation of the bike lanes. Graves said on December 11, 2018, City staff met with the Murdock Group and they asked if the parking could be reinstated. He said City staff is asking for guidance concerning this issue.

Stewart said members of the Murdock Banner Financial Group are at tonight's meeting. Stewart said Chairman Pro Tem Lund and Council member Watts were at the meeting with City staff after the report from the engineer was received. Chairman Pro Tem Lund said the Murdock Banner Financial Group reported there have been multiple complaints from their clients about no parking places and no off-street parking. He said they have listened to their concerns and would like to request the addition of one parking spot. Chairman Pro Tem Lund said this business has been in Warrensburg for over 40 years and the minimal cost will be \$500. He said the ability to drop off and pick-up in that area will also be available. Council member Watts said he agrees with Chairman Pro Tem Lund and he also would like to accommodate their request.

In Possible Mayoral Appointments, Mayor Johnston said she would like to appoint Mason Wirsig to the W.C.V.B. Allen moved to approve. Yes: Jacobs, Lund, Watts, Allen, Johnston. Absent: none. Carried unanimously.

In the City Manager's Report, Stewart said the remodeling project is complete now and he has moved his office. He said a new Human Resources Technician has been hired and more office space has been needed. Stewart said several of the other offices are in the process of moving too.

Stewart said he and Council Member Jacobs drove to Fort Worth, Texas for the International Council of Shopping Centers Conference for the Red River States. He said there were a lot of realtors and developers and Stewart said he thought the conference went well. Stewart said he would like the City to continue to budget for these conferences.

Stewart thanked the Public Works Department for the great job they do on the streets after snow storms. He said he realized this again when he was out of Warrensburg during a snow storm.

In the Director of Finance Report, Finance Director Matthew Lue said revenues were up 27 percent for December. He said sales and use taxes were both higher than in recent months.

As there was no further business, the meeting was adjourned.

Attest:

  
Cindy Gabel, City Clerk

  
Danielle Johnston, Mayor

