

## CITY COUNCIL MEETING MAY 13, 2019

A meeting of the Warrensburg City Council was held on May 13, 2019, at 7:00 p.m., at the Municipal Center, 200 S. Holden, with Mayor Casey Lund presiding. Roll was called as follows: Present were: Brooks, Jacobs, Holmberg, Allen, Lund. Absent: none.

Minutes of the April 22, 2019, City Council meeting were considered. Allen moved to approve the minutes of the April 22, 2019 City Council meeting. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none.

The adoption of the agenda was considered. Jacobs moved to adopt the agenda. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none.

Mayor Lund said there are three Proclamations on tonight's agenda: National Preservation month, National Police Week, and Building Safety Month. Mayor Lund invited those attending for a certain proclamation to come forward when it is read for a group photograph.

Under Presentations was a Report from Missouri American Water Company. Matt Barnhart, General Manager for the Southwest section of Missouri American Water, and David Fiedler, the local Manager of the Warrensburg office, said they were at tonight's meeting to explain upcoming work. Barnhart said there will be extensive work on two wells in the Warrensburg area. Barnhart described the work and said there will also be about \$1.5 million in infrastructure projects.

Fiedler explained the three projects are in high-use areas. He said the upcoming work will help increase the City's ISO ratings. Fiedler said this will improve water flow and the water company hopes to have all work completed by September.

Mayor Lund opened a Public Hearing on an Ordinance Annexing Certain Adjacent Territory into the City of Warrensburg, Missouri, Located at the Southwest Corner of 141 NW 21 Road adjacent to Holden Street. Community Development Director Barbara Carroll said this is a small portion of land close to a larger piece of land that was annexed into the city in 2017. She said this portion of the land was not included in the legal description at the time of the annexation request. Carroll said this property is also owned by Elvin Maloney, and City staff recommends approval. As there was no further comment, the Public Hearing was closed.

Mayor Lund read an Ordinance Annexing Certain Adjacent Territory into the City of Warrensburg, Missouri, located at the Southwest Corner of 141 NW 21 Road Adjacent to Holden Street for the first time by title. This will be considered again at an upcoming meeting.

Bill No. 5-1-19 being for an Ordinance Approving a Contract with the City of Warrensburg Parks and Recreation Director and City Clerk with D. Peyton Roberts Contracting, LLC, for the Community Flat Roof Repair Project was read for the first time by title. Parks and Recreation director Danielle Fesler said \$80,000 has been allocated for a flat roof and bids were received for this project. She said this is to repair 4 of the 7 flat roofs, and Fesler said the bid received was for \$65,104. 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: Brooks, Jacobs, Holmberg, Allen, Lund. No: none. Absent: none. Said bill was declared duly adopted and given Ordinance No. 5517.

In Other Business was a Preliminary Plat of "Lions Gate" Lot 1 thru 86, Tracts A & B. Community Development Director Barbara Carroll said the applicant, Burgbuilder Group, LLC, submitted this preliminary plat for the proposed development of 86 single-family lots, two tracts and six new streets. She said the streets will be put in at the expense of the developer. Carroll said this area is zoned R-1 single-family residential on the west side of Main Street. She said this plat was considered at the Planning and Zoning Commission meeting on April 1, 2019, and the motion to approve the preliminary plat with conditions failed on a 3-4 vote.

Carroll said there were a substantial amount of comments made at the Planning and Zoning Commission meeting. She said the motion to approve the preliminary plat was denied based on eight additional requirements. Carroll said because the Planning and Zoning Commission voted to disapprove the plat, a four-fifths approval is required by the City Council for passage. Carroll said City staff has added a 9<sup>th</sup> condition which is to correct a 30-foot set back from Main Street, Tract A, to show at 35-foot set back. She said since this meeting, the developers have indicated they are willing to comply with all those conditions.

Mayor Lund explained this agenda item is under Other Business and this is not a Public Hearing. He explained this is a preliminary plat and is not a legislative agenda item. Mayor Lund said this must be viewed from the prospective of whether the plat falls within the City's guidelines. He said this preliminary plat is within the City Council's administrative duties, and the City Council should look at it from the prospective that it complies with current City ordinances. He said this was considered at a Planning and Zoning Commission meeting and there were conditions that were not met, but the developer has agreed to comply with the conditions. Mayor Lund said since so many Warrensburg residents are concerned about this project, the City will open the floor for significant concerns and comments for this area of development.

Jim Staab, a Warrensburg resident, said he was unable to attend the Planning and Zoning Commission meeting, and he is concerned because he does not believe this is a good area for development. He said Main Street is a very dangerous road and he has safety concerns and is worried about traffic congestion and the impact the development will have on the community.

Christian Cutler, President of the Springridge Homeowners Association, said he is not against development. He said he knows Warrensburg needs affordable housing, but he is also concerned about safety. Cutler said he is also concerned about the amount of money needed to make Main street safe and he is concerned about Lions Lake.

Cutler said he would like to direct a question to City Counselor Doug Harris concerning three City Council members who are licensed to sell real estate. Cutler asked if it is a conflict of interest for them to be on the City Council. He said at some point, some City Council members could profit from selling some of the property. Harris responded asking since they are neighbors, why hadn't he asked this prior to a public session. Cutler said he had just found out about the conflict the day of the meeting. Harris said City Council members benefitting directly in the future would not be considered a direct conflict under State law or City Ordinances. Cutler said over 500 people have signed a petition objecting to this project. and he wants to thank those for their support.

Meggie Anderson asked about the Planning and Zoning Commission's voting against this project and asked why the project is continuing to be discussed. Mayor Lund explained the Planning and Zoning Commission can make recommendations, but the City Council can

override a decision of the Planning and Zoning Commission, depending on the outcome of the voting. Harris explained the Planning and Zoning Commission is an advisory committee.

Christopher Meyer said he also has safety concerns and asked about zoning regulations. Dr. David Glover said since Main Street needs work before handling the number of cars that will be driving on it, he wondered if the developer could be required to pay some of the expenses. There was discussion of the development of the property as it is improved.

Mary Soloman said she is concerned about the safety at the intersection of West Clark and South Main Street. She said that intersection effects many people in that area. Soloman said she believes a traffic study might be helpful in that area. Barbara Rhodes said she has learned that an environmental impact study is not a requirement for a developer, but she knows one of the concerns has been the run-off into Lions Lake because of the concerns about silt. Rhodes also asked about traffic studies, and Mayor Lund explained traffic studies are based on national traffic statistics. Harris said 100 trips per hour triggers a study. Harris said there are land disturbance regulations and state and federal standards during the building process. Rhodes said speaking with the developers and opening discussions would be helpful.

Hank Hamann said he and his wife Marilyn lost their son Todd 10 years ago, and they have been active in the Lions Lake Initiative. He said the lake has come a long way in the last 10 years, and he has concerns about what will happen to the lake with the silt. Hamann said he also has safety concerns. Marilyn Hamann said she has sold real estate for 29 years and has found that once people settle into an area, there are often problems with silt. She said there has been a problem with this at Lake Ridge, Countryview Estates, and Savannah Commons. Hamann said there must be ways to prevent further damage which is secondary to safety. Mayor Lund thanked the Hamanns for what they have done to keep Todd's memory alive.

Elizabeth Viscusi said she is concerned about the loss of wildlife and retention ponds that could end up in other people's backyards. She said when the property was for sale, she saw Bald Eagle's in their nests. Viscusi said they are now gone, and Bald Eagles are federally protected.

Roxanne Bralick said she would like to delay the vote until the property owners have met with the developers. She agrees development is great, but there is safety, environmental, and sewage issues that needed to be addressed by the developers. Bralick would like action on this to be delayed.

Mayor Lund said he appreciates everyone coming forward and sharing ideas and concerns. He also said he appreciated everyone being a part of the process.

Council member Allen said she would like to make a motion to delay the vote on this issue. Mayor Lund said the City Council is still obligated to look at the plat to see if it meets the current codes. Council member Holmberg said he had a few questions for the developer. Holmberg said one of his concerns is the silt in Lions Lake and would like to know the developer's plan to assure the community that the silt will be kept from Lions Lake. Justin Harris, developer, said he has already spent \$50,000 with engineers to prevent silt at Lions Lake, and he has already begun working on many of the other issues. J. Harris said he lives in the community and is available to speak with anyone who has concerns. J. Harris said  $\frac{3}{4}$  of the property drains to the West of Lions Lake and  $\frac{1}{4}$  of the property drains to Main Street. J. Harris said this subdivision is not nearly as big as Southwest Estates or Spring ridge. J. Harris said he believes with the improvements the property will be better than it has been in the past. Holmberg asked about the effect if this project is delayed, and J. Harris said it would be costly.

Staab said he is concerned about Main Street encroaching on people's property. He said some of the houses are already close to the road.

Council member Allen said she would like a vote to be taken on her motion to delay the plat until the next City Council meeting. Yes: none. No: Brooks, Jacobs, Holmberg, Allen, Lund. Jacobs moved to approve the preliminary plat. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none. Carried unanimously.

5-2-19 being for an Ordinance Suspending the Provisions of Section 3-14 for Certain Special Events June 8, 2019, Pursuant to Section 3-14 (b) of the Code of Ordinances was read for the first time by title. Police Chief Rich Lockhart said this is a request from Warrensburg Main Street for their upcoming event "Farm to Table" on East Market Street. Lockhart said this will be held in the parking lot on East Market Street and the tables will be in the middle of the street. 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: Brooks, Jacobs, Holmberg, Allen, Lund. No: none. Said bill was declared duly adopted and given Ordinance No. 5518.

In Other Business was Discussion of the Downtown Trees. Mayor Lund said local resident Randy Suhr was at tonight's meeting about the downtown trees and wanted to share his thoughts on the trees. Suhr said he believes the lack of maintenance is most of the problem with the trees and lack of communication of who is to take care of the trees. Suhr said he believes there must be a better way to fix this problem, and he knows there have been conversations with Main Street to begin to fix the problem. Suhr said he knows that attractive trees will increase the number of visitors to the downtown area.

In Other Business was the Approval of Veterinary Services. Joe Hackney, Special Projects Public Information Officer, said the current Interim Veterinarian, Dr. Erin Edging, will be leaving Warrensburg this summer. Hackney said this contract is with Dr. Means who has agreed to work for \$40 per hour and he will supply medications and supplies, reimbursed at cost. He said Dr. Means will also supply cat spay and neuters on-site. Hackney said this will be a huge cost savings. Allen moved to approve. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none.

Under Miscellaneous Matters from the Mayor and/or City Council, Council member Allen said Mayor Lund did an excellent job of handling the issue with Lions Gate. A round of applause was given to Mayor to show everyone's appreciation.

In Miscellaneous Matters from the City Manager, Stewart said in the past there has been one City Council meeting in May because of the Memorial Day holiday, but this is a decision for the City Council. Mayor Lund recommended only having the one meeting in May, and Allen moved to approve the one meeting during the month of May. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none. Carried unanimously.

In the City Manager Report, Stewart said there are two key retirements this month and tonight is the last City Council meeting for them. He said there will be a retirement party for Gunner, the Police dog that will be retiring, and Fire Chief Jim Kushner will be retiring the end of May, and a retirement luncheon will be held for him on Friday, May 17, 2019, and Joe Hackney who has been serving as a City Management Intern, will be leaving on Friday, May 31, 2019. Stewart said he has asked Doyle Oxley to be the Interim Fire Chief until a new Fire Chief is chosen and

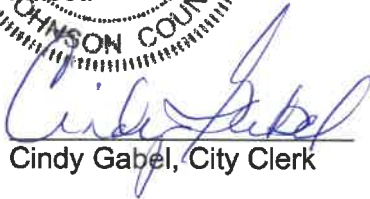
on duty. Stewart said he will be attending the annual International Conference of Shopping Centers in Las Vegas next week.

In the Director of Finance Report, Finance Director Matthew Lue said City staff has been working on the budget. He said a 3% increase is being budgeted for employees. Lue said there is currently a deficit that should be lowered considerably. He said sales tax for the month of April was down again, but overall the budget figures are solid.

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



Attest:

  
Cindy Gabel, City Clerk



Casey Lund, Mayor