



Energy and Sustainability Task Force Agenda

October 5, 2023, 5:00 pm

100 South Holden St – Jack Moore Room - Chamber of Commerce – Train Depot

Call to Order

Roll Call

Approval of Task Force Meeting Minutes of Sept 7, 2023

Adoption of Agenda

Agenda

1. City Manager, Danielle Dulin, to speak about the City's Visioning Process and ESTF input
She can also answer questions about the solid waste program and Rethink Maguire Projects
2. Chuck Connor, review and address Arbor Day Foundation information and the ESTF absorbing the Tree Board properly to maintain our Tree City Status.
3. Enrico Villegas, Assistant City Manager/Public Works Director
Review of Two Ordinances
 - a. Ordinance Amending ESTF and Tree Board
 - b. Ordinance Amending Chapter 25 related to public trees to absorb the Tree Board
4. Other Tree Board, Tree Campus, and Tree City Updates
5. Guest Speaker List ideas for future meetings
6. Subcommittee reports
7. Miscellaneous Matters
8. Adjourn

Committee

Voting Members:

Bruce Uhler, Chairman

Kathy Strickland

Aubrey Binder

Jeremiah Robison

Thomas Denney

Non-Voting Members at Large:

Beth Rutt

Lyle Kriesel

Enrico Villegas

Charles Connor, MDC

Phil Miller

Travis Hume

Kaitlyn Correll

Tom Emerson

Phil Adlich

Terry Vair

Barbara Curtis

Barb Rhodes

Jan Jones

Jason McCarty

Chris Deal

Next meeting:

November 2, 2023 - Thursday, 5:00 pm

100 South Holden St. Jack Moore Room – Chamber of Commerce



**Energy and Sustainability Task Force Minutes
September 7, 2023, 5:00 pm
100 South Holden St – Jack Moore Room - Chamber of Commerce – Train Depot**

Attendees: Bruce Uhler, Barb Rhoades, Jeremiah Robison, Terry Vair, Jan Jones, Kathy Strickland, Aubrey Binder, Enrico Villegas, Phil Adlich, Kurt Davis, Chuck Conner

Call to Order by Bruce Uhler at 5:02 p.m.

Motion to approve minutes by Jeremiah Robison seconded by Phil Adlich.

Motion to approve agenda by Jeremiah Robison seconded by Phil Adlich.

Enrico presented a draft ordinance to absorb the Warrensburg Tree Board into the Energy and Sustainability Task Force. Enrico mentioned that in future years we would like to maintain our Tree City USA status and this task force would then absorb additional responsibility related to the Tree Board. Chuck asked about removing the original ordinance and replacing it with the proposed ordinances. Enrico clarified that the tree board will be dissolved and absorbed within the Energy and Sustainability Task Force.

Chuck mentioned that there are certain requirements from the Arbor Day Foundation that must be included in the new ordinance. The intent is to check with the Arbor Day Foundation to make sure that our new ordinance meets the requirements to maintain our Tree City USA status.

Bruce provided a brief history of the end of the Tree Board as it was and how we came to the point where we are considering absorbing the board into this task force. Once we have completed reviewing the draft, we would recommend to the city council to adopt the proposed ordinances. Chuck will look this over and determine if these proposed ordinances meet the requirements of the Arbor Day Foundation. Chuck Conner mentioned that there are programs to help the city pay to train an employee as a certified Arborist.

We will plan to vote on the proposed ordinances next month.

Kathy Strickland discussed UCM becoming a tree campus. The new president of the Student Government Association is very interested in pursuing becoming a tree campus. The service-learning project involves re-establishing the tree trail tags and establishing this on campus once again.

Enrico spoke on the Cooper Boulevard extension project and the trees that were to be removed as part of that project. During the project, the logger was unable to get ahead of the contractor and unfortunately, the trees were not able to be harvested and sold. Chuck mentioned that there was

likely not much value in the timber in such a small project. Enrico had additional city properties lined up to make the volume worth it to the logging contractor but unfortunately, they were unable to harvest the timber.

Enrico talked briefly about the sewer bond revenue plan. The sequencing batch reactors at each wastewater treatment plant are set to be replaced pending approval of the plan. The bond money would pay for additional treatment equipment that would allow the city to handle more water. We are very near capacity now. The city is currently interviewing engineering firms to discuss the project and select the correct partner for the project. The project will take about three years to complete. Many permits and other things must be reviewed and approved by the state. Additionally, the city is looking at adding solar to the wastewater treatment facilities to manage some of the energy use at those facilities.

Maguire Street Project. Today there was a meeting with the utility companies to discuss how utilities can be managed. The corridor would run from Young to Broad Streets. One challenge is the number of approaches along Maguire Street and the number of accidents that occur in this area every year. The city is currently looking at ways to manage the potential dangers in the area and seeing how they can mitigate some of these risks as part of the project.

The City of Warrensburg is currently working on a website that would provide updates on the project. The goal by the end of the year is to have a contractor for the project selected. A general timeline for the project is groundbreaking in Spring 2024. Burns and McDonnell have been selected as the consulting firm. Survey work has already begun. The objectives of the project are to enhance safety in the corridor and recognize that the bridges that cross over the railway are choke points. The city has been meeting with MODOT to discuss options with these bridges. Supplementary objectives are the aesthetics of the area and accessibility for folks who may not drive. There will be a shared-use path off the side of the road for walking and bicycling. From a stormwater perspective, the city is working with landowners to try and address those concerns. Adding rain gardens along the corridor is a proposed solution.

Solid Waste Plan. Burns and McDonnell was selected to help with this project as well. There was an analysis by the city of standing up a landfill and providing city workers to service the solid waste situation. One thing the city is considering now is a citizen convenience station where citizens can place recycling and bulk items. Ultimately the city will contract with one hauler and there will be penalties if they do not fulfill the contract. Kathy mentioned that the last time we met we were disappointed in Burns and McDonnell's initial overview of this situation. Bruce has asked Danielle Dulin to come to the next meeting and talk about what the long-term vision looks like for this project. She has agreed to provide us with information so that we can help advise the city as to what solutions they may provide for the recycling and sustainability situation.

Enrico mentioned the sidewalk improvement program and the work that is being done there.

Historically there was a cost-share program to repair or replace sidewalks. Unfortunately, many residents didn't participate in the program due to a lack of awareness or the inability to participate financially in the repairs. The city is now evaluating the city in segments and addressing the sidewalk problems. 2800 linear feet of sidewalk has been improved to ADA

standard. The sidewalk improvement program is working in conjunction with the street maintenance program to improve curbs and ADA ramps.

Steve Granger resigned a couple of months ago so we will need a Vice Chair to be elected next meeting. Terry has volunteered to be a voting member in place of Steve.

Meeting Adjourned 6:05 PM

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER TWENTY-FIVE DISOLVING THE TREE BOAD AND AMENDING PROVISIONS CONCERNING TREES WITHIN PUBLIC PROPERTY, OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI, AS FOLLOWS:

Section 1. Article III of Chapter 25 is hereby amended to read as follows:

Article III Maintenance of Trees and Plantings on Public Property

Sec. 25-41. - Clearance over sidewalks, streets and alleys.

Any person occupying, in charge or control of, or owning any property in the city shall not permit or allow the trees, shrubs or bushes on such property to hang over, obstruct or interfere with the safe use of sidewalks, streets and alleys.

Sec. 25-42. - Utilities.

No public trees, other than those species approved under Article II, Division 3 of Chapter Two of this Code, may be planted on city property under or within ten (10) feet from any overhead utility wire, or over or within five (5) lateral feet of any underground water, sewer, electric, telephone or other utility line.

Sec. 25-43. - Tree topping.

It shall be unlawful as a normal practice for any person to top any public trees. Trees severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this section at the determination of the administrative committee.

Sec. 25-44. - Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, shrubs, bushes and other plants within the lines of all streets, alleys, rights-of-way and public property, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such areas. The city may remove or cause or order to be removed any public tree or parts thereof which are in an unsafe condition or which by reason of their nature are injurious to sewer, electric, telephone, gas, water or other utility lines or other public improvements or are affected with an injurious fungus, insect or other pest.

Sec. 25-45. - Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees, shrubs, bushes and other plants on private property as set forth in Chapter 13 of this Code related to nuisances.

All rights of appeal and procedures for hearing shall be as set forth in Chapter 13 of this Code for administrative hearings before the city manager or their designee after notice of hearing as required by state law. Notice of any proceedings to order removal of trees, shrubs or vegetation shall be provided in accordance with Chapter 13.

Sec. 25-46. - Interference with administration.

It shall be unlawful for any person to prevent, delay or interfere with the city or its employees, contractors, or agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any public tree or trees on private property, as authorized by this Chapter or Chapter 13.

Sec. 25-47. - Penalty for violation.

Any person violating any provision of this Chapter, or who fails to comply with any notice issued there under, shall be punished as provided in Section 1-15 of this Code.

Sec. 25-48. - Appeals.

Whenever a property owner believes that a decision under this Chapter regarding removal has been made in error, they may appeal that decision as provided in RSMo Ch. 536 to the circuit court.

Section 2. The provision of this ordinance shall be in full force and effect from and after its passage.

Section 3. It is intended that the provision of this ordinance shall be incorporated into the Code of Ordinances of the City of Warrensburg.

Read two (2) times and passed by title this _____ day of _____, 2023.

James Kushner, Mayor

Attest:

Jodi Schneider, City Clerk

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV, DIVISION 3 OF CHAPTER TWO CONCERNING THE ENVIRONMENTAL AND SUSTAINABILITY TASK FORCE, OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI, AS FOLLOWS:

Section 1. Section 2-421 of the Code of Ordinances is hereby adopted to read as follows:

Sec. 2-421 Definitions

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative committee. Is defined as the director of parks and recreation, the director of public works and the director of community development, or their respective designees.

Public trees. Are defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all parks, streets, highways, roads, avenues and other city-owned properties within the city.

Section 2. Section 4-422 is hereby adopted to read as follows:

Sec. 4-422 Purpose and Intent

The purpose and intent of Sections 2-421 to 2-428 to protect and encourage the protection of trees, shrubs, bushes and other plants; to provide for public health, safety and general welfare; to promote and preserve the city's aesthetic value, regulate and control the planting, maintenance and removal of trees, shrubs, bushes and other plants on and adjacent to public property, right-of-way and easements within the city; and manage the city's community urban forest in a strong, healthy condition for today and for the future.

Section 3. Section 4-423 is hereby adopted to read as follows:

Sec. 2-423 Board Duties Related to Public Trees

(a) The board, or a duly established subcommittee of the board shall develop a management plan for the planting, care, cultivation, pruning and removal of trees and shrubs located in city parks, on street rights-of way, and other city-owned property. The plan may include provisions designating the species of trees and shrubs to be planted, preserved and removed or replaced. Such plan shall be presented from time to time to the administrative committee who will make recommendation to the city council for approval. Upon acceptance and approval by the city council, such plan shall constitute the official comprehensive public tree and shrub plan for the public trees and shrubs of the City of Warrensburg.

(b) The board shall serve as an educational and informational resource to citizens regarding the proper planting, preservation, care, removal and replacement of trees and shrubs.

(c) The board, when requested by the city council, shall consider, investigate, make findings, reports, and recommendations upon any special matter or question relating to public trees.

Section 4. Section 2-424 is hereby adopted to read as follows:

Sec. 2-424 Enforcement

(a) It shall be the duty and responsibility of the administrative committee to: enforce the provisions of this division; and

(b) Refer any alleged violations of this division or Chapter 25 to the community development department for enforcement under all provisions of chapters 13, 20, 25, or 27 of the Code of Ordinances, including all applicable rights of appeal.

(c) supervise, direct and control the planting, maintenance and removal of public trees, shrubs and plants within the city as set forth in the official comprehensive tree and shrub plan for the City of Warrensburg or the provisions of this Code.

Section 5. Section 2-425 is hereby adopted to read as follows:

Sec. 2-425 Permission Required

(a) No person shall plant any public tree, shrub, bush or other plant on property owned by the city without first obtaining the permission of the administrative committee.

(b) No person shall plant any public tree without first obtaining the permission of the administrative committee.

Section 6. Section 2-426 is hereby adopted to read as follows:

Sec. 2-426 Existing Public Trees

Any public trees planted and existing as of the date of this ordinance shall be allowed to remain in place unless the administrative committee determines that a public tree presently does, or at maturity will, obstruct vision clearance areas, interfere with utilities or streetlights, or otherwise presents a danger to the safety or welfare of the public.

Section 7. Section 2-427 is hereby adopted to read as follows:

Sec. 2-427 Tree Species

The board shall develop and maintain an extensive list of recommended trees for planting in public areas. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the city upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically by the board to reflect new developments or species that will affect the population of the community forest.

Section 8. Section 2-428 is hereby adopted to read as follows:

Sec. 2-428 Distance for Planting

(a) No trees, shrubs, bushes or other plants may be planted within the sight triangle area as defined in the zoning ordinance in, section 27-231 or in the restricted area defined by chapter 20, section 20-183, or other provisions of this Code, including but not limited to Chapter 27.

(b) No trees, shrubs, bushes or any other woody vegetation may be planted closer than ten (10) feet from any curb of a public street, other than those species approved by the board for planting in that area.

(c) No trees, shrubs, bushes or any woody vegetation may be planted within the clear space required by the adopted fire code in Chapter 10 of the Code of City Ordinances.

Section 9. Section 2-429 is hereby adopted to read as follows:

Sec. 2-429 Appeals and Penalties

Any property owner aggrieved by a decision made under this Division may appeal to the circuit court under the provisions of Chapter 536 RSMo. Any person violating a final decision under this Division or the provisions of this Division shall be guilty of an offense punishable under the provisions of Section 1-15 of this Code.

Section 10. The provision of this ordinance shall be in full force and effect from and after its passage.

Section 11. It is intended that the provision of this ordinance shall be incorporated into the Code of Ordinances of the City of Warrensburg.

Read two (2) times and passed by title this _____ day of _____, 2023.

James Kushner, Mayor

Attest:

Jodi Schneider, City Clerk