

## CITY COUNCIL MEETING OF SEPTEMBER 12, 2022

A meeting of the Warrensburg City Council was held on September 12, 2022 at 7:00 p.m., at 200 S. Holden and via Zoom, with Mayor Kushner presiding. Mayor Kushner called the meeting to order and led in the Pledge of Allegiance. Roll was called as follows, Present: Osborne, Bentley, Lund, Uhler, Kushner. Absent: none.

The minutes of the August 22, 2022 meeting were considered. Bentley moved to approve the minutes. Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

The adoption of the agenda was considered. Osborne moved to adopt the agenda. Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

Mayor Kushner requested Executive Director Deb Hobson and Resource Development Manager Teresa Huffman to come forward for the reading of the West Central Independent Living Solutions (WILS) 25<sup>th</sup> Anniversary Celebration Proclamation.

Community Development Director Carroll wanted to highlight the project collaboration between the city and Northside Christian Church for clean-up and outreach in the community and introduced Jane Heavin, Nuisance Code Enforcement Officer. Heavin explained her role in helping local civic, UCM, church organizations and not-for-profit groups organize clean-up events in the city. Heavin said that Northside reached out and wanted more and offered to help family homes due to health or financial limitations through volunteers on a month-to-month basis.

Northside's Senior Minister Sid Tiller and Communications Director Stephanie LaBarre gave a "FortheBurg" slide presentation showing volunteers had picked up trash in front of WalMart at Hwy 13 on July 16<sup>th</sup>, picked up trash on Maguire Street from South St to Young Street on July 23<sup>rd</sup> and helped the homeowner at 604 Jefferson by mowing, painting, and rebuilding the front porch. Other events included Heroes for the Burg honoring public safety employees and their families and school supplies and backpacks to students. Council Member Osborne said thank you for what the church was doing and asked how to donate towards the cause.

Mayor Kushner opened a public hearing on an ordinance amending Section 27 of the Code of City Ordinances regarding non-residential land use references. Community Development Director Carroll explained the land use codes stopped at Section 27 but it was discovered when the medical marijuana provisions were adopted these sections 2-350(g)(2) and 27-480(b) should have been updated to include the new land use code 28.000-28.320. It was proposed to amend the language for clarification to get numbers pushed into Section 28 using "all subsequently adopted land use groups (categories)" to catch any future amendments. This amendment was heard and recommended by Planning & Zoning Commission and no public comment has been received to date. There being no questions, Mayor Kushner closed the public hearing.

Mayor Kushner opened a public hearing on an ordinance amending Section 27-28(b) of the Code of City Ordinances regarding nonconforming status of master-planned residential developments. Community Development Director Carroll said Ordinance 2101 adopted in 1983 set forth provisions for Residential Planned Districts (R-P) and said that Silverthorne subdivision on Deer Run was designed and developed under this ordinance. In 1992, the city adopted an

entirely new zoning ordinance with new standards for developing a Planned Unit Development (PUD) overlay district which eliminated all previously adopted standards for R-P districts. With no grandfathered status, Silverthorne subdivision currently has lots and homes that do not meet the city's standard lot size requirements or current PUD requirements making them non-conforming situations.

Carroll said that Savannah Commons, Caleb's Place and Countryview Villas were developed in compliance with the current PUD code but if the current code requirements were to be eliminated or changed in the future, these subdivisions too would become non-conforming situations. As a non-conforming situation, the property owners would not be allowed to rebuild in the event of a fire or other catastrophic event where the extent of the repairs exceeds 75% of the fair market value of the building immediately prior to the damage. The only way to rebuild would be to come into full compliance with the code at the time of the damage. For R-P and PUD developments that have been granted reduced setbacks, smaller lot sizes and density bonuses in exchange for open space set-asides, it would be impossible for one lot in a development to come into compliance with a new code. In an R-P and PUD, an individual lot is surrounded by and often shares common walls with other lots.

Carroll said the proposed ordinance reads that if a preliminary or final plat of an overlay district (including R-P and PUD) has been approved by the city, the city will consider it a legal conforming situation under the original zoning codes even if the zoning codes change in the future. However, if nothing is built in the boundary of the plat within ten years of approval, then legal confirming status would cease and be subject to any new codes. The proposed ordinance only speaks to zoning requirements and does not alter or speak to compliance with other adopted development codes such as building and fire codes. This amendment was heard and recommended by Planning & Zoning Commission. There being no questions, Mayor Kushner closed the public hearing.

Bill No. 09-01-2022 being for An Ordinance Amending Section 27 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Non-Residential Land Use References, was read a first time by title. There being no questions, Bentley moved said bill be passed to a 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: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5747.

Bill No. 09-02-2022 being for An Ordinance Amending Section 27-28(b) of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Nonconforming Status of Master-Planned Residential Developments, was read a first time by title. There being no questions, Bentley moved said bill be passed to a 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: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5748.

Bill No. 09-03-2022 being for An Ordinance Authorizing the City Manager and City Clerk to Execute an Agreement with Insight Public Sector for Fire Department iPad Tablets and Associated Hardware, was read a first time by title. Fire Chief Jennings said the current vehicle computer tablet and WiFi access devices used for access to 911 computer systems for dispatch information and fire department records were outdated and due for replacement. The iPad tablets were the best solution for field operations using less power draw on apparatus, reducing damage to charging and battery systems and built-in WiFi for direct data access. There being

no questions, Osborne moved said bill be passed to a 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: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5749.

Bill No. 09-04-2022 being for An Ordinance Amending Article IV of Chapter 28, Wildlife Management, was read a first time by title. City Manager Dulin said at the time of adoption, it was the intention of staff to limit hunting within 150 feet or 50 yards of streets of any street or public right-of-way or any dwelling or other structure. Through different iterations, the final ordinance adopted combined the two measures to 150 yards. The requiring of that distance was not necessary with archery equipment and limited designated hunting areas within the city. It was recommended to amend to 150 feet. There being no questions, Osborne moved said bill be passed to a 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: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5750.

Bill No. 09-05-2022 being for an Ordinance Authorizing the City Manager and City Clerk to Execute a Contract for Provision of Facility and Grounds Maintenance Between the Warrensburg Parks and Recreation Board and the City of Warrensburg, Missouri, was read a first time by title. City Manager Dulin said that city staff presented a proposal to bring parks maintenance under Public Works to the Parks and Recreation Board at its meeting on August 31, 2022. The proposal was an opportunity to stabilize vacancies in the positions of parks operation superintendent and parks maintenance worker, share resources and economies of scale, provide supervision and strong maintenance leadership by street and cemetery departments and work with the Parks and Recreation Board towards developing a strategic plan for facility and ground maintenance improvements. After lengthy discussion, the Park and Recreation Board voted 5-1 in favor of the contract. Dulin said the city will receive annually from the funds collected by the city for the parks department the amount allocated to facility and grounds maintenance by the Parks and Recreation Board. There being no questions, Uhler moved said bill be passed to a 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: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5751.

Bill No. 09-06-2022 being for an Ordinance Adopting the Annual Operating Budget for the Fiscal Year Beginning October 1, 2022, for the City of Warrensburg, Missouri, was read a second time by title. Finance Director McCoy referred to council's packet letter which recapped budget information presented on August 22, 2022 with slide presentation. There being no questions, Bentley moved to adopt said ordinance. Roll was called for adoption as follows: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5752.

Mayor Kushner read a Resolution Approving Managed Hunt Program for 2022 Deer Season. City Manager Dulin said this resolution would be the final action for the managed deer hunt program for the 2022 deer season and a resolution will be approved on an annual basis in the future. Dulin offered a big thank you to Danielle Foster who was instrumental in meetings and implementation along with Ryan Smith, Justin Wynne, Jason McCarty and Mike Fidler who reviewed the program and offered lots of good suggestions.

The program runs from December 1, 2022 through January 15, 2023 with 33 total permits issued by random drawing for designated hunting areas. Online applications begin September 15<sup>th</sup> through September 30<sup>th</sup> at a cost of \$20.00 and if drawn an additional \$10 permit fee will be charged and a mandatory pre-hunt orientation. The fee was established to encourage serious hunters and help with administrative costs and signage for closed areas during the hunt. City residents and employees and employee's spouse/dependent are eligible to apply. City Manager Dulin showed the maps of the designated areas. The numbers on the maps indicated how many hunters were allowed in the designated area (ten acres per hunter). The blue areas on each map reflected parking areas. Initially UCM wanted to work with the city for data collection of blood, stool and tick samples but that was no longer the case. City staff has designated a field dressing station at NW Division Rd across from baseball fields.

Several questions were asked by City Council. Whether fence lines would be marked for the hunters? Dulin answered that it was the hunters' responsibility to know the location boundaries. If a hunter had a location and harvested the amount of deer wanted, will the location be closed? Dulin said if the hunter no longer wanted to use the area that it would be opened for the city to move onto a wait list. Whether the city would be taking blood, stool and tick samples? Dulin answered no. How does the hunter receive a location? Dulin answered that at orientation numbers would be drawn from a hat and the hunter chooses a hunt area. The tentative date for the pre-hunt orientation was November 6<sup>th</sup>. Whether the reservists on the wait list should also attend orientation? Dulin said it was unknown how many will apply since it's the first year so the random drawing may include drawing reservists if no permit is paid for by the October 3<sup>rd</sup> deadline. What happens if deer does not drop? Dulin answered the hunter will need to contact the property owner to retrieve the deer but if not allowed, then property owner was responsible to recover the deer. There were no further questions. Bentley moved to adopt the resolution. Roll was called for adoption or rejection as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said resolution was declared duly adopted and given Resolution No. 2224.

Mayor Kushner read a Resolution Approving Children's Memorial Fund Grant Application for daughter's burial site marker requested by Connie Vickers and Chester Hodkins, Jr. in the amount of \$750.00 as recommended by The Nancy Anderson Park & The Children's Memorial Gardens Advisory Board Committee. City Clerk Schneider said the grant application was approved by the advisory board to help pay for the applicants' child's burial site marker. Although the funds were available for this request, the funds were unbudgeted due to its recent adoption and required city council's authorization. Funds will be allocated specifically for this program beginning in fiscal year 2023 and applications will then be considered by the advisory board. There were no questions. Lund moved to adopt the resolution. Roll was called for adoption or rejection as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said resolution was declared duly adopted and given Resolution No. 2225.

Mayor Kushner made recommendation to Appoint Kennethea Berry, Non-Voting Member/Whiteman AFB, to serve a three-year term expiring in June 2025 on Diversity & Inclusion Commission. Bentley moved to approve the recommendation. Roll was called for adoption or rejection as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

There were no Appearances to the Council Not Listed on the Agenda.

Chairman Pro Tem Bentley said that he worked with Scott Holmberg on the community build donor wall at Cave Hollow Park and Mr. Holmberg thanked public works for their assistance and said the project was almost completed. Council Member Uhler wanted to reach out to citizens and ask for their time to serve on the various boards/commissions such as the Energy & Sustainability Task Force and Tree Board. Mayor Kushner concurred with that statement and said recruitment was needed for these important positions.

Finance Director McCoy reported that revenues collected in August were higher than originally projected and September numbers were down and indicated that it may be a timing issue with the State's collections but it will be watched closely. McCoy pointed out an Investment Summary report in council's packet for review showing the current investment balances and the projected interest earnings. Council Member Uhler noted in the report that the front office had many calls on fiber installation and a Fall bulky waste curbside pick-up. City Manager Dulin said that public works was handling the fiber installation matters and there had been a discussion with Commissioner Marr on working together with Johnson County on a bulky waste drop-off site in West Central Missouri Solid Waste Management District Region F tentatively in October. The question was asked what would happen if a citizen could not lift or bring bulky waste to the site and Dulin answered that an option may be a volunteer or scouting group to help the citizen.

Chairman Pro Tem Bentley asked if there were a list of fiber contractors and Assistant City Manager Villegas answered the list had expanded and city staff was working with the new crews. Villegas noted that most phone calls were regarding yard restoration. Council Member Osborne asked if fiber installation crews were doing a better job of not hitting water lines and Villegas said it seemed to be better but pointed out that one recent incident occurred because the line had not been marked correctly and was not the fault of the fiber crew.

Tourism Director Barnhart thanked City Manager Dulin for joining on the trip to visit the Wall that Heals and Dean Murphy last Friday. The visit helps in the application process. Barnhart said that the WCVB approved its FY23 budget last Thursday. The renovations at 205 N. Holden were the main focus in the budget and preliminary plans were underway. Barnhart thanked Community Development and Public Works Project Managers Graves and McCarty for their help.

Fire Chief Jennings said the department received \$1,200 grant proceeds from Missouri American Water which will be used for hydrant flow testing equipment.

Community Development Carroll said the department completed its building permit review process and informed council that there were no recommended changes for this year.

City Manager Dulin said it was moving experience to visit the Wall that Heals and was excited to bring it to our community. Dulin was working with Interim HR Director Christensen on police chief recruitment and Villegas on the Maguire Street Corridor project. Dulin attended Leadership Missouri last year in Jefferson City and had been working with a classmate on a Leadership Missouri 2.0 idea with a more in-depth dive. The Missouri Chamber of Commerce agreed to let the pilot program be hosted in Warrensburg. Chairman Pro Tem Bentley asked for the status on the indoor pool repairs. Parks Director Foster said there was no date yet given for completion as several other issues had come up including a replacement HVAC unit compressor. A sandblasting bid for the pools was published with a deadline of September 30<sup>th</sup>.

As there was no further business, the meeting adjourned at 8:05 p.m.

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Jim Kushner, Mayor

Attest:

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Jodi L. Schneider, City Clerk

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