

CITY COUNCIL MEETING OF FEBRUARY 13, 2023

A meeting of the Warrensburg City Council was held on February 13, 2023 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 January 23, 2023 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 read a proclamation recognizing Black History Month for February 2023. The proclamation recognized the numerous, long-lasting achievements and contributions African Americans have made on our cultural, economic and political development.

Mayor Kushner opened a Public Hearing on an Ordinance repealing and replacing Ordinance 5524 regarding marijuana related uses. Community Development Director Carroll said voters approved Amendment 3 in November 2022 allowing the recreational use and sale of marijuana. Medical facilities may convert to comprehensive facilities and microbusiness facilities are allowed. Definitions such as "dispensary," "cultivation facility," "infused products," etc. were changed to include comprehensive (recreational) and microbusiness facilities in addition to medical facilities. These definitions are consistent with new state laws. Carroll said the new definitions and amended land use categories are allowed in the same zoning districts (either zoned by right or through conditional use) as medical marijuana land uses allowed. No changes were made to zoning. Additionally, no changes were made to the current buffer requirements. An overview was given to City Council on December 12, 2022. The Planning & Zoning Commission recommended approval of this ordinance as presented at its February 6, 2023 meeting. There was no public comment. Mayor Kushner closed the public hearing.

Bill No. 02-01-2023 being for an Ordinance Repealing and Replacing Ordinance 5524 of the City of Warrensburg, Missouri Regarding Marijuana Related Uses, was read for a first time by title. Council Member Bentley inquired about removing the buffer for liquor by the drink. Council Member Uhler said there was lots of discussion at the Planning & Zoning Commission meeting about removing the buffer for liquor by the drink but it did not change the zoning map due to all of the churches in the downtown area. Bentley queried about locations by the Applebee's Restaurant. The question was answered that the maps indicated that a location could open without affect from the 250 feet liquor by the drink buffer. Community Development Director Carroll said there was no appeal process. An applicant would have to apply for a variance only if denied any reasonable use before a variance would be granted. There being no further questions, Lund 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. 5775.

Bill No. 02-02-2023 being for an Ordinance of the City of Warrensburg Amending certain provisions of Article IX of Chapter 14 of the Code of Ordinances regarding drug offenses, was read for a first time by title. City Manager Dulin said with the passage of Amendment 3, it was

necessary to change the City's code to include marijuana and possession of drug paraphernalia for persons under 21 and categorize drug offense violations as civil penalties and not as criminal offenses. 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 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. 5776.

Bill No. 02-03-2023 being for an Ordinance of the City of Warrensburg Section 28-50 of the Code of Ordinances regarding Use of Marijuana in Public, was read for a first time by title. City Manager Dulin said with the passage of Amendment 3, it was necessary to change the City's code to include the use of marijuana in public places prohibited and categorize an offense as a civil penalty and not as a criminal penalty. Council Member Osborne asked for a definition of public places. City Attorney Harris defined the location to which the public has access such as businesses, rights of way, parks, etc. and private property was not included. There being no further 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 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. 5777.

Bill No. 02-04-2023 being for an Ordinance affirming Sections 22-92 Levied and 22-94 No Automatic Adjustments of the Code of Ordinances of the City of Warrensburg, Missouri upon receipt of Notice under Section 393.275 RSMO. Utility Rate Increase In The Matter of Spire Missouri, Inc., Missouri Public Service Commission, File No. GR-2022-079, was read for a first time by title. City Clerk Schneider said the Missouri Public Service Commission issued notice to the City pursuant to Section 393.275(1) of its approved increase of Spire's annual revenues from its provision of gas service by more than seven percent. The City enacted legislation in 2013 to stop automatic fluctuations in its gross receipt tax rate mandated under Section 393.275(2). This proposed ordinance was recommended to affirm the 2013 legislation. 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 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. 5778.

Bill No. 02-05-2023 being for an Ordinance Amending Chapter 8 of the Code of Ordinances regarding Municipal Court, was read for a first time by title. City Manager Dulin said the Office of the State Court Administrator's (OSCA) office performed a municipal court audit last month. Based on audit findings, OSCA made recommendations to update certain provisions under Chapter 8 of the City's code. In each audit finding, the Municipal Court had been operating in compliance with state requirements but some of the city's old ordinances needed to be changed to match the actual practice. 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 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. 5779.

Bill No. 02-06-2023 being for an Ordinance Approving and Accepting the Minor Plat of Alex's Addition, a Subdivision in the City of Warrensburg, Missouri, located at 707 and 715 E. Young Street, was read for a first time by title. Community Development Director Carroll said the applicant, MFM Capital LLC, submitted the plat adjusting lot lines of two existing lots. The plat covers 1.37 acres of land and creates two new buildable lots and no new streets. Both lots are in a GB District and undeveloped. Planning & Zoning Commission considered this minor plat and recommended approval with three conditions as incorporated into the ordinance. There

being no questions, Lund moved said bill be passed to a second reading by title. Carried unanimously. Said bill was read a second time. Roll was called for 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. 5780.

Bill No.02-07-2023 being for an Ordinance Approving and Accepting the Final Plat of Southwest Estates, Lots 12A & 13A, a Subdivision in the City of Warrensburg, Missouri, located at 323 and 325 Jones Avenue, was read for a first time by title only. Community Development Director Carroll said applicants submitted a replat for a lot line adjustment between the properties. Upon review, a substantial list of corrections was required prior to council approval and detailed in the proposed ordinance. The applicants did not want to move forward with this action. The Planning & Zoning Commission nor City Staff recommend its approval. 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 adoption or rejection of said bill as follows: Yes: none. No: Osborne, Bentley, Lund, Uhler, Kushner. Said bill was rejected.

Bill No. 02-08-2023 being for an Ordinance Approving the Write Off of Bad Debt for Sewer Accounts in the City of Warrensburg, Missouri, was read for a first time by title only. Finance Director McCoy said the last time bad debt write-off occurred was in 2015 when a bad debt policy was adopted. The bad debt policy states that write-off should be an annual process. Upon review of utility accounts sent to collections that are five years old or older, along with Southeast Sewer District accounts that are recommended to write-off, city staff recommends the write-off for a more accurate total for the Water Pollution Control accounts receivable account. The Southeast Sewer District accounts have no impact on the city revenue or expense accounts. The total recommended write-off is \$172,032.67 that includes \$11,396.39 for the Southeast Sewer District. Council Member Uhler asked if deposits are collected on utility accounts. Discussion ensued on setting a deposit amount, hold and refund deposit upon disconnection of service or if disconnected for nonpayment then assess a utility deposit, etc. City Manager Dulin said city staff will look into utility deposits and bring back the information to council. There being no further 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 adoption or rejection of said bill as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. Said bill was declared duly adopted and given Ordinance No. 5781.

Mayor Kushner read a Resolution Approving Purchase of a Sports Fields Painter – Tractor for Parks and Recreation Department. Interim Parks Director Deal said the requested equipment will replace equipment that no longer works, used to paint lines on sports fields, reduces staff time and costs and approved by the Parks Board. A budget amendment to the Parks Fund Balance will be brought to city council at a future meeting. There being no questions, Lund moved to approve said resolution. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2238.

Mayor Kushner read a Resolution Approving Purchase of a Zero Turn Mower for Park Operations. Interim Parks Director Deal said the requested purchase will replace an older mower that is broken down with high costs in maintenance. The State bid was utilized to obtain the best price. The Parks Board approved this purchase. A budget amendment to the Parks Fund Balance will be brought to city council at a future meeting. There being no questions, Bentley moved to approve said resolution. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2239.

Mayor Kushner read a Resolution of the City Council of the City of Warrensburg, Missouri, Authorizing Destruction of Records Held for the Required Period Based on the Missouri Adopted Records Retention Schedules. City Clerk Schneider said the records detailed on the attached Destruction Log have reached minimum retention and ready for disposition. There being no questions, Bentley moved to approve said resolution. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2240.

Mayor Kushner read an Adopting Resolution Authorizing City of Warrensburg 401(a) Plan and Summary of Plan. City Manager Dulin said a high deductible health plan (HDHP) with a health savings account was offered to all employees at open enrollment. An incentive of \$2,500 was offered to incentivize employees to help with deductible and transition employees to the HDHP. Certain employees were not eligible for the health savings account if they declined coverage or not eligible due to enrollment in Tricare or Medicare. It was recommended to adopt a tax advantage 401(a) plan to these employees to fund the \$2,500 over twenty-four pay periods offered by the City. There being no questions, Osborne moved to approve said resolution. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2241.

Tourism Director Barnhart relayed the request by WCVB for \$70,000 of ARPA funds to use towards the 205 N. Holden renovation to serve as the Warrensburg Visitor Center. The renovation expense was budgeted through the WCVB fund balance, but the renovation project has incurred a change order and it was uncertain of further unforeseen structural issues. The change order addressed moisture issues and included the need for sump pumps and vapor barriers in the historic building. The question was asked whether \$70,000 would be enough to get the project completed. City Manager Dulin cited several projects slated for use with ARPA funds including street projects and would discuss the availability of funds with Barnhart and Villegas. It was asked whether WCVB had received word back from its \$250,000 DED grant submission in December. Barnhart said they had not received any word yet. An ordinance will be brought back to council to authorize a transfer of ARPA funds.

Assistant City Manager/Public Works Director Villegas presented a Disconnection Program in response to illicit discharge connections. Villegas said illicit discharge is the root cause of high flows at the City's wastewater treatment facilities. Villegas said the ongoing growth of new subdivisions necessitates the need to control inflow and infiltration (I&I) or unwanted stormwater into the City's sewer system. Villegas proposed a Disconnection Program. The program offers \$2,000 contribution by the City towards disconnection and would help low-to-moderate income families if they are unable to afford it. The City will work with homeowners and plumbers to facilitate compliance. The program will aid the sanitary sewer lining program along with sewer camera and smoke testing of the sanitary system for spot repairs.

Mr. Arch York, Damage Prevention Manager of Missouri 811, thanked city council for allowing bi-weekly safety meetings held by the City's Wastewater Collection/Public Works Department led by Terry Hawks and John Jacobsen. Mr. York said regular safety meetings helped with the flow of communication among utility providers and contractors/sub-contractors working in public rights-of-way. Mr. York planned to spread the word across the State of Missouri of the regular safety meetings to help reduce the amount of utility hits and increase safety for workers and citizens.

Suzy Latore said approximately a year ago, she asked that information be placed on the City's website with a grant application for funds available in Stevenson Fund and other charitable trust

funds. Latare also said that an onboarding process for board and commission members should be instituted. Mayor Kushner said that he planned to update the Diversity and Inclusion Commission for council representative at the next meeting.

There was no Miscellaneous Matters from the Mayor and/or City Council.

Finance Director McCoy summarized the financial report. McCoy stated that January sales tax receipts exceeded budget. McCoy said that General Fund reflects slightly over budget with just over 65% remaining. McCoy said that Capital Improvement ½ cent is exceeding budget with nearly 65% remaining. Last week, the first of February receipts from the State were flat which may be a small indication of inflation.

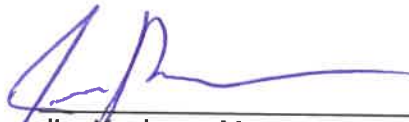
Fire Chief Jennings included in the council's packet fire department incident statistics year to date. The statistics indicated an overlapping of calls up to 28 times. Future growth will prompt adjustments to be made on the calls. The report shows 4.5 calls a day. Jennings will continue to monitor statistical trends.

Villegas reported that fiber has been installed to the street barn and WPC and will save \$100 per month. IT Technology worked with the Chamber to replace doors with electronically accessible key fob doors which can lock by phone. Public Works has replaced dilapidated driveway and sidewalks at the Big Brothers Big Sisters location and Villegas will share that information with the Park Board. Villegas said the Cemetery will replace the fescue and replace with zoysia to improve mowing and maintenance of the grounds.

City Manager Dulin said the Department of Revenue issued a notice a week or so ago that the 3% sales tax proposal on marijuana retail sales would not be stackable with the County's proposal for 3% sales tax if passed. City Attorney Harris interjected to share that notice was just reversed by the Department of Revenue last Friday. The 3% marijuana retail sales taxes proposed are stackable according to Amendment 3 language.

Dulin said that recently hired HR Administrative Assistant Katie Taylor was already offering improved processes on background checks and drug screenings in the HR Department. Dulin said that Steven Zendejas was hired as the HR Specialist and will start on March 20, 2023. Dulin offered thanks to Department Directors for patience as Dulin fulfills responsibilities as Interim HR Director. Dulin thanked City Clerk Schneider for help preparing ordinances for council's packet. Dulin reported that there have been four engineering firms requesting additional information on the recently published Request for Qualifications on Maguire Street Corridor project.

As there was no further business, the meeting adjourned at 8:23 p.m.



Jim Kushner, Mayor

Attest:



Jodi L. Schneider, City Clerk

