

CITY COUNCIL MEETING OF JUNE 12, 2023

A meeting of the Warrensburg City Council was held on June 12, 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, Uhler, Jones, Kushner. Absent: Bentley.

The City Council Regular Meeting Minutes of May 8, 2023 were considered. Osborne moved to approve the minutes. Yes: Osborne, Uhler, Jones, Kushner. No: none.

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

Mayor Kushner read a Proclamation for Juneteenth Day of Observance 2023 to commemorate freedom for enslaved Black Americans in Galveston, Texas on June 19, 1865 from bondage more than two years after President Lincoln signed the Emancipation Proclamation. Several board members of the Warrensburg Diversity and Inclusion Commission were in attendance to hear the proclamation.

Mayor Kushner read a Proclamation for LGBTQ+ Pride Month of June 2023 to recognize the importance and contributions of members of the Lesbian, Gay, Bisexual, Transgender, Queer+ community and a commitment to support visibility, dignity, and equity for all people in the community. Several board members of the Warrensburg Diversity and Inclusion Commission were in attendance to hear the proclamation.

Mayor Kushner read an Employee Recognition Proclamation for Peggy Hostetter to recognize her 24 years as a dedicated and valued employee of the City's Public Works Department in her role as a Project Manager-Administration. Peggy's last day of service to the city is June 20, 2023. Peggy Hostetter was in attendance to hear the proclamation. Assistant City Manager/Public Works Director Villegas said it was his privilege to work with Peggy whose legacy will leave a lasting impact on the city. Mayor Kushner commended Peggy for her great work for all city departments including snowstorms, disaster paperwork and cemetery record searches.

Mayor Kushner read an Employee Recognition Proclamation for Matthew Soer to recognize his dedicated service as Division Chief of Training and Safety and is a valued employee for the Warrensburg Fire Department. Matthew has coordinated a training committee and developed a regular training curriculum, annual skills performance, quarterly skill assessments and apparatus operator training. Matthew secured a medical director and developed emergency medical response protocols that has afforded the department the opportunity to reobtain its EMS training entity and provide quality EMS training to department staff. Matthew Soer was in attendance to hear the proclamation.

A presentation of survey results on a Community Environmental Survey was given by a group of high school students from the Warrensburg High School Environmental Club under the direction of Aubrey Binder, Teacher and voting member of the Energy & Sustainability Task Force for the City of Warrensburg. Individual students spoke on the survey's objective to emphasize the importance of adopting a sustainable city plan within Warrensburg. The demographics for the survey were 55% over 41 years of age and 11% under 18 years of age. The issues most

important were recycling, renewable energy, walkability, electric car charging stations and a city sustainability program. Other concerns included maintaining Tree City status, creating more bike lanes, access to yard waste composting and tackling the problem of invasive species. The survey concluded with specific citizen comments.

Bill No. 06-01-2023 being for an Ordinance Authorizing the City Manager and City Clerk to Execute a Contract Agreement with Higgins Asphalt Paving Co., Inc. for the 2023 Street Maintenance Program, Hot Mix Overlay, in the City of Warrensburg, Missouri, was read for the first time by title. Assistant City Manager/Public Works Director Villegas said the city received three bids opened on May 19, 2023. The bid from Higgins Asphalt was the apparent low and qualified bidder for street and concrete maintenance work at \$927,543.90. There were 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, Jones, Uhler, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5798.

Bill No. 06-02-2023 being for an Ordinance Authorizing the City Manager and City Clerk to Execute a Contract Agreement with KAT Excavation, Inc. for the Cooper Blvd Extension Project in the City of Warrensburg, Missouri, was read for the first time by title. Assistant City Manager/Public Works Director Villegas said the city received five bids opened on May 4, 2023. The bid from KAT Excavation Inc. was the apparent low and qualified bidder for concrete street of \$983,734.22 and asphalt street of \$902,959.99. Villegas said city staff revamped the design standard and specifications for the road pilots for the subbase of the road. City Manager Dulin said the Cooper Blvd. Extension Project is paid for by the Transportation Development District (TDD) and those funds can only be used for improvements in that district area. There were 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, Jones, Uhler, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5799.

Bill No. 06-03-2023 being for an Ordinance Authorizing the City Manager and City Clerk to Execute a Contract Agreement with Visu-Sewer of Missouri, LLC for the 2023 Sanitary Sewer Main Lining Project in the City of Warrensburg, Missouri, was read for the first time by title. Assistant City Manager/Public Works Director Villegas said the city received five bids for the project. The project was bid with an alternate bid option for lining two storm pipes. The bid from Visu-Sewer of Missouri, LLC was the apparent low and qualified bidder for sanitary sewer main lining of \$226,136.00 reduced by Change Order No. 1 to \$174,708.20 by reducing the number of storm sewer mains being lined to keep the project within budget. The alternate bid for two storm sewer lines of \$21,075.00 will be under the same agreement but listed as a separate project. Councilmember Osborne asked how many linear feet would be lined and Villegas answered 7,000 linear feet. There were no additional 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: Yes: Osborne, Jones, Uhler, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5800.

Bill No. 06-04-2023 being for an Ordinance Authorizing the City Manager and City Clerk to Execute a Cooperative Agreement for Services Between the City of Warrensburg and the Warrensburg Chamber of Commerce for Door Access Control Systems at the Warrensburg Depot, was read for the first time by title. Assistant City Manager/Public Works Director Villegas said the Depot has no access control requiring Chamber staff or Warrensburg Police Department to physically visit the facility to lock and unlock the doors to ensure the waiting area

is open for train passengers. The system will include a fish-eye surveillance camera in the depot waiting room and motion detectors. Villegas said the cost was \$45,260 shared with the Chamber covering \$14,573.50 and the city covering the remaining amount. Councilmember Jones asked who would have access to the doors via the application. Villegas answered that door access would be given to the Chamber Director, Warrensburg Police Department, City Manager Dulin and himself. There were no additional 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, Jones, Uhler, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5801.

Bill No. 06-05-2023 being for an Ordinance Affirming Section 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 Sections 393.25 RSMo utility rate increase in The Matter of Missouri American Water Company, Missouri, Public Service Commission, File No. WR-2022-0303, was read for the 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 Missouri American Water Company's annual revenues from its provision of water service by more than seven percent. The city enacted legislation in 2023 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 were 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, Jones, Uhler, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5802.

Bill No. 06-06-2023 being for an Ordinance Authorizing Maguire Street Corridor Project Engineering Contract with Burns & McDonnell Engineering Company, Inc., was read for the first time by title. City Manager Dulin said a study of the Maguire Street corridor and Maguire Street/Hwy 50 interchange was conducted in 2012 to assess existing traffic conditions. A follow-up study was done in 2016 focusing on the Maguire Street/Hwy 50 interchange. The 2016 study recommended a diverging diamond to replace the existing bridge; however, funding for such a large project was not available. In January of 2021, the city council passed an ordinance calling for an election on April 6, 2021 to authorize \$17 million in general obligation bonds for street and road improvements. The initiative passed with nearly 79% approval. The city submitted RAISE grant applications in 2021 and 2022 for additional project funding but while the applications received merit, the city was not awarded the grant that would allow the construction of the diverging diamond proposed in 2016.

Dulin said the Maguire Street corridor remains a priority and a critical link for residents and visitors to explore and take advantage of all opportunities in Warrensburg. City staff developed a request for qualifications (RFQ) and five firms submitted for the RFQ. Three firms were selected for in-person interviews by a selection committee consisting of staff, council members, planning & zoning chairperson, community partners and a MoDOT engineer. As a result of this competitive process, Burns & McDonnell was the engineering firm chosen. City staff has worked closely with Burns & McDonnell to develop a scope of work to provide professional, technical, Construction Manager at Risk (CMR) procurement and other professional resources, equipment, and materials. The scope of work is set out as Project 1 Maguire Street Corridor and Project 2 Maguire Street/Hwy 50 Interchange.

Dulin said Phase 1 for Project 1 Maguire Street Corridor includes project management, field investigations, data collection, surveying conceptual analysis, community engagement, CMR procurement and utility coordination. Phase 2 for Project 1 Maguire Street Corridor includes

project management, CMR support, engagement program implementation, preliminary plan development, final plan development and construction service support. Project 2 Maguire Street/Hwy 50 Interchange includes conceptual analysis and recommendations. The cost for Project 1 is \$1,393,398.00 and Project 2 is \$282,330.00. The total for Project cost is \$1,675,728.00 and paid for with the \$17 million in general obligations bonds issued in 2021 and 2022 approved by the Warrensburg voters in 2021. Councilmember Uhler asked how it will look. Dulin said there will be stormwater control, an alternative mode of transportation with a pedestrian path, walkability, and connectivity solutions with a pedestrian trail over the railroad between UCM and Warrensburg. Dulin said Burns & McDonnell will help with RAISE grant applications and a strategic funding plan. Villegas said pedestrian trails would intentionally stay on the right of way and may be on either side of the roadway. Steve Kellerman, Construction Director for Procurement of Burns & McDonnell was present and will help with CMR procurement. Kellerman described the process of CMR procurement as more efficient than a Design Build process for larger projects. There were no additional questions. Jones 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, Jones, Uhler, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5803.

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 Schedule. City Clerk Schneider said the records detailed on the Destruction Log for the Human Resources Department attached to the resolution have reached minimum retention and are ready for disposition. There being no questions, Jones moved to adopt said resolution. Roll was called as follows: Yes: Osborne, Jones, Uhler, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2256.

Under Appearances to the Council not listed on the Agenda, Mayor Kushner called Oscar Noe Villarreal, 108 Fairview Ave., Warrensburg to the podium to speak. Mr. Villarreal stated that he was the current chair of the Warrensburg Diversity and Inclusion Commission (DIC) and a private citizen for the last eight years. Villarreal addressed the council as a private citizen and apologized that he had not been available to the public as needed in his role as the DIC chair. Villarreal was not aware of recent circumstances at the annual Pride show event held on June 3rd. Villarreal said specifically the clear and present danger of threats of violence made against citizens of our community in a direct effort to instill fear and prevent prideful citizens from creating a more inclusive and safer place for the LGBTQIA+ community. Villarreal said as this meeting marks the city's resolve to commit to being a community of inclusion, he publicly condemned threats of violence against public groups within our community. Villarreal offered a reminder to all about our fundamental American beliefs in tolerating opinions of others and engaging in peaceful protest or debate with people who hold different views from our own. Villarreal directed his comments to members of the LGBTQIA+ in attendance and streaming online that the journey to equality may not be peaceful, simple and trouble free as you may already know but offered instead that you are loved, have a right to exist and be heard and have the right to be treated fairly as every other person who calls Warrensburg home. Villarreal said there are many in our community that will stand behind you to propel your fight forward, and others who will stand beside you in your march for equality, and others like Villarreal who will stand in front of you to embrace and shield you from the hate, abuse, vitriol, and fearmongering. Happy Pride Month. Thank you.

Mayor Kushner called Chris Nordvall, 1900 6th St., Knob Noster to the podium to speak. Mr. Nordvall said we had a wonderful Pride event with over 200 participants. Nordvall thanked the Warrensburg Police Department. Nordvall said they were the best community partners one

could ask for and came inside and saw what the event was all about, and actively engaged with the protestors outside. Nordvall wanted to thank those protestors that remained civil and believed it showed that our community can be civil when we have disagreements. Nordvall thanked the Elks as they faced a lot of push back for hosting the event and thanked Inclusion for hosting the event and he looks forward to having them back again next year. Happy Pride Month. Thank you.

Jake Griffith, 1115 Anderson Street, Warrensburg. Mr. Griffith said that he wanted to start a micro-dispensary in Warrensburg but showed one of the zoning maps made by the city and said it was quite restrictive for a small business owner like himself. The zoning requirement for a residential buffer adds an extra 100 feet and there is an additional 250 feet restriction from any liquor establishment. Griffith said this was problematic as it reduced the number of retail spaces available for his business and asked the city council to consider a change to these zoning restrictions. Griffith said timing was at issue as the State's application deadline starts on July 27th and he would need to have a fiscally proposed facility addressed prior to applying for the lottery process for a dispensary. Griffith said a retail space on Pine Street for rent is \$1,100 a month however a retail space by Starbucks or Verizon is \$5,000 a month and that was not conducive for a small business. Griffith said retail spaces would open by Sonic and Chipotle if the residential buffer requirement were not in place. Councilmember Jones asked specifically what business and Griffith said it was a marijuana micro-dispensary. City Manager Dulin had a discussion with Mr. Griffith and said that Warrensburg had originally discussed loosening up zoning requirements but never heard from anyone in the community with challenges. Dulin asked him to bring this matter to the city council and suggested taking Mr. Griffith's comments under advisement and seeing how the city can move forward through Community Development and the Planning & Zoning Commission. Mayor Kushner agreed that further discussion be held.

Under Miscellaneous Matters from the Mayor and City Council, Mayor Kushner said everyone has been doing a great job during this busy summer season. Mayor Kushner had been hearing good comments with the pool staff dealing with less than happy customers.

Under the City Manager's report, Villegas said city staff has been working on a sponsorship policy at the cemetery and what that would look like if a funeral home would advertise their services to bring in revenues for operational costs. Villegas said he spoke with the Energy & Sustainability Task Force about selling the trees before they are cleared for the road extension on the Cooper Blvd project. Villegas said the revenue received from selling the trees can be used for street tree maintenance, planting street trees to increase the city's tree canopy and for rain gardens. Villegas reported on the sidewalk improvement program and said unfortunately due to rain and other events, public works was only able to improve 4,050 feet of sidewalk. Villegas said last Friday at 11:00 a.m., there was scheduled maintenance with a private contractor on the city's generator. The generator provides an uninterrupted power source if power is disrupted. Flipping the switch from the utility to the generator there is a four second lag, and the city's uninterrupted power source kicks in to fill in the gap. During the routine maintenance when switched from utility to generator five or six times, the switch was affected within our network rendering communications inoperable as well as our uninterrupted power source (\$12,000 unit). Villegas said the city's dedicated IT staff worked to resolve and obtain replacement equipment to get the city's communications back online on Friday afternoon and over the weekend. Villegas also reported that on Sunday at the East wastewater treatment plant, the main power line burned in half and rendered two of the plant's sequencing batch reactors inoperable and staff came in to manually operate until the contractor came in to repair the issue. The issue has been plaguing the plant since 2009 and became apparent during the SCADA upgrade. Councilmember Uhler asked how often the uninterrupted power source

generator and switch are tested. Villegas will check the frequency and report back. Councilmember Jones asked if the uninterrupted power source was replaced. Villegas said a replacement switch was provided for free by Dell per the city's contract. Councilmember Uhler asked if the city's data was stored on the cloud or on a hard drive. City Manager Dulin said IT has been making those transitions to cloud-based storage with the city's email, phone and recently the Incode financial software to the cloud.

Fire Chief Jennings said the department's newest pumper at this station still works but alarms the entire time it is in use. The department was waiting on some pieces for the diesel exhaust to make that repair. Jennings said an order of ten sets of 2023 structural PPE expected to arrive in six months was received early. The department was awarded the Missouri ARPA State and Local Fiscal Recovery Fund Fire Protection Grant of \$20,000 in December of last year but due to delays and the November-December application and award process, the cost of items had increased. Jennings has submitted a modification to the original budget of \$20,000 grant to account for the increase from the structural PPE and ballistic protection gear budget line items. Mayor Kushner asked what structural PPE and gear cost increases have been in the last three years. Jennings said the costs increased to \$3,500 a set over the last three years up from \$2,100 a set. Jennings said the pants were \$700 each and now cost over \$1,000 due to material shortages and labor demands.


Police Chief Munsterman said Matt Morgan of Encounter Church will be serving the police department as Chaplain. The department will be hosting raider and vehicle assault training this week. Munsterman said the building had issues with its garage door opener and spring and got a lift to replace the spring. The building's air conditional unit went out and Munsterman thanked Bryan Jones for saving a motor fan from a year ago and then using it to temporarily repair their air conditioning unit. A new air conditioning unit is in the budget for next year.

Under the Finance Report, Finance Director McCoy said Jeff Tischer was the newest member of the Finance staff and employed as the new billing specialist. The finance staff were cross-training to fill in if someone is out. McCoy summarized that sales tax receipts were running status quo. McCoy will continue to provide budget development information at future meetings.

City Manager Dulin shared the city's webpage with tabs for information on the Special August 8th election on the sewer revenue bonds paid for by user fees. The information explains what improvements will be made with the bond revenue. The city council raised sewer rates in April 2023 with no anticipated increase in 2024 and anticipated increase of 9% in 2025 with a five-year model in place. The impact of the typical sewer bill user is 4,500 gallons of water bill is \$49 per month and has increased to \$53 per month in 2023, remains at \$53 per month in 2024 and increases to \$56 per month in 2025. Dulin said included the sewer utility rate study and Warrensburg Wastewater Treatment Capacity study under informational tabs. Dulin said the city is hosting an open house at the West wastewater treatment plant on June 14th from 3:00pm-6:00pm so the community may view and tour the facility, equipment and learn how the wastewater is processed and returned to the U.S. waterways. Dulin said the city is hosting a lunch and learn meeting with the developers in our community and share the improvements to the sewer system and Whiteman Area Leadership Council's (WALC) housing study. The study shows the gaps in the housing market, types of housing, quantity in the area, affordability, and quality of housing in our community. The WALC representative, President Greg Frencken, will be invited to share the study with the city council and the study will be placed on the city's website.


Mayor Kushner read motion to close part of this meeting pursuant to Section 610.021 of the Revised Statutes of Missouri, relating to: (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential information or privileged communications between a public governmental body or its representatives and its attorneys; (2) Leasing, purchase or sale of real estate by a public governmental body; and (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment. Osborne moved to close part of this meeting pursuant to Section 610.021 RSMo. Roll was called as follows: Yes: Osborne, Jones, Uhler, Kushner. No: none.

As there was no further business, the meeting adjourned at 9:55 p.m.



Jim Kushner, Mayor

Attest:



Jodi L. Schneider, City Clerk

