

CITY COUNCIL MEETING JUNE 24, 2019

A meeting of the Warrensburg City Council was held on June 24, 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 June 10, 2019, City Council meeting were considered. Jacobs moved to approve the minutes of the June 10, 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.

Bill No. 6-3-19 being for an Ordinance Annexing Certain Adjacent Territory into the City of Warrensburg, Missouri, Known as a Portion of NW 21 Road (Holden Street) was read for the second time by title. Community Development Director Barbara Carroll said this is a request to annex the last portion of Holden Street on NW 21 Road between the Highway 50 bridge and the roundabout. Carroll said there have been no additional comments since the Public Hearing. Jacobs moved to approve the ordinance. 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. 5521.

Bill No. 6-4-19 being for an Ordinance Authorizing the City Manager and City Clerk to Execute an Agreement Between the City of Warrensburg and Reasbeck Construction, Inc., Under the Terms and Conditions of the Contractor Services Agreement Dated June 18, 2019, for the Downtown Electrical Upgrade Phase I Project in the City of Warrensburg, Missouri, was read for the first time by title. Public Works Director Slim Coleman said construction of Phase I was in 2002 when there was a request for electricity downtown for special events. He said at that time electrical services were installed on Holden Street from the railroad tracks to Culton Street. Coleman said after a few years, the system deteriorated and was no longer safe. He said there were bids for components in 2017 at a cost of \$75,000. Coleman said \$70,000 was budgeted to construct the project for the FY19 budget.

Coleman said the Gordian Group was used for the bidding process because of time constraints, and this process has been used in the past. Council member Allen asked how this expense could affect the rest of the budget. Finance Director Matthew Lue explained the money is available this year, but he is not sure how it will affect next year's budget.

City Manager Harold Stewart said he is concerned if this is budgeted for a later date, it might be more expensive. Mayor Lund said he is also concerned the costs will continue to rise. Council member Holmberg agreed the costs may be higher if the project is delayed. Holmberg 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: Holmberg, Allen, Lund. No: Jacobs. Abstained: Brooks. Said bill was declared duly adopted and given Ordinance No. 5522.

In Other Business was Budget Requests from Boards, Commissions and Contract Agencies. Lue said the agencies receiving annual funding from the City have been invited to make a presentation concerning budget requests for next fiscal year. He said the requests for community funding for FY20 are \$171,000, and \$165,000 for FY19.

Dana Phelps, Executive Director of Big Brothers, Big Sisters said she took over this position January 1, 2019. She said once she made phone calls and checked on the case manager side of her duties, she realized the importance of this organization. Phelps said she has seen the success of the programs. She said the programs can help families with difficulties and make a difference in the lives of young people. She said these individuals are an important part of our community.

Tracy Brantner, Executive Director of the Johnson County Economic Development Corporation (JCEDC), said this organization appreciates this opportunity to thank the City. She said JCEDC is requesting the same amount for the last 13 years of \$75,000. She explained different efforts and goals of the organization. Brantner said their core values of retention and attraction have not changed. She said they have a great staff and a great group of volunteers. Brantner said the Dollar Tree Distribution Center and Break Time are great examples of results from a lot of hard work.

Brantner also works as the Staff Administrator with the Whiteman Area Leadership Council. She explained the purpose of this group is to support Whiteman Air Force Base, and this group keeps the Base viable. She said they would like to request \$3,000 again this year. Stewart said this group is important not only to the City, but to Whiteman Air Force Base and our constituents. He said it is very important to look at the future needs of the Base and this is another reason this group is so important.

Norman Lucas, Executive Director of the Pioneer Trails Regional Planning, thanked the City for all the past support. He explained many of the services offered to the City. Lucas said they coordinate with MoDOT to help the City with a Regional Transportation Plan and help with the State Highway Improvement Plan. He said they also provide help with grants for various City departments. Stewart said because of the City's growth there is an increase in the dues, and the amount will increase from \$5,000 to \$6,800.

Suzu Latare from the Tree Board said they have received a grant that will be used to prune and trim trees and remove trees damaged due to the bad weather. Latare said Main Street is also working on a TRIM Grant for future plantings.

The City's Depot Renovation representative, Brett Penrose, gave an update on the activities of this board. Penrose said over \$100,000 has been invested over the years. He said there have been significant improvements and repairs at the depot. Penrose said they are requesting a \$15,500 investment.

Kristin Dyer, the City staff liaison from the Historic Preservation Commission, said the mission of this commission is to promote the cultural and historical resources of the City. She said this funding would allow three members to attend a conference at the Lake of the Ozarks. Dyer said they would also be able to attend a forum for two other commissioners to learn more about the City becoming a certified local city.

Jill Purvis, Executive Director of Main Street, Inc., said this is the 7th year for the Burg Fest. She said this event brings in around 7,000 people into Warrensburg. Purvis explained the different activities that will be available this year, and Council member Holmberg asked about activities for kids since it seemed smaller last year. Stewart explained it is often difficult to get good volunteers.

Purvis reviewed Main Street's semi-annual report she submitted for the City Manager's report a few weeks ago. She explained the accreditation process Main Street accomplishes each year, and said Warrensburg is one of 7 in the state. Purvis explained there are many activities Main Street participates in, but their main events are Piccadilly, Farm to Table, Farmers Market, and Burg Fest. Purvis said Main Street appreciates the City's support, and that they believe this partnership is vital to Main Street and the Central Business District.

In Other Business was a Request for Funding of \$500 from the Stevenson Fund for Teachers' Warehouse. City Clerk Cindy Gabel said this funding is used to purchase supplemental supplies for the school classrooms. She said the warehouse is staffed by volunteers, so they rely on contributions from entities. Jacobs moved to approve the \$500 request from the Stevenson Fund. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none. Carried unanimously.

In Other Business was Discussion of the Medical Marijuana Ordinance. Carroll said the state finalized the rules for medical marijuana and they go into effect the 1st of June. She said in order to be consistent with the state rules, the City must make a few changes to the local ordinance.

Carroll explained the method of measuring the buffer distances from day care centers, schools, libraries and churches. She said the method of measuring in the City's ordinance was passed last January. She said it measures in a straight line from the main public entrance of the business premises to the front door of the other use. Carroll said when the state defined their process for measuring, the process was more complicated. She summarized the process for measuring and said they are using the method of measuring along the shortest lawfully traveled path of a pedestrian. Carroll said it was further explained where it would, i.e., the wall of the building, property line, or several types of scenarios. Carroll said a diagram has been provided in the packet shows measuring other types of uses for dispensaries, cultivation facilities or a manufacturing or testing facility. She said it was altered slightly for transportation facilities. Carroll said with this method of measuring, all cases will be slightly different.

Carroll said the City is currently working on drafting another ordinance which will change zoning requirements. This will also need to go to the Planning and Zoning Commission and back to the City Council as a formal ordinance. Carroll said an additional marijuana use was added for a medical transportation facility. She said with this the state explains how to become certified to transport. Carroll said this will be drafted into the City's ordinances.

Warrensburg resident Jerry Franklin read a letter he submitted to City Council members concerning medical marijuana dispensaries. In summary, Franklin thanked the City Manager and City Council members for allowing him to speak concerning distance requirements from legal and licensed medical marijuana dispensaries to churches, daycares and schools.

Franklin said this allows the City Council an opportunity to revisit the issue and hear further comment and have a better understanding of the law as it pertains to state mandates. He said it allows the City a chance to correct an error made at the January meeting relating to distance requirements from legal and licensed medical marijuana dispensaries to churches, day cares and schools.

Franklin said he also knows there were compromises made to get some legislation passed. Franklin said in his letter he agrees the ballot language was poorly written, and he knows it has caused confusion among the voters, but when passed municipalities also had an additional level

of confusion and misunderstanding.

Franklin said often items are compromised, so legislators on each side can of the issue can get legislation passed that they can "mostly" agree with. He said he believes that is what happened in passing medical marijuana dispensary law and guidelines. Franklin said he believes medical marijuana dispensaries should be zoned as other pharmacies (prescription dispensaries) are zoned. He knows others believe there should be certain distance requirements.

Franklin said municipalities have reacted in many ways on this issue. Some have decided on zero distance requirements while others have put distances from some of the protected users (churches, schools, and day cares) and not put distance requirements from others or chose to apply different distance requirements from each protected user.

Franklin said he has researched through communications with the State. He said he has spoken and sought advice from an attorney on the committee that writes the guidelines for the State to administer and provide direction. Franklin said he has reached out to every sitting council member and former council members. He said he has spoken with day care operators, adjacent neighbors, to possible neighbors and people on the street. Franklin said the owners of the day cares said they would not object to a medical marijuana dispensary being closer than 1,000 feet to their business. He said they did comment that they did not know how some of their customers would feel.

Franklin said he has not found anyone, if property licensed by the state that needs relief from a medical condition and their doctor has issued a prescription, that said a medical marijuana dispensary would present a threat to schools, day cares or churches, even if the distance was less than 1000 feet. Franklin said he has not talked to any clergy, but only to those who attend church. He said one school official preferred the 1,000 buffer and the County Health Department did not take a position.

Franklin said legal counsel have told him that recreational marijuana, if legalized in Missouri, should be dealt with differently. Franklin said he has never used marijuana and does not plan to. Franklin said he does support legal relief for a medical conditional that in consultation with a doctor may bring a higher quality of life. He said he does not believe this is a threat to anyone, and he supports reasonable zoning that allows for new businesses. Franklin said he does support protecting the health and safety of our community.

Franklin said this past January the City was ahead of the curve. He said a lot of municipalities had not taken a stand. He said distances were not mandated by the state. Franklin said the City has the right to set distances or have no distance requirements.

Franklin referred to an article in the Branson newspaper that has no distance requirements. He said over the years he has been around individuals with disabilities. Franklin said this makes a bigger impact on him and for business reasons, too. Franklin said he wanted to point out a prescription is necessary to get medical marijuana. He does not believe this is a threat to day care centers or schools. Franklin said he would like the City to revise the ordinance and consider allowing medical marijuana dispensaries to function the same in a General Business District or other pharmacy dispensaries.

Mayor Lund asked Franklin about other cities with 0 distance requirements besides Kirksville. Franklin referred to Moberly, 250 feet, and said other cities are using 250 and 300 feet. Franklin said others are using the 1,000-foot buffer.

Stewart said he worked as a licensed pharmacy technician for the State of Kansas while in college, so he has experience working in a pharmacy. Stewart said no one in these local facilities will be trained with a medical background to determine the effects of medical marijuana on other medications. Stewart said he would also like to clarify a statement that was made by Franklin. He said the public was not misinformed concerning distance requirements, those recommendations were made by City staff and the City Council agreed.

Stewart said since this ballot issue was approved by 60% of the voters, the City has done nothing but comply with this issue. He agreed with Franklin that this is a complicated issue, and said letters were sent to notify those affected by this change. Stewart said the ballot language used in the letter sent from the City was included for transparency. Franklin said years ago he would have agreed with Stewart, but his grandson is severely handicapped and the University of Kansas medical staff have recommended medical marijuana might be helpful.

In other comments, Heather Conley from the Learning Garden on Burkarth Road said she sent the letter to all of her families and staff. Conley said she got a lot of feedback and she believes that majority of parents and guardians do not want their children close to this type of facility. She said hundreds of children walk around this area.

Rebecca Shumate said her 3-year-old loves the Learning Garden, but she is not comfortable with her child going on a walk and seeing the marijuana signs. Shumate said she also has a middle-school aged child that walks to the Dairy Queen.

Tarl Bentley said he wants those able to purchase medical marijuana to be able to do so legally so the City does not miss this revenue. He said there are additional uses of medical marijuana. Council member Brooks asked about marijuana coming from other states and countries and Police Chief Rich Lockhart said he has no way of knowing this information.

Chairman Pro Tem Jacobs thanked those who came forward to express their feelings and concerns. He said this information is helpful to the City Council.

Doug Conley, a teacher and coach from the Warrensburg School District, said his concern is the geographic location. He said there are a lot of students around the school area who walk and ride bicycles. He understands the need, but said it needs to be in a discreet location.

Council member Allen asked about other setbacks, and Carroll explained alcohol requirements. Mayor Lund said he would like the City to mirror the State and believes there are plenty of areas where the medical marijuana facilities could be located. Chairman Pro Tem Jacobs said he feels comfortable with the 1,000-foot buffer, and Council member Holmberg agreed. Council member Allen said at this time she is on the fence. Council member Brooks said he believes medical marijuana should be treated like alcohol.

In Mayoral appointments, Mayor Lund said he would like to recommend Chris Aumiller to the Diversity and Inclusion Commission. Yes: Brooks, Jacobs, Holmberg, Allen, Lund. No: none. Carried unanimously.

In the City Manager's Report, Stewart said the Public Works Director will give an update on the progress of the roundabout project.

In the Finance Director's Report, Lue said fiscal year figures are going to be closer to the amounts previously projected after all, which is good news.

Under miscellaneous matters, Coleman said the roundabout project has been partially delayed because of the second layer of asphalt. He said once the asphalt is in place, the work will continue. Coleman said there have been some weather delays.

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



Cindy Gabel
Cindy Gabel, City Clerk

Casey Lund
Casey Lund, Mayor