

## CITY COUNCIL MEETING OF NOVEMBER 14, 2022

A meeting of the Warrensburg City Council was held on November 14, 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 work session minutes of the October 24, 2022 meeting were considered. Bentley moved to approve the minutes. Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

The minutes of the October 24, 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. Bentley moved to adopt the agenda. Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

Mayor Kushner invited Warrensburg Chamber Director Suzanne Taylor, Chamber President Suzy Latare and several small business owners to come forward for the reading of a proclamation declaring Small Business Saturday on November 26, 2022 and in support of the Love What's Local! message to "Shop Small Big Impact." The small business owners introduced themselves and thanked city council and the community for their support.

Mayor Kushner opened a public hearing on an ordinance authorizing a conditional use permit for Land Use 18.200 Community Utility Facility in a GB: General Business District Located at 123 W. Young Street in the City of Warrensburg, Missouri. Community Development Director Carroll said the applicant, APG Properties, LLC, property owner, requested the permit on behalf of American Broadband for use as a restoration site. The applicant proposed to use the existing building with two new additions of a small shelter and a permanent generator on a pad on the east side of the property. Carroll said the occupant anticipates using the existing hard surface parking for vehicle storage for the unmanned shelter, store materials inside the fenced area and, in the event of a storm, use the site to mobilize from to restore service. The site plan was reviewed by Planning & Zoning on November 7<sup>th</sup> and the commission voted to recommend its approval with two conditions. The two conditions included granting staff the authority to review the final site plan as part of the building permit process and all staff review items must be satisfactorily addressed on the final site plan. Several public comments were received but none of the comments given stated for or against the permit application. The criteria are included for council to consider when granting or denying a conditional use permit. The application is keeping with the statement of intent for general business district and consistent with the trend of development in this area. The current trend in the area is commercial. There were no questions or comments. Mayor Kushner closed the public hearing.

Mayor Kushner questioned the motion to table indefinitely a second reading of an ordinance approving the Minor Plat of NDS Industrial. City Attorney Harris said that an alternative ordinance had been requested by applicant and if city council takes action on that one up or down then these two ordinances which have already been presented on October 10, 2022 need to be procedurally removed from consideration. Kushner asked if tabling indefinitely then ten years down the road it could be brought back up and Harris said yes but the reality is that it will be rendered moot on council's action of the alternative ordinance. Mayor Kushner read Motion to Table Indefinitely Ordinance Approving and Accepting the Minor Plat NDS Industrial, a

Subdivision in the City of Warrensburg, Missouri, Located at 808 and 812 E. Young Street. Bentley moved to table indefinitely Agenda Item 7.I. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

Mayor Kushner read Motion to Table Indefinitely Ordinance Authorizing a Conditional Use Permit for Land Use 9.400 Motor Vehicle-Related Sales and Service Operation Motor Vehicle Painting and Body Work Facility in a GB: General Business District Located at 812 E. Young Street in the City of Warrensburg, Missouri. Uhler moved to table indefinitely Agenda Item 7.II. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

Bill No. 11-01-2022 being for an Ordinance Authorizing a Conditional Use Permit for Land Use 18.200 Community Utility Facility in a GB: General Business District Located at 123 W. Young Street in the City of Warrensburg, Missouri, was read for a first time by title. Community Development Director Carroll said city staff recommended approval as presented. 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. 5762.

Mayor Kushner read an Ordinance Concerning a Minor Plat Application for 808 and 812 E. Young Street and a Conditional Use Permit Application for 812 E. Young Street in the City of Warrensburg, Missouri, for a first time by title. Community Development Director Carroll said the applicant had requested to combine the two ordinances tabled indefinitely be put together in this alternative ordinance. This proposed ordinance is written in the positive and if adopted would approve the plat and the conditional use permit together. The proposed ordinance is the same as presented before to consider the minor plat that splits an existing one lot into two lots. The applicant has made all the changes staff requested so the plat is recommended for approval as presented. The conditional use permit is also recommended by staff for approval being consistent with the city's comprehensive plan, zoning ordinance and 2017 land use plan. Carroll said the packet reflects all of the same information from the October 10, 2022 first reading.

Mayor Kushner asked why cancel the other two items and bring up an alternative combined bill. Carroll answered, as previously stated, if the minor plat was approved, at the moment it was approved, it would nullify and change the boundaries of the lot and the existing conditional use permit granted in 2020 would cease to exist. Carroll said there would no longer be a valid conditional use permit and the risk to applicant was too great to take that chance if the plat would be approved but the conditional use permit would not be approved. The applicant, Bryan Sams, was present at the meeting and stated that if the conditional use permit did not pass, then he did not want to change the lot. Bentley requested clarification that it is a combined vote and Carroll affirmed that it is one combined vote for both actions. Mayor Kushner asked if Planning & Zoning gave a recommendation on the plat and the conditional use permit. Carroll said Planning and Zoning recommended approval on the plat but did not make a recommendation on the conditional use permit voting 3-3 with one abstention. There were no further questions, Bentley moved said bill be passed to a second reading by title. Roll was called for approval as follows: Yes: Osborne, Bentley, Uhler, Kushner. No: Lund. Based upon the city's ordinances without a unanimous vote, the ordinance passes to a second reading and moves to the next regular meeting of city council on November 28, 2022 for consideration.

Bill No. 11-02-2022 being for an Ordinance Authorizing the City Manager and City Clerk to Execute a Proposal under Engineering Services Agreement with Anderson Engineering Inc. for the East Gate and Claymont Storm Drainage Project, was read a first time by title. Assistant City Manager/Public Works Director Villegas said in the area east of the hospital on Chaucer Lane, a storm drainage pipe had collapsed in back yards evidenced during rain events. It was unknown the extent of the collapse and Villegas hoped the repair would be minimal. There were no questions, Bentley moved said bill be passed to a second reading by title. Carried unanimously. The bill was read a second time by title. 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. 5763.

Bill No. 11-03-2022 being for an Ordinance Authorizing the City Manager and the City Clerk to Execute a Contract Agreement with Game Time c/o Cunningham Recreation for the installation of Pour In Place safety surface for Hawthorne Park Playground, was read a first time by title. Assistant City Manager/Public Works Director Villegas said city staff had worked with the Park Board and the contractor on the preparation work for the safety surface and was ready to proceed with the installation. Mayor Kushner asked if there would be temperature parameters. Villegas replied that temperatures would need to be within a certain range. Additional questions were asked regarding the estimated life of the surface and warranty information. Villegas would need to look at the specifications to provide those answers but said the safety surface had been used before at Cave Hollow Park. There were no further questions, Bentley moved said bill be passed to a second reading by title. Carried unanimously. The bill was read a second time by title. 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. 5764.

Bill No. 11-04-2022 being for an Ordinance Authorizing the City Manager and the City Clerk to Execute a Contract with TMI Coatings, Inc. for the Sandblasting and Painting of the Indoor and Outdoor Pools Project, was read a first time by title. Assistant City Manager/Public Works Director Villegas said the sandblasting and painting was to preserve the life span for the pools and the indoor pool would be prioritized first. A question was asked how long the process would take and Villegas said he would get the timeline from the project manager and send it out. There were no further questions, Lund moved said bill be passed to a second reading by title. Carried unanimously. The bill was read a second time by title. 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. 5765.

Mayor Kushner read Resolution in Support of the Knob Noster State Park Nomination for Urban Night Sky Place (UNSP) certification from the International Dark Sky Association (IDA) and the Missouri Chapter of IDA. Daniel Brigham, Park Superintendent for Knob Noster State Park, was present and said the park is a natural habitat in Johnson County with nearly 4,000 acres of public ground and a huge asset for astronomy. As part of the certification application, Brigham needed letters in support from surrounding municipalities and said the certification is part of an awareness effort to protect the dark sky from ambient light pollution from adjacent areas to the park. There were 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. 2228.

Mayor Kushner read Resolution Approving Stevenson Fund Donation Request by The Christmas Store. City Clerk Schneider said the 2022 Christmas Store made a similar request as in 2021 for a donation from the Stevenson Fund for food vouchers and noted the charity

served 362 families last year and anticipated over 400 families this year. There were no questions, Lund made a motion 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. 2229.

Mayor Kushner read Resolution Authorizing the City Manager and City Clerk to Execute Change Order No. 1 with MMC Contractors National Inc. in the amount of \$85,298.00. Assistant City Manager/Public Works Director Villegas said on June 13, 2022, city council approved emergency duct work repair in the pool area. Villegas said engineering inspections performed by Great River Engineering reflected the need for additional structural and mechanical repairs. These repairs would be made by MMC Contractors National Inc. under the Contractor Services Agreement dated May 23, 2022. There were no questions, Bentley made a motion 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. 2230.

Mayor Kushner read Motion to Approve two (2) Large Scale grant awards for the Fiscal Year 2023 application cycle for the Downtown Façade Grant Program. Community Development Director Carroll said last Fall, city council adopted changes to the façade grant program for two pools of applications. Those two pools include a small grant scale for projects up to \$1,000 and the large grant scale as \$1,001-\$5,000. Only one large grant will be awarded per application cycle from October 1-November 1. The committee received five applications for the FY23 cycle. The top-rated application will not use the entire \$5,000 available for the large grant. The committee requests to award the remaining amount to the second-highest scoring application and thereby fund two large scale grants. Carroll said the second large scale grant would only be a partial funding but still higher than if funded through the small grant scale. The three remaining applications will be funded in the small grant scale application cycle. There were no questions, Bentley made a motion to approve two large scale grants in FY23 application cycle. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

Mayor Kushner recommended to Re-appoint Mike Greife as Member for the Board of Adjustment for a five-year term through November, 2027. There being no questions, Lund made a motion to approve said recommendation. Roll was called for approval as follows: Yes, Osborne, Bentley, Lund, Uhler, Kushner. No: none.

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

Mayor Kushner asked Villegas whether public works was ready for the forecasted snow event overnight. Council Member Uhler congratulated Daniel Brigham on his new book.

Finance Director McCoy said the city was in its first month of the fiscal year and reported that sales and use taxes were still strong. Mayor Kushner asked if there would be a new tax in connection with cannabis and City Manager Dulin said that would be discussed later.

Assistant City Manager/Public Works Director Villegas gave a verbal public works report and said the cemetery performed two cremations and one burial, public works was finalizing the I&I lining program areas and working on a good strategy for fiber to the street barn. Villegas said the park maintenance staff have been given the initial go-ahead by the Park Board to look at costs for replacing restroom vanities in the parks to stainless steel to deter the ongoing vandalism of replacing toilets and sinks. The Park Board has also given the authority to obtain

cost proposals from engineering firms to try to solve the flooding at Lion's Lake and address the dog park parking lot. Villegas said he was excited to work with the Park Board on making those park improvements.

Villegas presented a proposed sidewalk improvement program and requested city council's feedback before presenting an ordinance on November 28<sup>th</sup>. Villegas said the current program is a cost share where the property owner would request a sidewalk repair, a city inspection and repair estimates determined with the property owner paying a cost share of a \$1.50 a square foot and the city covering the rest of the cost. The city receives three to five repair requests per year. There are some cons to this program as discussed previously that result in public works touching the street more than once when excavating curb and ADA ramps with a sawcut the street and then a mill and overlay in the future. The current program does not address wholesale problems such as connectivity, walkability and accessibility and basically covers spot repairs.

The proposed sidewalk improvement program would divide the city into separate zones. Each zone would be inspected by city staff during the months of October through December and be evaluated based on best practices and also guidance provided by the ADA accessibility guidelines (ADAG) and public rights of way accessibility guidelines (PROG). The collected data would be entered into a contract document and then published for public bid. It would take seven years to do all of the residential inspections for sidewalks and ten-to-twelve years to make the sidewalk improvements factoring in budgetary constraints and problems with sidewalk widths and steep grades of the street. Another policy change is that the city would cover all of the cost with exceptions. If a sidewalk complaint came from outside of the zone or the contractor timeframe from May through September, the city would determine whether it could be fixed by a city crew or by change order with the contractor at a voluntary 50/50 cost share for the work. The city would attempt to honor historic materials of brick or stone for properties that about the National Historic Places Registry (west side of town). If properties do not about the historic district, and the property owner does want the brick or stone then a voluntary 50/50 cost share would be offered as long as the cost does not exceed what the cost would have been to install concrete. Villegas showed the proposed zones on the presentation. Villegas thanked Dave McCannon, Jason McCarty and Kristin Dyer for the staff's positive reception of the program and also thanked the city manager for her support of the program. Villegas described the zones on the map, pointing out icons for the ADA ramps, before and after pictures and measurements that can be extrapolated and create a bid tab for mill and overlay projects. Villegas would like the zone map to be public facing in the future. Villegas also pointed out that the map showed polymer overcoat/mill and overlay and I&I infrastructure programs for FY23 throughout the city. Mayor Kushner would like to see the link on the website.

Interim Police Chief Munsterman said last Thursday morning, Warrensburg police investigators worked with the Johnson County Sheriff's Department S.W.A.T. team with a search warrant on Jackson Street. There were individuals selling narcotics to high school kids, and the team seized two AR15's, two pistols and hard narcotics getting them off the street. Munsterman thanked the Warrensburg police investigators for their hard work.

Park Board Chair Erica Collins introduced Chris Deal as the Interim Park Superintendent. Deal has extensive experience parks and recreation working previously in Liberty, Harrisonville and Sanibel, Florida municipalities.

City Manager Dulin alerted city council that municipal court would be closed the week of December 8-14<sup>th</sup> due to the resignation of Shelby Smith leaving only the court administrator who had a planned vacation. Municipal court fines could still be paid online during that time.

Tourism Director Barnhart said the WCVB approved a grant application for the Local Tourism Asset Development Progress using Department of Economic Development ARPA funding with the only eligible project being 205 N. Holden. The bid opening for the 205 N. Holden was this Wednesday, December 7<sup>th</sup>.

Interim HR Director Christensen said a health care education meeting was scheduled for December 7<sup>th</sup> at 7 am and 10 am, to go over health insurance and benefits provided by American Fidelity. Open enrollments meetings were set on December 12<sup>th</sup> and 14<sup>th</sup>.

Parks Board Chair Collins said thank you to Villegas, Dave McCannon and Bill Graves and appreciated the information given to the board. Collins also said thank you to Jeff Imboden and Carrie Battles for serving as co-interim park directors.


Chamber Director Taylor said thank you to all who attended the Depot celebration. Taylor said holiday parade float applications were on the Chamber website and reminded that the Base Community Council Bomber Ball was this Friday.

Mayor Kushner read motion to close part of this meeting pursuant to Section 610.021 of the Revised Statutes of Missouri relating to: (3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or records. Osborne made a motion to close. Roll was called for approval as follows: Yes: Osborne, Bentley, Lund, Uhler, Kushner. No: none.

As there was no further business, the meeting adjourned at 10:05 p.m.

  
Jim Kushner, Mayor

Attest:

  
Jodi L. Schneider, City Clerk

