

**CITY OF WARRENSBURG**  
**PUBLIC WORKS**

Council Letter No.22-

August 18, 2022

Honorable Mayor and  
Members of the City Council  
City of Warrensburg, Missouri

Dear Mayor and Council Members

SUBJECT: An Ordinance Amending Certain Provisions of Chapter 20, Article VIII,  
Division 2 – Right-Of-Way (ROW) Management

**BACKGROUND:**

Staff has evaluated, analyzed, and juxtaposed our current Chapter 20, Article VIII, Division 2 City Code to what is going on in the field and recognize that we need more robust standards and expectations as they pertain to ROW Management and permitting.

The intent of the amended code changes is to improve the experiences staff and citizens are facing.

**ISSUE:**

Staff is requesting the consideration of the amended provisions of Chapter 20, Article VIII, Division 2 – Right-Of-Way (ROW) Management.

**STRATEGIC PLAN:**

This is will be included in Focus I: Investment in Infrastructure.

**FISCAL IMPACT:**

N/A

**ECONOMIC BENEFITS/IMPACT:**

Improved streets add to the overall aesthetic appeal of the community and promote economic development.

**RECOMMENDATION:**

Staff recommends approval as submitted.

Sincerely,

Enrico Villegas  
Assistant City Manager/  
Director of Public Works

cc: City Manager

Attachments: Ordinance

Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING PROVISIONS OF ARTICLE VIII, CHAPTER 20, RIGHT OF WAY MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF WARRENSBURG.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI AS FOLLOWS:**

Section One: Section 20-204 (a)(1)(f) is hereby amended to read as follows, leaving all other provisions of 20-204 in effect, unaltered:

- f. Local business license numbers for all contractors or subcontractors to perform work on the project, which list may not contain any contractor debarred by the City;

Section Two: Section 20-204(a)(11) is hereby adopted to read as follows, leaving all other provisions of 20-204 in effect, unaltered:

- (11) Right of Way permits shall be acted upon within a reasonable time by the City. Applications must be submitted at least thirty days prior to planned work within the Right of Way.

Section Three: Section 20-207(l) is hereby adopted to read as follows, leaving all other provisions of 20-207 in effect, unaltered:

- l) Debarment Any contractor or subcontractor utilized by a ROW user may be debarred from further work within the City's ROW upon a finding by the Director of Public Works that such contractor or subcontractor has committed either serious or repeated violations of Article VIII of this Chapter.
  - (1) A contractor or subcontractor debarred under this provision may not work within the City's ROW for a period determined by the Director of Public Works not to exceed ten years. In determining the length of debarment, the Director shall consider the history of violations, responsiveness to City notices of violation, effect of violation on health and safety, and interference with other ROW users.
  - (2) Any contractor or subcontractor debarred hereunder may submit to the Director of Public Works a remedial plan to address safety and operational concerns and seek removal from the debarment list.
  - (3) Any contractor, subcontractor, or ROW user may seek review of

a decision of the Director of Public Works to the City Manager, who shall, within thirty days meet with the requesting party and review the decision of the Director of Public Works including any new information the party seeking review wishes to submit. The City Manager shall issue a decision in writing affirming, altering or reversing the determination of the Director of Public Works. Any further review shall be pursuant to Section 536.150 RSMo.

- (4) No contractor or subcontractor debarred hereunder shall conduct any work in the ROW during the period of debarment.

Section Four: Subsection 20-206(d) is hereby adopted to read as follows:

- (d) Violation of any term of this Article, or of the ROW permit or any condition of such permit is an offense, punishable under Section 1-15 of this Code. Each day of violation shall constitute a separate offense.

Section Five: Subsection 2-205(b)(6) is hereby adopted to read as follows:

- (6) Other than during emergency situations threatening public safety or property, all work within the ROW shall occur between the hours of 7:00 a.m. and 7:00 p.m.

Section Six: Subsection 2-204(a)(1)(h) is hereby adopted to read as follows:

- (h) For any work exceeding two thousand five hundred (2,500) linear feet, the ROW user must meet with the Director of Public Works for a preconstruction conference to discuss means and methods of construction, protection of other ROW users, notification of the public and other concerns implicated by the proposed work.

Section Seven: It is intended that the provisions of this ordinance be incorporated into the Code of Ordinances.

Section Eight: This ordinance shall be in full force from and after its passage.

Read two times and passed by title this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Jim Kushner, Mayor

Attest:

---

Jodi Schneider, City Clerk