

CITY COUNCIL MEETING OF DECEMBER 12, 2022

A meeting of the Warrensburg City Council was held on December 12, 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 minutes of the November 28, 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 Gary Swanson, Senior Computer Technician, IT Technology Department, City of Warrensburg, to come forward for the reading of the Gary Swanson Employee Recognition Proclamation. The proclamation recognized Mr. Swanson's proactive contributions in cybersecurity this past year resulting in reduced cyber liability insurance carrier rates and a rate of exposure less than 5% as compared to the industry standard of governmental entities exposure of 15%.

Mayor Kushner invited Rachel Denfeld, Accountant, Finance Department, City of Warrensburg, to come forward for the reading of the Rachel Denfeld Employee Recognition Proclamation. The proclamation recognized Mrs. Denfeld's thoroughness in duties including bank account oversight by identifying check fraud in the amount of \$68,000.00 committed against the city and diligence in the recovery of those funds.

Bill No. 12-01-2022 being for an Ordinance Authorizing the City Manager or their Designee to Create and Implement a new Residential Sidewalk Improvement Program, was read for a first time by title. Assistant City Manager/Public Works Director Villegas said the sidewalk program was presented on November 14, 2022 for discussion. Since that date, only minor changes were made to the program and Villegas included a redlined version and final draft of the program in council's packet. 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 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. 5767.

Bill No. 12-02-2022 being for an Ordinance Vacating a Portion of W. Pine Street and Approving the Minor Plat of Every Substation, a Subdivision in the City of Warrensburg, Missouri, located at 300 W. Pine Street, was read a first time by title. Community Development Director Carroll said this property combines four existing parcels into one large lot. A portion of the south side of Pine Street right-of-way is being vacated. This request is part of a multi-step process. The parcels were rezoned, the site plan was part of a variance and conditional use permit and now a minor plat for use as a substation. On December 5th, Planning & Zoning recommended approval with six conditions. City staff added a seventh condition to use a hatch pattern to indicate the portion of W. Pine Street that is being vacated. The final step for the property owner will be to apply for a building permit. Upon inquiry, Carroll clarified that property in this Minor Plat was located on the south side of Pine Street and no property on the north side was part of this plat. 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. 5768.

Mayor Kushner read Resolution of the Council of the City of Warrensburg, Missouri, Accepting a Proposal Prepared by Mike Keith Insurance, Inc. for Property, Liability, Terrorism and Cyber Insurance for 2023. Interim HR Director Christensen said the insurance coverage increased by 12.9% resulting from increased replacement values on all city-owned buildings except Fire House No. 2 (insured by another carrier). There were 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. 2236.

Mayor Kushner read Resolution of the City of Warrensburg, Missouri Stating Intent to Seek Funding through the Community Development Block Grant Program and Authorizing the City Manager or their Designee to pursue activities in an attempt to Secure Funding. Assistant City Manager/Public Works Director Villegas relayed the exceptional service given by Regional Planning Commission and Engineering Surveys and Services for completion of the community development block grant application on the W. Market Street Improvements project. Villegas believed the application would withstand scrutiny of the competitive process for \$350,000 grant proceeds. The city's portion of the project was \$1,028,320.38. The city is currently in ongoing discussions with the school district and Johnson County for funding as both taxing jurisdictions will benefit from the W. Market Street improvements. There were no questions, Osborne 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. 2237.

Community Development Director Carroll said as a result of the November 8, 2022 election, Missouri voters approved Amendment 3 for recreational marijuana. Amendment 3 allows medical dispensaries to convert to comprehensive facilities to include both marijuana offerings of recreation and/or medical. A microbusiness facility is a dispensary or manufacturing facility in land use not attributable to the size or square footage of the facility but only to ownership with the intent to encourage smaller entrepreneurial ownership. Carroll held a similar discussion with Planning & Zoning Commission last week to gain direction and intent from both the commission and city council.

Carroll gave council a historical timeline of state and local regulations adopted since the approval of Amendment 2 allowing medical marijuana facilities in November of 2018. Carroll relayed current zoning regulations for marijuana facilities adopted in 2019 by Ordinance 5524. The current regulations anticipated that medicinal would become recreational in the future and were adopted with more restrictive distance and buffer requirements.

Carroll proposed adopting recreational definitions and land use categories to Chapter 27 for comprehensive and microbusiness marijuana facilities in the same zoning districts zoned by right or conditional use permit as shown in the Table of Uses, Section 3. The Planning & Zoning Commission indicated no change to the regulations at this time. The commission discussed the downtown business district in view of "Liquor by the Drink" regulations to allow some facility site availability but the State's requirement of 1,000 feet of then existing elementary school, child daycare center or churches eliminates those potential sites. The commission was willing to consider a variance or amendment to regulations in the future with a specific request.

Council Member Bentley inquired how much stricter were the City's regulations than the State and Carroll referred to the top of page 2, Items 1-4 in the staff report. Carroll said distance requirements are measured in same manner as the State. There was concern that additional restrictions may deter facilities from wanting a site in the city and noted that only twenty-four licenses within the Fourth Congressional District in eight counties were allowed. Carroll said city staff received an average of one-to-two inquiries a month to run reports on available sites with current regulations in place and the last five site inquiries qualified. Carroll said a layer in the City's GIS mapping system was created that showed buffers for each location restrictions as listed in Section 27-246. Carroll said a compare-and-contrast map can be created. Council Member Bentley requested the map. Carroll requested feedback and barring none would present an ordinance in January with changes in definitions.

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

Council Member Uhler said there was a news article about UCM's policy on recreational and medical marijuana use prohibitions on campus and asked Interim Police Chief Munsterman on how to police the under 21-age group. City Attorney Harris said the UCM campus police will govern based on campus conduct regulations. Interim Police Chief Munsterman will be meeting with UCM Police Chief Brinkley on the matter. Mayor Kushner attended the employee holiday lunch last week, enjoyed the camaraderie and appreciated the great year and hard work given by employees. Mayor Kushner inquired about the managed deer hunt. Several council members had received concerns on park closure. City Manager Dulin had not received any numbers yet on deer harvested midway but would reach out to try and get numbers. Dulin said initial feedback if a managed hunt is held next year included a check-in station, increasing the size of the signage for closed areas, whether it was necessary to close the park for six weeks, the need for a survey to determine success, obtain the date of harvest to determine length of future hunts, incorporating more ground into hunt for more hunters or setting limits. City Manager Dulin said the city filled its thirty-three spots but there was interest from outside of the city for participation. There was a suggestion to hold a managed hunt just for disabled veterans, youth and/or ladies.

Tourism Director Barnhart thanked the city for its Letter in Support for the Missouri Department of Economic Development Local Tourism Asset Development Grant application submitted by the Warrensburg Convention and Visitors Bureau.

Finance Director McCoy said in October and November, the city's sales tax revenues were higher than this time last year and departments were meeting budgets and expenses. McCoy said a lodging tax report will be brought to council in first quarter of 2023. The city's annual on-site audit will be performed during the week of December 19th for fiscal year 2021-2022. Council Member Bentley asked for a breakdown of sales tax revenues by industry and McCoy will reach out to see whether a breakdown per industry is available through the Missouri Municipal League.

Interim Police Chief Munsterman will be issuing a life-saving award in the next few weeks to a utility worker who spotted a four-month-old child in a backyard in the 700 block of Johnson Drive. The infant was purple and in bad shape when the utility worker called an ambulance who rushed the infant to the hospital and saved the child's life.

Fire Chief Jennings said the fire department hosted a day of training on Saturday in the Growing Leaders Using Employment (GLUE) Program thanks to the Missouri Division of Fire Safety.

There were seven departments represented. Matt Soer also participated in a podcast on fire safety training presented by the National Division of Fire Safety.

Interim Parks Director Deal said the community center was closed this week for maintenance for power-washing, painting and repairs. Deal was working with Midwest Pool to recruit lifeguards and everything was on target for a first of the year opening of the indoor aquatic pool.

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 or privileged communications between a public governmental body or its representatives and its attorneys. Bentley 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 8:32 p.m.

Jim Kushner, Mayor

Attest:

Jodi L. Schneider, City Clerk