

CITY COUNCIL MEETING OF AUGUST 14, 2023

A meeting of the Warrensburg City Council was held on August 14, 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 July 10, 2023 were considered. Osborne moved to approve the minutes. Yes: Osborne, Uhler, Jones, Kushner. No: none.

The City Council Work Session Minutes of July 10, 2023, July 24, 2023 and August 8, 2023 were considered. Jones moved to approve the work session minutes. Yes: Osborne, Uhler, Jones, Kushner. No: none.

The adoption of the agenda was considered. Community Development Director Carroll requested the agenda be amended on Items 5.I Public Hearing and 6.I First and Second Reading of Ordinance changing references from Gay Street to South Street in the titles. Uhler moved to adopt the amended agenda. Yes: Osborne, Uhler, Jones, Kushner. No: none.

Mayor Kushner opened a Public Hearing on an Ordinance Authorizing a Conditional Use Permit for Land Use 1.620 Bed and Breakfast Inn and Other Temporary Residence Renting by the Day or Week in an R3: Low Density Multi Family Residence District Located at 315 W. South Street in the City of Warrensburg, Missouri. Community Development Director Carroll said applicant's intent is to use the property for an Air B&B or short-term rental (STR). Carroll said the property is in the same land use 1.620 as a regular bed and breakfast and the city had previously approved conditional use permits at three locations at 315 E. Gay Street, 300 S. Holden St. and 110 E. Hale Lake Road. A building permit was issued to remodel the existing structure based upon the plans submitted including a floor plan showing three bedrooms, two bathrooms, kitchen, dining room and living room. The site plan shows a 12-foot-wide driveway with a carport. The site plan is the same for the requested conditional use and the remodel permit. If not approved, the building permit that has been issued is compliant with the requirements for a single-family residence in an R3 district. Carroll said the Planning & Zoning Commission considered the conditional use application at their meeting last week and recommended approval with two conditions by city staff. The two conditions incorporated into the ordinance are authority for staff to approval the final site plan and satisfactory completion of city staff review list including a hard-surfaced driveway, height restriction of carport and any new signs require a separate sign permit application. For signs in residential districts, the property can have either one yard sign or one wall sign limited to four square feet in surface display area.

Carroll said there is a sign on site now that was allowed to be there while under construction but will need to be removed after construction. The property owner will then have the option for permanent signage. Carroll said that city staff recommends approval of request, and the applicant was present to answer any questions.

Mayor Kushner invited public comment. Dr. Thomas Patterson, 725 Spring Ridge Road, said regarding this building and construction effort that he was in favor of the small business and hoped that it would be successful but objected significantly to the present signage that said two people died in this house. Dr. Patterson said the property and signage are on a school route and older adult route, and his grandchildren have asked why people died in the house. Dr.

Patterson said he spent forty-six years in military medicine and people died in his arms and he moved dead bodies, and he finds no entertainment in death. Dr. Patterson said he had attended military removals done with honor and respect as a member of Post Legion 131 and it troubled him to see death as a commercial enterprise. Dr. Patterson also practiced social work, and in particular teen suicide, and thought the signage was inappropriate on one of the most traveled streets in the city. Dr. Patterson would hate to see this on national news, and he did not want Warrensburg famous for this person and would hate to see permanent signage. He wished the business owner success but wants it done with respect.

Mrs. Cheryl Patterson 725 Spring Ridge Road, said she endorsed everything said by Dr. Patterson. Mrs. Patterson was a teacher for twenty-six years, and she had seen increases in teen suicides and the glamorization of suicide. Mrs. Patterson is concerned with its further glorification as “cool” when it deals with death, and said teenagers are mercurial. Mrs. Patterson said her three grandchildren asked why is dying in the house a good thing when they drive by the sign. Mrs. Patterson wished Chuck and the business a great success and hoped that the sign is not kept as prominent. There was no more public hearing comment. Mayor Kushner closed the public hearing.

Bill No. 08-01-2023 being for an Ordinance Authorizing a Conditional Use Permit for Land Use 1.620 Bed and Breakfast Inn and Other Temporary Residence Renting by the Day or Week in an R3: Low Density Multi Family Residence District Located at 315 W. South Street in the City of Warrensburg, Missouri, was read for a first time. Community Development Director Carroll provided a substitute ordinance with the word South Street instead of Gay Street in the title. Councilmember Osborne asked if the signage of two people dying could be removed. Carroll said the construction sign will have to be removed when it is no longer a construction site. A new sign can be installed but staff do not get to read what is on the sign. The permit needs to address the sign, how and where it is attached, and staff does not have a say in what the sign says. The permit sign can only be 2x2 or 1x4 and limited to four square feet in the display area. The applicant said no sign will be installed. There were no further 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, Uhler, Jones, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5810.

Bill No. 08-02-2023 being for an Ordinance Amending Section 13-2 of the Code of City Ordinances of Warrensburg, Missouri Regarding Nuisances, was read for a first time. Community Development Director Carroll said language was added to subpoint 16 to include equipment and plumbing fixtures. Also, language was added to subpoint 18 so motorized equipment and craft other than automobiles can be considered a nuisance (i.e., motorized lawn equipment, trailers and boats in parts or pieces, derelict or the frames and be stored improperly). A redlined version draft of the proposed ordinance was offered in the packet. Carroll said specifically the added language allowed the city to pursue derelict lawnmower or frame of a riding mower, without wheels, and abandoned. The question was asked if notice was given to property owners to clean up the property and Carroll described the notice and court process. There were no further 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, Uhler, Jones, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5811.

Bill No. 08-03-2023 being for an Ordinance Authorizing the City Manager and City Clerk to enter into a Lease Agreement with Warrensburg Animal Rescue for the Animal Shelter Facility, was

read for a first time. City Manager Dulin said the lease agreement for the Old Drum Animal Shelter operated by Warrensburg Animal Rescue (WAR) is for the 2023 calendar year. Dulin said Johnson County published a request for proposal of this service at the beginning of the year and they recently moved forward with WAR. Dulin said the city waited until the decision was made before entering into the lease agreement. The city leases the facility for \$1 a year. There were no further 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, Uhler, Jones, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5812.

Bill No. 08-04-2023 being for an Ordinance Declaring the Results of a Special Bond Election Held in the City of Warrensburg, Missouri on August 8, 2023, was read for a first time. City Clerk Schneider said the city council found it necessary and thereby declared its intent to borrow an amount not to exceed \$22,000,000 for the purpose of acquiring, constructing, upgrading and improving its sewer system (the "Project") and to evidence such borrowing by the issuance of sewer revenue bonds. A special bond election was held on August 8, 2023. The official certified election results from the Johnson County Clerk were received and written, as follows:

For the Sewer Revenue Bond Issuance	486
Against the Sewer Revenue Bond Issuance	<u>125</u>
Total	611

It is hereby found and declared that a simple majority of the qualified voters of the City voting on the question as said election voted in favor of said question and it is hereby passed. There were no 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, Uhler, Jones, Kushner. No: none. Said bill was duly adopted and given Ordinance No. 5813.

Parks Director Deal presented a Notice of Termination dated July 25, 2023 from the Parks and Recreation Board to terminate this agreement upon sixty days' notice in writing of the Contract for Provision of Facility and Grounds Maintenance Between the Warrensburg Parks and Recreation Board and the City of Warrensburg, Missouri, Ordinance No. 5751, effective October 1, 2023. Deal thanked City Manager Dulin, Assistant City Manager Villegas and the Public Works staff for their hard work on the facility and grounds maintenance. Deal said the Parks Board and staff are committed to continuing the strong relationship and ongoing teamwork with the city. Deal said there was no action needed by city council. Councilmember Jones asked if there were sufficient staff hired. Deal said they recently hired a new park superintendent with a strong background in facility and maintenance.

Mayor Kushner read a Resolution Approving Stevenson Fund Donation Request by Johnson County Adult Literacy Program in the amount of \$1,000.00. City Clerk Schneider received a donation request made for learning supplies and materials for adult learners and JCALP tutors and is eligible under the terms of the trust. The requested amount was verified by Finance Director McCoy as appropriate based on the available net balance of the income for such year for appropriations. There being no questions, Jones moved to adopt said resolution. Roll was called as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2259.

Under Mayoral Appointments, Mayor Kushner recommended the appointment of Thomas Denne as a Member for the Energy and Sustainability Task Force to fill a vacant position for a two-year term through August 2025. Mr. Denne was present and said he was looking forward to working with the task force. Osborne moved to approve the appointment as presented. Roll was called as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none.

Under Appearances to the Council not listed on the Agenda, Mayor Kushner recognized Todd Parker, 25 SW 101, Warrensburg. Mr. Parker said Tom King is a developer and built the arched bridge on College Street in 1951. Mr. Parker would like to dedicate/name the bridge for Tom King and asked if the city had a permit or application process. Councilmember Uhler recalled the bridge being named for Harry Garrison, Mayor in the 1940's. The plaque was on concrete, but that part of the bridge is now gone. City Manager Dulin said staff will do research on the bridge with the historical society, get more information on Mr. King, and then organize a ceremony based on the research. Mr. Parker said that Mr. King tells the story of designing the bridge as a young engineer in 1951 during the era of steam engines and while forming the arches, if a westbound train did not have to stop it would blow their forms off. Mr. Parker would like the newspaper involved at the dedication since Mr. King is a veteran. Mr. Parker volunteered to seek contributions for a plaque. Mayor Kushner said the city will follow up with Mr. Parker after its review.

Under Miscellaneous Matters from the Mayor and/or City Council, Councilmember Uhler asked about the state law going into effect later this month about texting and driving and what we are going to do in Warrensburg. City Attorney Harris said every year we go through all of the changes that the general assembly has decided to make to our state laws and bring our ordinances up to compliance with those changes not necessarily on August 28th but you will see those in the next coming months. Councilmember Osborne asked will we need to vote or will that happen automatically. Harris said that could be written as a state ticket and handled by the county prosecutor but in order for that to be handled in municipal court the city's ordinances would have to be updated.

Under City Manager Report, Finance Director McCoy presented a Fiscal Year 2024 Budget Summary. McCoy made note of the photo on the front of the budget summary was submitted for the budget photo contest and is one of several used throughout the book. As the FY24 budget is developed, the city follows its adopted financial policies as it goes through the 2023 budget review, the 2024 proposed budget and a budget summary by fund that includes those one time-last time capital, debt, and depreciation pieces. This report summarizes all of the pieces from the department directors, revenue, and capital and brings it together in a high-level summary and is further detailed in the first reading of the adopting budget at the August 28th meeting.

The adopted financial policies require that the operating expenditures do not exceed the revenues plus 50% of the unencumbered balances or any deficit estimated at the beginning of the fiscal year. It also requires that general fund cash balance reserves of 22% of general fund expenditures which is approximately \$2.6 million dollars in cash reserve to be maintained. Currently the 2023 budget is \$53,000,000 with expenditures of \$52,000,000 and the \$12,000 difference there is actually a reserve transfer that we have in capital funds that will not be there so recall that there you get a balanced budget when we do those so those are supposed to be equal to zero. Currently as of 6/30/2023, we had collected \$21,000,000 and expended \$20,000,000 so we have about \$2,000,000 of revenue that exceeds expenditures to cover debt and all of the construction that is going on right now this is as of 6/30/2023. There will be more happening in July through September going forward. It includes fund balance and expenditures

are down as compared to budget as well as revenues exceeding budget going forward. So Fiscal Year 2024 proposed for all funds is \$47,000,000 in revenue and \$49,000,000 in expenditures planned. McCoy said that part of the \$2,000,000 deficit is in the Water Pollution Control Fund of \$1.5 million of depreciation/principal/capital and the remaining is a combination of general fund of \$393,570 and ½ cent capital fund of \$196,570.

McCoy presented FY24 Proposed Budget -- All Funds. The debt service fund is a pass through and money paid out of capital, parks and general that makes that debt payment of \$2.8 million and the Neighborhood Improvement District (NID) has a budget of \$159,000. The WCVB will be approving its budget this month.

McCoy gave a General Fund Budget History from FY21 through FY24. McCoy pointed out the expenditures run along same throughout the years. In FY23, it was planned to spend cash reserves of \$540,000 but actual have come in with additional revenues and expenditures were lower and it looks like it will build fund balance again as has happened over the past several years.

McCoy outlined FY24 Proposed Budget – General Fund Cash Balances. The cash balances include restricted funds of \$330,661 (cemetery donations, tuition assistance, storm response and traffic signal reimbursement) together with FY23 restricted reserve of \$2,655,220 and none-restricted FY23 balance of \$4,888,823 total \$7,895,561 estimated beginning cash balance.

McCoy said the FY24 Proposed Budget – General Fund revenues \$12,069,180 (show a 4.4% increase from FY23) and expenditures of \$12,462,750 (include Hawthorne debt payment plus final payments for street sweeper lease) total (\$393,570).

McCoy said FY24 Proposed Budget – Items Currently Funded (General Fund) include 7% increase in medial coverage, salaries to market plus 3% performance, one-time/last time expense \$245,730 and community funding \$52,250. Dulin said all community funding was awarded pursuant to each request except Big Brothers and Big Sisters who requested an increase but it was reduced to \$5,000 the same as last year. The Depot reduced their level from last year.

McCoy said the FY24 Capital Improvement Plan (CIP) – Transportation and ½ Cent Sales Tax cash balances show a total of \$3 million projected cash balance 9/30/24 and \$6.8 million to spend.

McCoy said the General Obligation Bonds estimated FY24 Revenue from property tax is \$21,373,147 and \$1,142,190 is debt service. McCoy said the city is required to keep debt service for FY25 in the amount of \$1,142,190 with \$15,583,130 expenditures for the Maguire Street project. The ARPA funds projected cash balance in FY24 of \$1,719,000 have to be obligated by December of 2024 and paid out by December 2025. The remaining \$955,000 of the 2017 General Obligation bond issue is scheduled to retire in 2027.

McCoy said the FY24 Neighborhood Improvement District Fund and Tax Increment Financing annual revenue is estimated at \$64,000 a year, leaving an estimated yearly balance of just under \$100,000 to be paid by General Fund to make the debt service payment. The annual PILOTS and EATs collected and paid to the developer for reimbursement.

McCoy said FY24 Parks and Recreation Fund proposed budget is \$3,223,140 revenues and expenditures (include debt payment of \$322,630 and depreciation \$105,000).

McCoy said FY24 Water Pollution Control Fund nearly funded that depreciation into fully funded. The capital items include I&I relining and will be incorporated into the \$22,000,000 sewer revenue bond issue. The major capital expenses include to retire Enterprise Lift Station, SCADA Components, I&I Relining Project, Vehicles and Equipment.

McCoy asked if the city council was comfortable with the proposed budget and are there any other projects not captured in the budget presentations that council would like included in the budget. The consensus of the city council was the proposed budget looked good.

McCoy offered the Finance Director report and said all revenues looked good and used taxes closed out their year by June 30th by the state.

Chief Munsterman spoke with City Manager Dulin regarding the Police Department stairway leaking and obtained a bid from a construction company to troubleshoot the leak for \$2,500. Dulin said to move forward with the bid.

Assistant City Manager/Public Works Director Villegas gave an update on the sidewalk improvement program as of last week, the program was at 2,500 linear feet and has exhausted two-thirds of the remaining budget. The hope is to hit 4,000 feet of sidewalk. Villegas said the Cooper Boulevard Extension project was going well. The contractor was cleaning, upgrading and installing storm sewer starting at Hawthorne to Cooper. The Maguire Street Corridor project was moving forward working with the engineering firm on strategies for access management, utility coordination efforts in the area and lead times on equipment. Villegas said at the end of this month the process will begin to solicit a qualified contractor(s). Councilmember Uhler said that Martin Warren Elementary truck deliveries block Maguire Street and need to be considered in the access plan. Villegas said the street maintenance started on North Main Street and then on South Main for removal of curbs and gutters and eventually overlay that street.

City Manager Dulin thanked Nathan Wiltrout, BSA Troop 400 and Triad MO-20052 for installation of the floating rain gardens on Saturday at Lyon's Lake. Dulin said the city is participating in Painting the Town Red with the help of Katie Taylor and Patty Taylor. Other city departments will be participating also with paintings and banners. Dulin invited the city council to Finance Director McCoy's Happy Trails retirement party at Grover Park on September 15th from 1-3 pm. McCoy has been with the city for three years and in public government for over thirty years. Dulin will be out of the office tomorrow through Friday and Villegas will be acting city manager.

As there was no further business, the meeting adjourned at 8:30 p.m.

Jim Kushner, Mayor

Attest:

Jodi L. Schneider, City Clerk