

CITY COUNCIL MEETING OF APRIL 24, 2023

A meeting of the Warrensburg City Council was held on April 24, 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 minutes of the April 10, 2023 meeting were considered. Osborne moved to approve the minutes. Yes: Osborne, Uhler, Jones, Kushner. No: none.

The adoption of the agenda was considered. City Manager Dulin requested to amend the agenda by removing Item 10.1 Closed Session. Uhler moved to adopt the amended agenda. Yes: Osborne, Uhler, Jones, Kushner. No: none.

Bill No. 04-07-2023 being for an Ordinance Enlarging an R3: Low Density Multifamily Residence District by Rezoning Land Located at 115 and 117 W. Oak Street from GB: General Business District to R3: Low Density Multifamily Residence District, was read for a first time by title. Community Development Director Carroll said since the public hearing two weeks ago, staff had met with two people from the meeting as listed on the staff report. Carroll said that the Planning and Zoning Commission considered the rezoning application request and recommended denial. As a result of their recommendation not to approve the request, the City Council would need at least four affirmative votes to approve the request. 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: none. No: Osborne, Uhler, Jones, Kushner. Said bill was rejected.

Mayor Kushner read a Resolution Approving a Memorandum of Understanding between Warrensburg R-VI School District and the City of Warrensburg. Fire Chief Jennings said the city receives annual settlement payments resulting from opioid litigation brought by states and local political subdivisions against pharmaceutical distributors. These settlement funds have certain parameters for use, each with the intent to mitigate and/or reduce injury and death caused by opioid use. An approved use is to provide Naloxone, a medication designed to rapidly reverse opioid overdose. This presents an opportunity to partner with the Warrensburg R-VI School District to provide Naloxone for distribution under the management of the district's Health Services Director. The Memorandum of Understanding has been reviewed and approved by the Warrensburg R-VI School District. There being no questions, Osborne moved to approve said resolution. Roll was called for approval as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2254.

Mayor Kushner read a Resolution of the City Council of the City of Warrensburg, Missouri, Authorizing Destruction of Records Held for the Required Period Based on the Missouri Adopted Records Retention Schedule. City Clerk Schneider said the records detailed on the Destruction Log for the Police Department attached to the resolution have reached minimum retention and are ready for disposition. There being no questions, Jones moved to approve said resolution. Roll was called for approval as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none. Said resolution was duly adopted and given Resolution No. 2255.

Mayor Kushner recommended the appointment of Katharine Norton as a Planning & Zoning Commission Member for a four-year term through April 30, 2027. There being no questions,

Uhler moved to appoint Katharine Norton. Roll was called as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none.

Under appearances to the council not listed on the agenda, Acting City Attorney Sommer addressed all in attendance and said that respect will be shown for all public comments made and those present should refrain from clapping, cheering, and booing. Sommer requested that each speaker adhere to the allotted time up to three minutes and City Manager Dulin will keep track of the time. Sommer said that public comments were a chance for citizens to state their concerns to the city council but the city council would not comment or respond to questions. Mayor Kushner requested that those who wanted to speak state their full legal name and address. Mayor Kushner reviewed the sign-in sheet and asked John Angel if he still wanted to speak regarding Oak Street and Mr. Angel declined.

Raymond Lee James, 552 SE EE Hwy, Warrensburg, said that he invited these folks to come to our community and have a Pride event in reference to an all-ages drag show scheduled in June at the Elks Lodge. James held an event in 2021 that went well. The event was held again last year but some folks were not happy about it and James was unsure why. James said when we got rid of the Nineteenth and adopted the Twenty-First that we should be closer to letting people have their freedom. James said if people don't want to go, then they don't have to go but people should be able to go to a legal activity. James heard there was abuse last year and said he is a father, grandfather and served for many years in the military. James was a required reporter for child abuse in Missouri and inspected day cares and home care providers. James said if he saw abuse that he would have reported or stopped it. There was no abuse. James did not recognize any performers from Johnson County in a video that is on social media. James said that type of performance would not be allowed. James did not see Carrie Nation in the room but said her spirit is here.

Rachel Gifford, 550 NW 721 Road, Centerview, said the all-ages drag show event advertisement for Burg Pridefest included 7.5 hours specifically allotted for children and parents/or supervisor, and then 1.5 hours for adults. Gifford questioned the scheduling as an inordinate desire for these people to be in front of kids. Gifford said Section 13-1 of the City's Nuisance Code, Chapter 13, recites what is prohibited within Warrensburg. Gifford read, "no person shall permit, cause, keep, maintain or do any nuisance or contribute to the same as defined by the laws of this state, provisions of this Code or the other ordinances of the city...." It goes on to say you cannot do it now, do it later or can't have done it. Gifford read Section 13-2(10) Enumerations, "any article or thing whatsoever that may injure, inconvenience, endanger, harm, or annoy the health, welfare, morals, or safety of the inhabitants of the City of Warrensburg. Gifford said this would include a drag queen show for children. Gifford said drag queen shows for adults were no problem and she did not care. Gifford said drag queen shows for kids under eighteen years of age when they are still moldable and not able to differentiate what is going on when a man dressed up as a woman with snap-on body parts comes at them was a problem. Gifford was unsure if their parents could help them understand it. Gifford pointed out the ordinance was updated April 1, 2021 signed by Bryan Jacobs and so it has been around and still around and has been updated. Gifford left a book for the city council's review on Missouri law, articles, and pictures.

Michelle Amos, 307 S. Warren Street, Warrensburg, said that she saw that people were speaking at the council meeting. Amos said she is a researcher with experience in how 501c3 and 501c4 organization's function. Amos was curious about the organization that would be bringing a petition up. Amos looked on the Missouri Secretary of State website and found that this organization, We the People of Missouri, is registered as a 501c4 which says they are non-

partisan and educational group. Their listed purpose is the well-being of the United States fiscal, budgetary, domestic, defense and foreign policy. Amos did not think that drag queen shows were any part of that purpose. It also says to be considered educational it must present sufficiently a full and fair exposition of pertinent facts to permit the formation of an independent opinion or conclusion. Amos believed that there would be items raised on both sides of this concern tonight but did not believe that they would be brought by the same people. Amos said she checked the organization's website and there was a key for donations. Amos checked the Securities & Exchange Commission (SEC) records but did not find an employer identification number (EIN). Amos said it may exist, but she could not find it and knows that it is important if they are receiving donations. Amos looked up on the Missouri Law Review for the legal definition of nuisance. Amos found private nuisances and public nuisances. A private nuisance affects the use or enjoyment of property. In order to contest or have standing for a private nuisance claim, you have to own the property adjacent to it. Amos looked up the address for this organization and their address is not adjacent to this site for this to happen. Amos could not understand how a public nuisance could occur in a private event within a private business but looked up public nuisance anyway. Amos read that in order to be a public nuisance, it has to be injurious to the health, welfare and morals of society, and usually it is gangs, drugs, and prostitution. Amos said the standing for a public nuisance claim is brought by the attorney general or a local prosecutor and not a concerned group of people.

Michael Compton, 5 SE 230th Rd., Warrensburg, said he was one of many citizens standing up to protect children from exposure to inappropriate performances that are commonplace at drag shows. In the past few years, our nation has seen shows such as the show scheduled for June 3rd becoming increasingly common. Compton said these shows are portrayed as a way to teach children tolerance. Compton said as he researched these events, he found that is not the intent. Compton said what he learned was shocking. Compton searched and found photos and videos of other events labeled "all-ages" and "family-friendly." Compton said he realized that just because an event was labeled family-friendly, it did not make it so. Compton emailed and attached a video to city council members and urged the council to do their own research. Compton said it also came to his attention this weekend that the same group that is putting this year's event put one on last year and on their Facebook page, they posted photos from last year's event and what Compton saw was shocking. The images showed performances of what one would see at a strip club. Compton said there was no nudity in the photos but photos of grade school children holding up dollar bills to give to the men dressed in stripper-styled costumes and in the picture, there were people cheering them on. Compton asked is this the type of event that we want Warrensburg children to participate in. The same types of performances conducted in front of children with actual women as performers, Compton suspected, would be subject to arrest for child endangerment and abuse. Compton said no one would condone children being present for such performances and the city's adult business ordinances make that clear. Compton asked why then we do not hold men to the same standard. Compton said we are not asking for you to cancel the event, we are only asking that no one under the age of eighteen be allowed to attend. Compton said no one's rights are being violated, and no group is being shunned. The only group at risk is our children in this community. Compton said when you asked the people to elect you to this office, you assumed responsibility to this community. Nothing is more important than protecting our children. That should and must be your highest priority. Compton said if you as elected leaders will not act to protect our children, he assured that the residents of Warrensburg will not forget the next time you ask for their trust. Compton said Johnson County Citizens for the Protection of Children collected 450 petition signatures in just one week and left a copy of the petition with City Manager Dulin.

Anthony Clevenger, 500 E. Market St., Warrensburg, said like many of his neighbors and friends, he was concerned about what children see and learn. For instance, there is an organization here tonight and he thinks it is awful that kids learn hate and fascism and things like that so what he is going to do about it is that he is not going to take his kids and what he is not going to do about it is come to this government body and ask city council to infringe on their first amendment rights. Clevenger said he didn't think that when you are doing something in a private area and the LGBTQ community are not nuisances. They are not. Clevenger said if you don't like Pride, then don't go. The last thing Clevenger wanted to say is don't be the council that signs on to fascism.

Chris Barrett, 320 N. Frandsen Road, Independence, said he is the director for Gays against Groomers and responsible for all of their chapters around the world and also here in Missouri. There is an all-ages drag show going on in your community. Barrett asked so why would a gay man such as myself be so against about this activity. Barrett said first and foremost, it is about protecting kids. Drag shows, while entertaining for adults, are not appropriate for our children. They usually involve various sexual behavior that is not appropriate for minors and even when a drag show is intended to be okay for kids, there are many examples on social media that did not end up being the case. There is another reason why Barrett and his organization care about this event and that it is a horrible representation of the gay community. Barrett said we take no issue with representing the gay community to children and giving them positive role models but why has society suddenly decided that drag queens need to be the face of the gay community. Barrett said it is just wrong. Barrett said we are doctors, lawyers, police officers and members of the military and those are the gay role models we should be presenting to the kids. It would be much better for them to know us as normal members of the community than male performers who dress up as women. Barrett said so, what is the solution here. Barrett said that city council needs to pass an ordinance that prevents this from happening in the Warrensburg community again. Barrett said that city council would be doing the gay community such as himself a huge favor and would be protecting kids. Barrett said that sounds like a win-win. Barrett said he understood that it may not be possible to pass an ordinance to prevent the all-age drag show scheduled for June 3rd but it does need to happen so it can be prevented in the future. Barrett said he understood that this is going to take a lot of courage on city council's part. Barrett said that city council will face backlash. Barrett said that city council will get death threats. Barrett then said welcome to his life as a public figure with an international platform who receives death threats and backlash every day but as public figures this happens. Barrett said we have to remain courageous. Barrett said we have to do our jobs. Barrett said he truly believed city council's job is to put a stop to an all-ages drag show in the City of Warrensburg, so he respectfully asked city council to do their job.

Dorothy Arvizu, 37 SE 250th Rd., Warrensburg, said she attended the event last year and there was no abuse anywhere. There were a lot of adults and kids present, it was publicized, and no one was caught off guard. It was a voluntary event and people could choose to attend or not attend. Arvizu had a problem with the characterization of performers as being evil or predatory. Arvizu said there is no evidence that supports it. Arvizu said that is not the way that we address human beings. Out of such language comes things like mass shootings and we don't need to do that. This is a group within our community. It is not the entire community. There are other groups in the community that hold different views on how to raise their children. Arvizu said she did not tell others how to raise their children and she respectfully requested that they not tell her how to raise mine. Arvizu said she will choose the events that they go to and choose the books that they read and expected that others will grant her the same respect. This is not a necessary petition. It was on private property. It was closed. The children did not get there by nefarious means and did not magically transport there. Their parents brought them there and their

parents have the right to emphasize the values that they consider important. People may not like that view but it is still their right to raise their children according to their values just as it is your right to raise your children according to your values. Arvizu suggested that we understand that this is one group within a much larger community of other groups and that they do not speak for all of us and they do not speak for me.

Chris Nordvall, 1900 6th St. Ct., Knob Noster, said he had been to drag shows one last year and Pride festivals and never saw any sort of child abuse going on. It is their right to protest if that is what they want. Rather, what I saw going on there and what my family saw there were messages of empowerment and joy. I hope they are protecting all kids and protect my kids too as their right to be represented in this community. As many people have said, this is a ticketed event, and it is my choice to bring my kids to the event and if others chose not to bring their kids to the event, that is their choice, but they don't get the right to take away my choice. Parents can choose whether to allow their children to attend or not.

David Kreiner, 503 Swallow St., Warrensburg, said I have attended one of these drag shows in Warrensburg with several of my family, I am a 33-year resident of Warrensburg, married, and we have five children together, four of whom are adults. The drag show was quite enjoyable, and I did not see anything objectionable from my point of view. No potential for harm. There were people wearing nice clothing, and some people wore makeup. They lip synced and some did a good job, and some did okay. I believe that it is in the economic interest of Warrensburg to support a diversity of events to which people with different interests feel welcome to attend and to the extent that we do not do that I think it contributes to an image problem that could only hurt the city economically. I support Warrensburg being open to providing a variety of events for a variety of interests.

Vicky Gibson, 99 SW 101 Rd, Warrensburg, said she lived in Warrensburg for eleven years and was a mother of five grown children and had six grandchildren. Gibson said she has never been as disappointed in our elected officials of this country as I am standing here today. I remember years ago that it was very common to hear the phrase, it takes a village to raise a child, and there was a time in the country when we worked together as a united team, the parents, our extended families, our church family, and our government supporting the traditional family and the ideals attached. Sadly, our villages are broken. Families are divided and our schools are busy trying to be politically correct and all the while trying to convince our youth that America's morale ground has shifted. The saddest, most pathetic part of all of this is that the churches have forgotten their own role not just in the family but in our nation. Then there is the smaller government such as city and school boards that continually change the rules despite all the logic and morale facts that would negate changes in their divisive actions. I find myself in front of one of those smaller governments and let's face it you need a reminder now and then that you do represent we the people and many of these people are too young and need a voice and we have to be their voice. I do attend church and I am fully aware of raising a child can be a challenge and I can tell you this that even though my kids are grown my job has not ended. The majority who did not get out and vote who are represented here through me and the people here today do not want this mislabeled a moral cabaret event in our county. Honestly, we don't want it anywhere. We can clearly see that this is a national consensus. All you have to do is look at the bills that are currently waiting as HB494 being one of them, and Tennessee and Ohio just passed anti-drag queen show legislation as well. Here we are relying on you to make a clear, sound, moral, ethical assessment and judgment based upon the following facts. All the while remembering that you are the voice of "We the People" and that includes our children. Gibson shared the definition of pedophilia as per the dictionary. Pedophilia is a psychiatric disorder in which an adult or older adolescent experiences a primary or exclusive sexual

attraction to prepubescent children. For those that don't know what that means, it means that they are before the age of sexual reproductive maturity; in other words, girls too young to have a period and boys too young to get a girl pregnant. So, they are attracted to these age groups. Chief Munsterman reminded everyone to respect the time allotment of up to three minutes for public comment. Acting City Attorney Sommer alerted Mayor Kushner that upon expiration of time, you can ask them to cease public comment and if they don't, you can ask for their removal if necessary.

Rene Vance, 19813 Tangle Nook Rd., Sedalia, said she is a retired Air Force veteran, a Silver-Hair Representative for Pettis County, and had attended both of the previous Pride events. As a silver-haired representative, she was a required reporter as well and there were never occurrences in which she felt the need to call social services. She saw love and inclusion which are sorely lacking in today's society. Ones that I think were supposed to be trying and do better for our children and show the good in everyone. So, the Pride is just that. They can do and be free to be themselves something that we are always supposed to do being true to yourself, true to your religion and true to your beliefs and I believe our constitution is equality for all. I was very proud to speak at that function and I would be proud to do it today. It is very important that the freedom to make a decision for a job or a business should be able to do what they want and enable them to hold this event.

Acting City Attorney Sommer gave a reminder of the three minutes that is for everybody, and it is about getting everybody through. Sommer said if we have folks going over the time allotment, the Mayor Kushner can ask for removal from the meeting of that person. Sommer asked that everyone be respectful of everybody's time to get up and comment.

Andrew S. Eick, 202 SE 51st Rd., Warrensburg, said he could speak from many hats but will speak with one in particular as a Crisis Counselor for the 988 Suicide and Crisis Hotline. Eick offered a definition for "grooming." According to the American Bar Association, grooming is a method used by offenders that involves building a trust with a child and the adults around the child in an effort to gain access to and time alone with him or her. In extreme cases, offenders may use threats and physical force to sexually assault or abuse the child but more commonly though are solo approaches designed to build relationships with families. Some important facts for city council to consider on sexual assault come from the Department of Justice study in 2000. Eick stated from his research that these statistics have not changed much in 23 years. Eick said 93% child sexual assault offenders know their victim. Of offenders known to the victim, 34% were members within their own family, 59% were acquaintances, teachers, family friends, members within an organization, community, congregations, etc., and 7% were complete strangers. Eick specified some of that data, between the ages of 0-5, sexual assault from a stranger accounted for 3.1% while 48.6% from the family; ages 6-11 52.9% acquaintances and 4.7% strangers, ages 12-17 66% acquaintances and 9.8% strangers, over the age of 18-24 23.7% strangers and 30.1% strangers after age 25. Eick said the trend is that as a child develops, they are more likely to be assaulted by a family member and as they grow older they are more likely to be assaulted by a stranger when they become an adult.

Becky Crouse, 250 SE 301 Rd., Warrensburg, said she was a white woman of Christian faith, and my concern comes from pledging allegiance tonight and freedoms that we enjoy congregating with those we want to. Her faith tradition came in 1720 to Pennsylvania, persecuted in Germany and if you baptized an adult, you were killed. So, they came here seeking religious freedom. Freedom we still enjoy today to choose what church we want to attend, what community event we want to be part of. Crouse said here tonight, we are here for a much larger issue and that is freedoms we enjoy are being threatened by persons who want

to pinpoint one group. Crouse shared its importance in a quote by Martin Niemoller written after Nazi, Germany. Crouse read, "First they came for the socialists, and I did not speak out—because I was not a socialist. Then they came for the trade unionists, and I did not speak out—because I was not a trade unionist. Then they came for the Jews, and I did not speak out—because I was not a Jew. Then they came for me—and there was no one left to speak for me." Crouse said I think we need to take those words to hear tonight as we speak up for those who are on the margins in our community, and I believe Jesus did that as he gave me that example. Crouse said I want us to love others and lift up those on the margins of our community and to celebrate the gift of God's creation in each human being.

Annabelle Grace Monroe, (wrote Ezra Lee on the sign-in sheet but prefers Ezra Monroe), 675 NE 200, Warrensburg, said she did not understand what we are talking about here? Kids like me, people encouraging them to be who they are? I don't understand why a man in a dress is a problem if they love to wear a dress. I don't understand. My rights are being threatened at the state level and here we are worried about this. The event is on private property, no one is forced to come, and no one has to come, you can come if you want to. A point to remember is that if your religion says you cannot eat beef, that is fine but if your religion says that I cannot eat beef, that is a problem. You cannot tell me what I can and cannot do just because your beliefs. I have my own beliefs. I am a person and what we are forgetting here is the issue of people.

Mayor said that was the end of the signed-up individuals. People could stay or exit if they liked, whichever they preferred.

There were no Miscellaneous Matters from the Mayor and/or City Council.

Under the City Manager Report, Police Chief Munsterman informed city council that Julianna King just tested for the SWAT Team and made it. King performed exceptionally in physical agility and firearms. King is on military leave and works with both the Police department and on WAFB. The last SWAT female officer was over twenty years ago.

Fire Chief Jennings said over the past two weeks, crews have participated in trench rescue training. Jennings said the training went great. Jennings offered a special thanks to Dave McCannon and the Public Works crew for their willingness to always assist and help out.

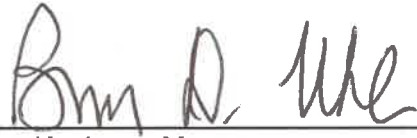
City Manager Dulin said she will wrap up her evaluation and move it to the last six months with the city council at the second meeting in May. Dulin said the management team retreat takes place this Thursday and Friday for high level strategic discussions as the city heads into budget season.

Community Development Director Carroll reminded of the Home Improvement Code class on May 2nd.

Interim Parks Director Deal reminded of the Joint Meeting with Park Board on Wednesday.

Finance Director McCoy reported the first half of Fiscal Year 2023 reflects budget in a positive manner. Most revenue is slightly over budget and expenditures currently slightly under budget. Revenue collection is currently exceeding expenditures for most funds as well. McCoy reported on prior-year comparative income statement for March 2022 and 2023.

As there was no further business, the meeting adjourned at 8:05 p.m.



~~Jim Kushner, Mayor~~

Bruce D. Uhler
Chairperson Pro Tem

Attest:



Jodi L. Schneider, City Clerk

