

CITY COUNCIL MEETING OF AUGUST 28, 2023

A meeting of the Warrensburg City Council was held on August 28, 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 August 14, 2023, regular meeting and the minutes of the August 14, 2023 work session meeting were considered. Osborne moved to approve the minutes. Yes: Osborne, Uhler, Jones, Kushner. No: none.

The adoption of the agenda was considered. Jones moved to adopt the agenda. Yes: Osborne, Uhler, Jones, Kushner. No: none.

Mayor Kushner read a Proclamation for Big Brothers Big Sisters Month September 2023 to recognize the life-changing mentoring relationships igniting the power and promise of youth in our community. Dana Phelps, Director of Big Brothers Big Sisters of Johnson County, and guests were in attendance to hear the proclamation.

Finance Director McCoy presented the top three photo submissions selected by the Warrensburg Art Commission for the budget cover photo contest. The first-place photograph was the Old Courthouse on Main Street submitted by Twanda Moore. The second and third-place photographs of the Train Depot and Lion's Lake in the Spring were submitted by Jane Heavin. McCoy said a gift basket will be given to Ms. Moore and thanked all who participated in the contest.

Mayor Kushner opened a public hearing on ordinances fixing the annual rate of levy for property taxes by the City of Warrensburg for General Revenue Fund, Park Fund, and Debt Service purposes for the year 2023 and levying said taxes. Finance Director McCoy said the State Auditor issues pro-forma statements summarizing assessed valuations and calculations submitted by the Johnson County Assessor's office and County Clerk. The city must indicate its tax levies, provide notice of a public hearing on the tax levies, and hold a public hearing to receive input on such levies. The council shall set the tax levies by ordinance and certify the levies to the County Clerk by the 1st of September each year. Based on this information, the maximum property tax levy allowable for the General Fund is \$0.3549 per \$100 assessed valuation, the maximum levy for the Park Fund is \$0.1928 per \$100 assessed valuation, and the levy for Debt Service is \$0.5900 per \$100 assessed valuation. There was no public comment received. Mayor Kushner closed the public hearing.

Mayor Kushner read an Ordinance Adopting the Annual Operating Budget for Fiscal Year Beginning October 1, 2023, for the City of Warrensburg, Missouri for the first time by title. This will be considered again at the next meeting.

Finance Director McCoy presented a Fiscal Year 2024 Budget Overview. McCoy began the overview with All Funds Revenues \$28,245,010 and All Funds Expenditures \$45,777,630 totaling a budget deficit of (\$17,532,620). The deficit is primarily the use of \$15 million of general obligation bond proceeds and \$1.9 million in the Water Pollution Control fund for depreciation, capital, and debt payments. The General Fund budget deficit is (\$393,570) and funds salary increases to market effective October 2, 2023.

Finance Director McCoy showed a chart that detailed General Fund revenues of \$12,019,180. Further, McCoy showed a chart that detailed expenditures divided by department/debt service and a chart by functions of \$12,412,750. Councilmember Uhler commented that sales tax projections for FY24 were higher and asked how it was derived. McCoy said the jump in sales tax was due to inflation and the higher cost of goods, and the additional 3% marijuana tax on retail sales. McCoy also noted permits were higher in FY23 due to fiber installation but projected to return to normal in FY24.

Finance Director McCoy showed a chart that detailed Community Investment Plan (CIP)-Transportation Fund revenues of \$2,061,000. Further, McCoy showed a chart that detailed expenditures by functions of \$2,061,000. The revenue comes from the sales tax, vehicle fees and fuel tax. The city authorized the Hawthorne Transportation Development District (TDD) to reimburse the city for the Cooper Blvd Extension Project in FY24. Councilmember Uhler asked where the money comes from for the TDD Cooper Blvd Extension project reimbursement. McCoy said the TDD district collects an additional one half cent sales tax set to expire in December 2025. A recent amendment to the TDD Cooperative Agreement authorized the use of TDD funds for the construction of Cooper Blvd. Councilmember Jones asked if after Cooper Blvd is constructed and paid for then the half cent goes away. McCoy answered in the affirmative and said unless there is another project identified by the city and the TDD as a need that qualifies until December 2025. The TDD district is outlined on the website and located by Walmart and Hawthorne shopping center formed by the property owners of that commercial property.

Finance Director McCoy showed a chart that detailed Community Investment Plan (CIP)-1/2 Cent Sales Tax fund revenues of \$2,465,120. Further, McCoy showed a chart that detailed expenditures divided by department/capital improvement/debt service of \$2,661,690. McCoy said the one-half cent capital improvements tax generates 90% of this fund, use tax at 9% and interest 1%. This revenue is expended on capital improvements, general operations, vehicles and other equipment and debt service for Certificates of Participation (COP) outstanding. The COP issues were financed initially until 2029 however the one-half cent sales tax is set to expire in December of 2025.

Finance Director McCoy said the Community Investment Plan (CIP)-General Obligation Bond Fund revenues amounted to \$1,649,070 and expenditures of \$16,661,820. McCoy said the general obligation bond fund revenues are derived from property tax and interest income and expenditures are primarily Maguire Street corridor and debt service to pay for all three 2017, 2021 and 2022 bond issuances outstanding.

Finance Director McCoy said the Community Investment Plan (CIP)-American Rescue Plan (ARPA) Fund revenues amounted to \$51,000 and expenditures of \$63,500. The city received a total \$4 million ARPA funds and approximately \$1.7 million remains. These funds will need to be obligated by 2024 and expended by 2026.

Finance Director McCoy said the Neighborhood Improvement District (NID) Fund revenues amounted to \$159,680 and expenditures of \$159,680 (includes transfer from General Fund of just under \$100,000 to make the annual debt payment). The Tax Increment Financing (TIF) fund revenues amounted to \$189,000 and Keystone TIF expenditures of \$189,000 (tax increment includes property tax receipts along with ½ of the sales taxes received in the district). The TIF collections go back to the contractor-developer to reimburse for costs in the TIF district.

Finance Director McCoy showed a chart that detailed Park Fund revenues of \$3,223,150 and a chart of Park Fund expenditures \$3,223,150.

Finance Director McCoy showed a chart that detailed Water Pollution Control Fund revenues \$6,396,540 and expenditures of \$8,312,620. Further, McCoy itemized revenue sources (and expenditures).

Finance Director McCoy said Trust and Art Funds revenues totaled \$30,070 and expenditures \$31,220. The Self-Insurance fund revenue totaled \$1,200 and expenditures \$1,200. McCoy said health insurance premiums are paid by the employee and the City. The city has moved to a fully insured health plan and each division holds the health insurance expense as part of personnel costs. The \$1,200 needs to remain until all claims prior to switching plans are paid out. Councilmember Jones asked how many years before all claims get paid out. McCoy did not know but understood there is a timeline to follow. Mayor Kushner asked if city staff was waiting on council for direction, McCoy needs to know right away if any changes are needed and explained budget amendments may be requested and made midyear if approved culminating in an end of year report during audit. Councilmember Uhler asked if the Warrensburg Convention and Visitors Bureau budgeted revenue projected for FY24 \$300,000 reduced from FY23 \$350,000 was attributable to outstanding collections. McCoy said discussions were ongoing for potential collections of short-term rentals but budgeted conservatively for FY24.

Bill No. 08-05-2023 being for An Ordinance Fixing the Annual Rate of Levy for Taxes by the City of Warrensburg, County of Johnson, Missouri, for General Revenue Fund Purposes for the Year 2023 and Levying said Taxes, was read a first time by title. Finance Director McCoy said the \$0.3549 per \$100 assessed valuation on personal property and real estate generates \$911,270. 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, Uhler, Jones, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5814.

Bill No. 08-06-2023 being for An Ordinance Fixing the Annual Rate of Levy for Taxes by the City of Warrensburg, County of Johnson, Missouri, for Park Fund Purposes for the Year 2023 and Levying said Taxes, was read a first time by title. Finance Director McCoy said the \$0.1928 per \$100 assessed valuation on personal property and real estate generates \$495,049. 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, Uhler, Jones, Kushner. No: none. Said bill was declared duly adopted and given Ordinance No. 5815.

Bill No. 08-07-2023 being for An Ordinance Fixing the Annual Rate of Levy for Taxes by the City of Warrensburg, County of Johnson, Missouri, for Debt Service Purposes for the Year 2023 and Levying said Taxes, was read a first time by title. Finance Director McCoy said the \$0.5900 per \$100 assessed valuation on real estate only generates \$1,215,563. McCoy said debt service is authorized by voters and includes 2021 and 2022 general obligation bond issuances. There being 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 declared duly adopted and given Ordinance No. 5816.

Bill No. 08-08-2023 being for an Ordinance Authorizing the City Manager and City Clerk to Execute an Agreement with CivicPlus to Add the See, Click, Fix Application to the City Website, was read a first time by title. Assistant City Manager/Public Works Director Villegas said See, Click, Fix was an add on feature offered by the City's website vendor. The application was described as intuitive and allows the community to take a picture of a pothole, log in and submit the pothole picture, set a location pin and submit the work order to staff. Public Works will be to track the data (currently undocumented) and make the repairs. The public will be able to monitor the status of the work order. Villegas said the software generates the cost of labor, machinery and material used in the repair. Discussion ensued on tracking by address and sorting out duplicate work orders and Villegas said public works planned to test the software first and then introduce to other departments. Councilmember Osborne asked how to get the word out on this application. City Manager Dulin said an article will be included in the new city newsletter for January. Councilmember Jones asked if the application would be useable to include the zoned areas of the city's sidewalk program on the map. Villegas said no but will be reviewed on linking the two programs together. There being no further 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 declared duly adopted and given Ordinance No. 5817.

Bill No. 08-09-2023 being for an Ordinance Authorizing Execution of an Agreement between the City of Warrensburg and the St. Charles County Police Department for Assistance with Criminal Investigations, was read a first time by title. Police Chief Munsterman presented a new memorandum of understanding (MOU) agreement with the St. Charles County Police Department for working with a national network of law enforcement agencies for investigating Internet Crimes Against Children (ICAC). The MOU will give the Warrensburg Investigations Unit access to the computer portal housed at the Cass County Sheriff's department and will assist in fighting crimes against children. Chief Munsterman said there would be no cost except if on the rare occasion Warrensburg would be called out to assist or lead an investigation. There being 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 declared duly adopted and given Ordinance No. 5818.

Mayor Kushner read a Resolution of the City Council of the City of Warrensburg, Missouri, Adopting a Solid Waste Management Plan. Community Development Director Carroll said consultants and staff have developed the plan over the last eight months. The plan was presented to the community and city council at a work session on August 14th and has been available online since the work session. There being no questions, Osborne 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. 2260.

Mayor Kushner read a Resolution Approving Intent to Utilize the CMAR Procurement Method and Selection Criteria for the Maguire Street Corridor Project. Assistant City Manager/Public Works Director Villegas said staff recommends an alternative delivery method due to the complexities of the Maguire Street Corridor Project.

The delivery method is Construction Management at Risk (CMAR). Of the many benefits of utilizing CMAR, a primary one is it allows the contractor to participate in the design phase. This is important as the contractor can provide value engineering, constructability reviews and/or offer alternative ideas. This approach has the potential to save on costs, streamline issues as

they arise, and grants the City greater budget control during the life-cycle of the project. Villegas presented to council previously some delivery method options including design build, CMAR and design bid build. While design build was similar to CMAR, one of the statutory drawbacks was that if shortlisted during bid selection the losing two of the three selected firms would receive payment from the city. Design bid build does not include both engineer and contractor at the table and may lead to change orders. Hence, the CMAR delivery method in the industry is a good entryway into alternative delivery, brings the engineering-design and contractor to the table for coordination of utilities, etc. and efficiencies for both awareness of intent saving 5-10% of project costs. Villegas said Brett Harding of Burns McDonnell would be functioning as the owner's agent throughout the process as was present to answer any questions. Councilmember Jones asked if Burns McDonnell would be knocking on doors for community input. Hardy said their firm would lead significant public outreach on the project. Councilmember Osborne asked when a concept would be available for viewing. Hardy expected the concept design should be ready in the next couple of months. There being no further 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. 2261.

Under Mayoral Appointments, Mayor Kushner recommended the appointment of Jeremy Gilpin as Member for the Planning and Zoning Commission to fill an expired position for a four-year term through April 2027 (Jeff Terry). Jones moved to approve the appointment as presented. Roll was called as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none.

There were no public comments under Appearances to the Council not listed on the Agenda,

Under Miscellaneous Matters from the Mayor and City Council, Mayor Kushner said the heat has been particularly hot and severe the last several weeks affecting all of those who work outside and was glad that no one was injured during this time.

Under the City Manager's report, Assistant City Manager/Public Works Director Villegas offered an update on Maguire Street and said it is anticipated that survey work will begin next week and hosting a utility coordination meeting to discuss lead times for equipment and expectations. There is a meeting scheduled with MoDOT to discuss partnering on the interchange. Villegas said 2,800 linear feet of sidewalk has been improved to A.D.A. standard with a goal of 4,000 feet on sidewalk program before it gets cold.

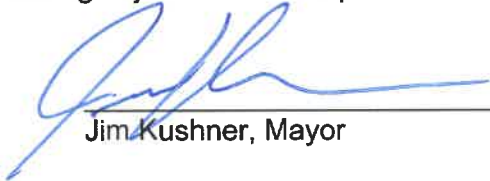
City Manager Dulin showcased "Rethink Maguire," brand for communication materials. The brand challenges folks to rethink the Maguire corridor for all motorists, pedestrians and bicyclists alike along this commercial corridor. The city will have a booth at Burgest with drawings and schematics to get feedback. The brand is a geographic rendering of Maguire Street. Councilmember Uhler asked if the bicycle walking path will be used by electric and regular bicycles, electric scooters and golf carts. Dulin said the path will be multi-use and would review the City's ordinance regarding the use of electric scooters. Electric bicycles are authorized and legal to use in city limits. The use of golf carts probably would not mix well with other path uses. Police Chief Munsterman said no tickets have been issued for electric scooters. Munsterman alerted council that the new no texting cell phone law in effect August 28th was not enforceable until January 2025. City Attorney Harris said the city will have to update the city's ordinance for the period between July and January 1st.

Under the Finance Director's Report, McCoy recapped revenues and expenditures for the year. McCoy said revenues were coming in higher than anticipated, expenditures were under control

and the city was building fund balance. McCoy said the proposed FY24 budget originally projected using fund balance for salary increases to market but as September draws closer, the specific numbers may change. Councilmember Jones thanked Finance Director McCoy and the finance city staff, and Department Directors for all the work in the budget process and commented that it was a great budget document.


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 information or privileged communications between a public governmental body or its representatives and its attorneys. Uhler moved to close part of this meeting pursuant to Section 610.021 RSMo. Roll was called as follows: Yes: Osborne, Uhler, Jones, Kushner. No: none.

As there was no further business, the meeting adjourned at 9:05 p.m.



Jim Kushner, Mayor

Attest:



Jodi L. Schneider, City Clerk

