

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

March 7, 2023 7:00 p.m.  
City Hall Council Chambers and Via Videoconference

**1. Call to Order**

Mayor Boley, present, called the meeting to order at 7:03 p.m. following the Work Session. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins, Ronald Russell, Dan Ulledahl and Dan Hartman.

Staff present: Cynthia Wagner, Chuck Soules, Gina Pate, Chief Lockridge, Stephen Larson, Jack Hendrix, Matt Denton and Linda Drummond.

**2. Pledge of Allegiance led by Mayor Boley**

**3. Consent Agenda**

• **Minutes**

- February 21, Board of Aldermen Work Session Minutes
- February 21, Board of Aldermen Regular Session Minutes

Alderman Ulledahl moved to approve the consent agenda. Alderman Russell seconded the motion.

No discussion.

Ayes – 5, Noes – 0, Abstained – 1 (Alderman Hartman), motion carries. The Mayor declared the consent agenda approved.

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

**4. Committee Reports**

Alderman Atkins reported on the February 28 Economic Development Committee meeting. They had an introduction of committee members. They had a review of the committee's job description and went over the role of the Economic Development Committee for tax increment financing as far as what the responsibilities are.

There have been only one residential permit and one commercial permit to date for 2023. Sales and usage tax is up for the first part of the year. There are 653 renewed and new business license for this year. Twelve special events have been scheduled for 2023 so far.

They also discussed the economical development goals in accordance with the Strategic Plan and the Comprehensive Plan and what the committee's priorities are for the 2023 year. They will return to monthly meetings until they have their priorities set.

**5. City Administrator's Report**

Cynthia Wagner, City Administrator, noted that the RFQ for Animal Care and Housing was reposted with a due date for responses June 2, which is a 90-day posting.

The City also participated in the Art on the Move Sculpture draft last week and we were able to secure a bronze sculpture.



We are anticipating a May delivery of that artwork which will be placed somewhere on the square. We will evaluate the placement for either the corner that was included in streetscape for art or in Courtyard Park. Cynthia noted that there was a committee that went through and prioritized over one hundred of works of art available and then more were selected through a draft process. The City had a committee comprised of Alyssa Sanders with Main Street, Jeff Becker a business owner downtown, Jeff Bloemker a former Alderman, Dani Wilson the Chair of the Parks and Recreation Committee, Matt Denton and Cynthia. Cynthia noted that the committee was really excited about some opportunities to be able to market and promote this and hopefully attract people to the downtown area. They see some potential for selfies and photos and an ability to market this.

Cynthia noted that she wanted to call attention to the meeting schedule with spring break coming up and also with the election. The March 21 meeting is cancelled due to spring break, the April 4 meeting is moved to Monday, April 3. Later in the summer we have a couple of meeting cancellations due to vacations. She also noted that we have been able to secure the MCC facility we used last year for a governing body retreat that is set for May 9. There will be additional information forthcoming as we focus on budget items.

## ORDINANCES & RESOLUTIONS

- 6. Bill No. 2977-23, Conceptual Plan – Fairview Crossing North – 2<sup>nd</sup> Reading**  
Alderman Ulledahl moved to approve Bill No. 2977-23, approving the conceptual plan for Fairview Crossing North. 2<sup>nd</sup> reading by title only. Alderman Shipley seconded the motion.

### Public comment

Constance Scott, 308 Killarney Lane, explained to the Board that they had been having discussions with the developer, Shane Crees, and he had agreed to plant a row of trees for

privacy. He has been listening to their concerns and is continuing to work with the residents of the Hills of Shannon. Ms. Scott thanked Mr. Crees.

Alderman Chevalier noted that the Planning and Zoning Commission would be reviewing the conceptual plan and encouraged them to stay involved.

Upon roll call vote:

Alderman Atkins – Aye, Alderman Shipley – Aye, Alderman Russell – No,  
Alderman Hartman – Aye, Alderman Ulledahl – Aye, Alderman Chevalier - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 2977-23 approved.

## 7. Bill No. 2978-23, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 – 2<sup>nd</sup> Reading

Alderman Ulledahl moved to approve Bill No. 2978-23, approving the rezoning of the Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3. 2<sup>nd</sup> reading by title only. Alderman Shipley seconded the motion.

Alderman Hartman recused himself at 7:12 p.m.

### Public comment

Roberta Lowman, 16251 Lowman Road, asked that the Board please consider one more time to rezone the entire area of the 32 acres as only R-1 as it is her big concern. Ms. Lowman said that she is for the development, but rezoning part of the property R-3 was never part of the original agreement. She asked Alderman and the Mayor in representing all of the citizens to please let this be resolved.

Ms. Lowman asked for someone to email her the link for the Comprehensive Plan for the eight-foot sidewalks and trails.

Cindy Hadley, 520 Second Creek Road, said that she and her husband are longtime residents of Smithville and have lived on this property for 30 years. Ms. Hadley gave the Board a handout of some of the things she believed would help clarify what she was explaining. The 520 address is their property. It shows the FEMA flood area. The yellow second picture indicates the multi-family and the homes that will surround their property.

**Property Description**  
The project is located on a 32 Ac parcel west of downtown Smithville on 2<sup>nd</sup> Creek Rd. See figure 1, the parcel is located at the northeast corner of the intersection of 2<sup>nd</sup> Creek Rd and 164<sup>th</sup> St (Lowman Rd.). The proposed project is a new subdivision consisting of 53 lots zoned single family (R-1B) and 17 lots zoned multiple family (R-3).

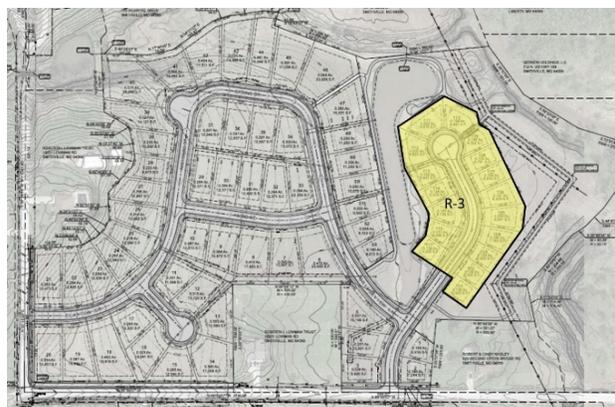
**Property Drainage**  
The property naturally drains west and north. Approximately 24.7 Ac of the site drains to an existing 1.6 Ac pond. There is approximately 3.5 Ac of offsite area that drains directly into the project area. Drainage from the land west of 164<sup>th</sup> St is intercepted by the west drainage ditch of 164<sup>th</sup> St and around the project area. All runoff from the project site flows to the Little Platte River.

**FEMA**  
See figure 2, approximately 8.8 Ac of the property is located within the FEMA designated AE flood zone. The boundary of the flood zone as shown in figure 2 was determined using FIRM map number 25047C0014E dated August 3, 2015. The base flood elevation is approximately 822 and the development will utilize a minimum floor elevation of 814 for design. No portion of the development is in the floodway.

**USGS**  
No jurisdictional water issues are anticipated. There are no streams located through the property and drainage from the property is ephemeral. The property is bordered along the north by a stream which drains approximately 120 Ac located west of 164<sup>th</sup> St. The stream is shown as an intermittent blue line stream per the USGS 2021 Smithville quadrangle topo map. The east side of the property is bordered by the Little Platte River and Second Creek. The proposed development will not disturb any stream or river.

USGS topo mapping indicates the existing pond has been present on the property since 1961. See figure 3, the pond was checked against the national wetlands inventory interactive mapping system which categorizes the pond as manmade freshwater. The mapping system does not indicate any emerging or existing wetlands within the footprint of the proposed development. The development will continue to utilize the pond and surrounding area as recreational open space. The pond will be disturbed during construction to deepen the water and reshaped to fit the plat footprint.

**Figure 1: Lowman Rd**  
PROJECT LOCATION



Ms. Hadley said that Jack Hendrix, Development Director, in January said that for this to be out of the flood range it would have to be elevated two to three feet above the flood stage. She said that this backs up right to the corner of their property, which would put them in a hole. Ms. Hadley asked if the developer had presented a plan to keep the runoff from coming into their yard. She explained that the west and northwest corners of their property is flat, and the water does not run off, it has to soak in. She said that this will have too much elevation and does not see how it cannot come on to their property. By elevating the multiplexes that will be right up against their property. How is it not going to drain onto their property? She asked again if the developer had presented a drainage plan or was it even brought up before about the stormwater runoff. She asked the Board not to do this to their property.

Kristine Bunch, 18608 Primrose, began with "When is an okay time to speak up, when multifamily homes are built on single-family homes land contingencies, when buildings are built sideways between Meadow Street and Main Street." Ms. Bunch said that there is a contract that had a contingency and proceeded to read it. "This contract is contingent upon other additional terms and conditions on page one." Ms. Bunch said that we have all bought and sold homes before and sometimes you cannot buy another home until your current home sold and sometimes that is a contract contingency. She said that somethings do not happen if a contingency or if the contingency is not met. She said that the contingency in this contract says all homes in future subdivision will be single family residence and resell between \$400,000 and \$500,000 per house. Ms. Bunch said that was what was what was agreed upon and that is what was signed. She also said that she believed the original plan was only single-family homes. She asked to please keep this single family which she believed is R-1.

Alderman Chevalier asked that Jack Hendrix explain what the developers plan is for the drainage issue.

Jack Hendrix noted that the plan that was submitted for the first level of this review was posted on the [City's website](#). It identifies where all the water goes now and where it will go after construction. Jack explained that until this is approved they will not do the actual construction design plans that will identify those issues. The current iteration estimates is that most of the water that comes down the hill now will go into a detention basin where the little lake is located. Then any run off will drain around the north side and into the river. Jack explained that until we see the actual construction plans, we will not know how it is laid out and that issue will obviously be addressed in those plans. Jack noted that those plans will go to the engineers to review to make sure that it meets those standards.

Alderman Chevalier asked if the construction design plans would then come back to Board for approval.

Jack explained that the construction design plans be reviewed and approved by the City's engineers and the Board would then have the final plat that will have it included for approval.

Alderman Chevalier clarified that the Board of Aldermen will have another vote on this in order to approve their integration plan.

Jack explained that any final plat has to be approved by the Board of Aldermen.

Alderman Russell stated that this has been for him a lot of trying to make head or tails on a lot of stuff. He said that he knows this much that Ms. Lowman signed an agreement, the real estate sale contract. She had a licensed agent assisting her that is a member of the Board. That person is also a member of the LMW Investments that bought that property and now it does not have the request for single-family homes as the on the real estate sale contract. It is now being brought forward not only for that to approve but also LMW Investments is asking for a plat proposal that has bike path that runs through the property and low and behold is connecting with the city wide Platte County Connector. Alderman Russell said that has been promised in the in the paperwork today and has been promised to be paid for with grant funding from 2026 when we go by a year by year budget. Alderman Russell stated that this thing stinks, it stinks to him and in his opinion, it is a political bias and urged the members of this committee here needs to really pay attention to what they are approving or not approving with this whole Lowman property.

Alderman Atkins noted that this has already been through the City's legal counsel.

Mayor Boley noted that Alderman Russell is new to the Board but explained that all development in Smithville that is adjacent to trails, sidewalks and roads the developer is responsible for. All development pays for their own infrastructure. Mayor Boley explained that the grant funding for Second Creek sidewalks has nothing to do with this project.

Alderman Russell called a point of order. He said that in the paperwork the Board was given to review stated that the grant funding to connect the bike path is based on the 2026 grant funding.

*The point of order calls upon the chair to make a ruling. The chair may rule on the point of order or submit it to the judgment of the assembly. If the chair accepts the point of order, it is said to be ruled "well taken". If not, it is said to be ruled "not well taken".*

Mayor Boley said that was correct it is funding from MARC (Mid-America Regional Council) through MoDOT. That trail construction will be approved just the same as the Commercial Street Sidewalk and Streetscape Phase III. These are all multi-year projects because MoDOT plans far in advance.

Upon roll call vote:

Alderman Shipley – Aye, Alderman Atkins – Aye, Alderman Chevalier – Aye,  
Alderman Ulledahl – Aye, Alderman Russell – No, Alderman Hartman - Absent.

Ayes – 4, Noes – 1, motion carries. Mayor Boley declared Bill No. 2978-23 approved.

Alderman Hartman returned to the meeting at 7:26 p.m.

**8. Bill No. 2979-23, Amending Certain Provisions Of Chapter 155 – Emergency Ordinance Sponsored by Mayor Boley – 1<sup>st</sup> and 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2979-23 amending certain provisions of Chapter 155, Article I, Section 155.010(D) of the Municipal Code pertaining to TIF Commission composition. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hartman - Aye, Alderman Chevalier - Aye, Alderman Shipley – Aye,  
Alderman Ulledahl - Aye, Alderman Russell – Aye, Alderman Atkins - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2979-23 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2979-23 amending certain provisions of Chapter 155, Article I, Section 155.010(D) of the Municipal Code pertaining to TIF Commission composition. 2<sup>nd</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Russell - Aye, Alderman Shipley - Aye, Alderman Hartman - Aye,  
Alderman Chevalier - Aye, Alderman Atkins - Aye, Alderman Ulledahl - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2979-23 approved.

**9. Bill No. 2980-23, Maintaining Gross Receipts Tax/Payment Of License Fees Under Section 735.010 – Emergency Ordinance Sponsored by Mayor Boley – 1<sup>st</sup> and 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2980-23, maintaining Gross Receipts Tax/Payment of License Fees under Section 735.010 of the City Ordinances. 1<sup>st</sup> reading by title only. Alderman Hartman the motion.

No discussion.

Upon roll call vote:

Alderman Ulledahl - Aye, Alderman Atkins - Aye, Alderman Chevalier – Aye,  
Alderman Shipley - Aye, Alderman Hartman – Aye, Alderman Russell - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2980-23 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2980-23, maintaining Gross Receipts Tax/Payment of License Fees under Section 735.010 of the City Ordinances. 2<sup>nd</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Chevalier - Aye, Alderman Shipley – Aye,  
Alderman Hartman - Aye, Alderman Russell – Aye, Alderman Ulledahl - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2980-23 approved.

**10. Bill No. 2981-23, FY2023 Budget Amendment No. 2 – Emergency Ordinance Sponsored by Mayor Boley – 1<sup>st</sup> and 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2981-23, amending the FY2023 Budget to add \$165,000 to the expenditure budget in the Transportation Sales Tax Fund. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Chevalier- Aye, Alderman Shipley – Aye, Alderman Hartman – Aye,  
Alderman Russell – Aye, Alderman Ulledahl – Aye, Alderman Atkins – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2981-23 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2981-23, amending the FY2023 Budget to add \$165,000 to the expenditure budget in the Transportation Sales Tax Fund. 2<sup>nd</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Shipley - Aye, Alderman Hartman - Aye, Alderman Russell – Aye,  
Alderman Ulledahl – Aye, Alderman Atkins – Aye, Alderman Chevalier - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2981-23 approved.

**11. Bill No. 2982-23, Condemnation of Property – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2982-23, condemning certain lands for the purpose of constructing and maintaining a sewer line. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

Alderman Atkins asked if the only thing holding this up is just the agreement on the value of the land.

Chuck Soules, Public Works Director, noted that the discussions he has had with all three of the property owners are centered around the value. He said that we just are too far apart to bring something to the Board.

Alderman Atkins asked where we get the values from.

Chuck noted that he is not an appraiser, so the only thing he can do is use the county appraiser's evaluation and we have treated everyone equally. Similar properties are offered similar amounts. We have made some adjustments to the county appraisals based on examples such as one commercial property next to another commercial property where one is this less than the other. In that instance we have paid the higher amount. We do not pay an exceptional amount. Usually our easements are paid 25% for permanent and 10% for a temporary easement. He explained that when you figure that all out, it does not amount to much. Chuck explained that for these three particular properties we are not even in the same ballpark.

Mayor Boley asked how many easements staff had already secured for this project.

Chuck said that they have already gotten eleven of the easements.

Alderman Chevalier asked if they go through a process where they have three appraisers.

Chuck explained that now the City has hired an appraiser and Chuck has given him the information. The appraiser is going to make his own appraisal. He will appraise the value of the property before the taking and another appraisal of the property after taking and whatever that difference is will be the value we will be using. Chuck explained he will then sit down with all the owners and discuss with them what the appraisal is so that we can come to an agreement. He said that we can offer more, or they can take less. We can come to any agreement that the Board most comfortable in doing.

Chuck noted that from his perspective he cannot make an offer that is extreme because that also sets the prices for the next properties that he has to get the easements and he does not want to set that precedent. He is trying to treat everybody the same.

Chuck explained that if we cannot come to an agreement after the appraisal, then we will go to the court and the court will pick three appraisers. The appraisers will meet and come to determination of the value and that will be what we pay. Chuck noted that this is the fairest way for the property owner because they are getting multiple appraisals and if they want they can also get their own. If they choose to get their own and they can bring the appraisal to staff, and we can have that discussion. Chuck said that right now neither the owners nor himself have the true value, they believe their properties are always worth more. They have presented what they would like and the numbers are just too far apart.

Alderman Chevalier asked if we are required to use the number that the court ordered appraisers number comes in at or if their value is lower than ours can we still go with our original number.

Chuck explained that once the court ordered appraiser comes up with a value the City will then pay the court that amount. Then we can take the right of way from that those properties. Chuck also explained that on most of these properties the City is within the Everage easement so the properties already have restrictions based on the Everage easement. There is only one of the properties that we will be outside of the easement and Chuck is unsure of how that will affect the value and he did not take that into account when he made their offer.

Upon roll call vote:

Alderman Hartman - Aye, Alderman Russell – Aye, Alderman Ulledahl - Aye,  
Alderman Atkins – Aye, Alderman Chevalier – Aye, Alderman Shipley – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2982-23 approved first reading.

## **12. Bill No. 2983-23, Condemnation of Property – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2983-23, condemning certain lands for the purpose of constructing and maintaining a sewer line. 1<sup>st</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Russell – Aye, Alderman Ulledahl – Aye, Alderman Atkins – Aye,  
Alderman Chevalier – Aye, Alderman Shipley – Aye, Alderman Hartman – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2983-23 approved first reading.

### **13. Resolution 1192, Agreement with the Smithville Senior Center**

Alderman Ulledahl moved to approve Resolution 1192, approving the engagement of Jeffrey Place for labor attorney services. Alderman Hartman seconded the motion.

Polly Delehant, 13400 Forest Oaks Drive, she is the secretary of the Board of Directors for the Senior Center. She explained that they basically approve the lease but had a little problem with some of the language in Section 1, where the third sentence starts:

*Section 1. (the third sentence)*

*The City retains the right to review the number of seniors benefiting from this Agreement and the need for the building space. Accordingly, the City retains the right to either provide the same or similar services itself (in the Building or elsewhere) or to use the Building for any other needed purpose.*

They would like it to end after the word agreement and would like to cut out the remaining part that says and the need for the building space accordingly the city retains the right to either provide the same or similar services itself in the building or elsewhere or to use the building for any other needed purpose. She explained that they were a little uncomfortable with that last section and would like that cut.

Cynthia noted that Polly, Matt and she spoke right before the meeting and staff would concur with that change.

Ms. Delehant explained that their Vice President asked her just before she came up to speak to ask what guarantee do they have that they will never be evicted.

Mayor Boley explained that this Board cannot make decisions for future Board members.

Cynthia explained that the contract does outline a timeline for notification for all that there would be those discussions.

Mayor Boley explained that he believed that language was in the agreement in case the seniors outgrew the building due to the Senior Services guidelines. He noted that he was fine with removing that language and asked for a motion.

Alderman Atkins moved to amend the agreement to place a period after agreement in Section 1, third sentence and strike the remainder of that paragraph.

~~*The City retains the right to review the number of seniors benefiting from this Agreement. and the need for the building space. Accordingly, the City retains the right to either provide the same or similar services itself (in the Building or elsewhere) or to use the Building for any other needed purpose.*~~

Alderman Hartman seconded the motion.

No discussion on the amendment to the agreement.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the amendment to the agreement approved.

Alderman Russell thanked Matt Denton, Parks Director and Cynthia for the work they have done on this. He said that on the RFA stated the proposed contract period is from March 1, 2023, to December 31, 2023. In the Cooperative agreement in Section 11 item B says

*Section 11 – Subsection B*

*This Agreement shall be perpetual unless terminated by either party with or without cause upon One Hundred Twenty (120) day's written notice to the other party*

Alderman Russell said that he would like it noted that one document (the RFA) says less than a year the other one (the agreement) says terminated by either party with or without cause.

Alderman Russell said that this gives him a little bit of pause on the protection of the senior citizens. He also noted that there is no rental agreement amount. So, this is basically perpetual until someone wants to call it quits. Alderman Russell said that Cynthia had explained to him that there is a process that would have to be followed if the City would have to find the seniors another location. But he is a little leery of this from a secure standpoint of a location for the seniors. He would like to see the language cleaned up. He also asked for clarification on the no dollar amount in the agreement.

Cynthia explained that was correct. The language in the RFA noted a one dollar per year amount that was included in the prior agreement but there is no dollar amount in this agreement. Cynthia noted that the time frame for notification is by either party of a desire for a change to the contract or a vacation of the facility.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1192 approved as amended.

**14. Resolution 1193, Award Bid No. 23-04, Sanitary Sewer Rehabilitation**

Alderman Ulledahl moved to approve Resolution 1193, awarding Bid No. 23-04 Sanitary Sewer Rehabilitation to SAK Construction, LLC in the amount of \$143,200. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1193 approved.

**15. Resolution 1194, Final Plat – Fairview Crossing North**

Alderman Ulledahl moved to approve Resolution 1194, approving the final plat for Fairview Crossing North Subdivision. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1194 approved.

**16. Resolution 1195, Preliminary Plat, Second Creek Meadows**

Alderman Ulledahl moved to approve Resolution 1195, approving a Preliminary Plat for a 70-lot residential subdivision to be called Second Creek Meadows. Alderman Shipley seconded the motion.

Alderman Hartman recused himself at 7:45 p.m.

No discussion.

Ayes – 4, Noes – 1, motion carries. Mayor Boley declared Resolution 1195 approved.

Alderman Hartman returned to the meeting at 7:46 p.m.

**17. Resolution 1196, Authorization No. 89, Amendment No. 1, Additional Engineering for Raw Water Pump Station**

Alderman Ulledahl moved to approve Resolution 1196, approving Amendment No. 1 to Authorization No. 89 with HDR Engineering, Inc. in the amount of \$24,140 for engineering and construction services for the Raw Water Pump, Valve Vault and Zebra Mussel Control for the Raw Water Pump Station. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1196 approved.

**18. Resolution 1197, Amendment No. 1 to Authorization No. 92, Engineering for Smith's Fork Pump Station Force Main**

Alderman Ulledahl moved to approve Resolution 1197, approving Amendment No. 1 to Authorization No. 99 with HDR Engineering, Inc. in an amount of \$127,800 for engineering design of the Smith Fork Sanitary Sewer Force Main. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1197 approved.

**19. Resolution 1198, Award Bid – Sewer for Streetscape Phase III**

Alderman Ulledahl moved to approve Resolution 1198, awarding the bid to Menke Excavating in an amount of \$42,408 to replace the service lines at 211, 213, and 215 Bridge Street for Streetscape Phase III. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1198 approved.

**20. Resolution 1199, Award RFP 23-03, 4th Street and 4th Terrace Utility**

Alderman Ulledahl moved to approve Resolution 1199, awarding RFP 23-03, 4th Street and 4th Terrace Improvements to Menke Excavating in an amount of \$885,740.13. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1199 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **21. Public Comment**

None

### **22. New Business from the Floor**

Alderman Russell proposed that the City draft that the City of Smithville not have any business practice, investments or contracts with entities engaged in or related to ideological boycotts, political correctness, social engineering or other discriminatory conduct concurring environmental, social or governance standards commonly referred to as E.S.G.

For the City of Smithville to divest from investments with entities engaged in ideological boycotts and to provide protection for Smithville business from these business practices.

The City of Smithville will divest from investments with entities engaged in ideological boycotts and will disqualify financial institutions from receiving deposits of City monies and prohibit the City from entering into any contract without written verification that the contractor is not engaged in the discriminatory practices of ideological boycotts.

*This was taken verbatim from Alderman Russell's notes.*

### **23. Adjournment to Executive Session Pursuant to Section 610.021(3)RSMo**

Alderman Ulledahl moved to adjourn. Alderman Hartman seconded the motion.

Upon roll call vote.

Alderman Hartman - Aye, Alderman Atkins - Aye, Alderman Ulledahl Aye,  
Alderman Chevalier – Aye, Alderman Shipley - Aye, Alderman Russell – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:49 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor