

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

April 1, 2024 7:00 p.m.  
City Hall Council Chambers and Via Videoconference

**1. Call to Order**

Mayor Boley, present, called the meeting to order at 7:00 p.m. A quorum of the Board was present: Marv Atkins, Melissa Wilson, Leeah Shipley, Ronald Russell, Dan Hartman and Dan Ulledahl.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Jack Hendrix, Rick Welch and Linda Drummond.

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

**3. Consent Agenda**

- **Minutes**

- March 19, 2024, Board of Aldermen Work Session Minutes
- March 19, 2024, Board of Aldermen Regular Session Minutes

- **Resolution 1339, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Kathleen Hunter in the amount of \$73.16.

- **Resolution 1340, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Penny Evertson in the amount of \$45.67.

Alderman Atkins moved to approve the consent agenda. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the consent agenda approved.

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

**4. City Administrator's Report**

Cynthia Wagner noted that the City is in the process of switching to the new finance software for billing. She explained that billing has been offline, and no payments were able to be accepted. The system is now online but staff is in the process of learning the new system. She asked that residents please be patient during this learning period.

Cynthia noted that Amino Brothers informed the City that they would be beginning work on Quincy from Owens to Hawthorne this week. Residents affected by the work are being notified and it has been posted to the City's website and social media. Weather permitting, they plan to have the work done in two weeks.

## ORDINANCES & RESOLUTIONS

### 5. **Bill No. 3030-24, Rezoning Mount Olivet – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3030-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri at 14422 Mount Olivet Road. 2<sup>nd</sup> reading by title only. Alderman Hartman seconded the motion.

Public Comment.

Nicole Pfaff, 3405 NE 144<sup>th</sup> Street, asked the Board when this property was annexed and if the neighbors were notified. She explained that she was concerned about a street light going in at the intersection of 144<sup>th</sup> and Mount Olivet because the light would shine towards her home.

Larry Yeatman, 4014 NE 144<sup>th</sup> Street, spoke to the Board about his concerns about more development on bad stretches of road. He said that the traffic from this development would cause more traffic at 169 Highway and Amory Road that is already a dangerous intersection now difficult to pull out onto 169 Highway from Amory Road. Mr. Yeatman said that it would be the responsibility of the taxpayers and not the developers for the upkeep on the roads. He suggested that infrastructure be completed first before the developments.

Board discussion.

Alderman Russell noted that he had an issue with the surrounding property owners not receiving their notification, with the lack of a shared road agreement with Clay County and not having a traffic study done for this location. He also believes there should be stop signs and that the street lights are an issue. Alderman Russell asked if it is common practice for a developer to list the lots in the development prior to approval.

Jack Hendrix, Development Director explained that a developer may list the lots, but he is listing them at his own risk. Jack noted that the City has been working on the shared road agreement with Clay County since 2018 and Mount Olivet Road is part of that discussion.

Alderman Hartman noted that the developer has to go through a very detailed process that consist of surveying, engineering, engineering for roads, etc. He noted that he did not think there is a specific order in which these things have to be done, they just have to be completed. He said that one of the questions that he has been receiving was when these items will be done.

Mayor Boley explained that in the development agreement the road overlay has to be completed before the permit is issued.

Alderman Hartman explained that most residents are not aware of the detailed process these thing go through even before they get to the Planning and Zoning Commission and definitely before they come before the Board of Aldermen. He noted that the Board continues to encourage questions and if needed they will be forwarded to the developer or to staff for answers.

Eric Craig, 7019 NE 134<sup>th</sup> Street, developer of the subdivision, noted that Alderman Hartman was correct. One of the first things they did for this project was to meet with Clay County, since it was located in the county. They met with Kipp Jones from Clay County Planning and Zoning. Mr. Craig noted that the county is currently in the middle of updating their comprehensive plan and it was highly suggested that they have this property annexed into the City of Smithville. They then made sure that the utilities, water and electricity were on the

property. There is no sewer. They then met with the Missouri Department of Transportation (MoDOT), during that meeting they discussed they driveways off of Mount Olivet. He explained that MoDOT said they are trying to limit the number of driveways and it was their suggestion to have shared driveways coming off of Mount Olivet where they could and also to align them to the driveways of the properties on the east side of Mount Olivet. Mr. Craig noted that once they meet with those municipalities then they come to the City.

Alderman Russell asked if a traffic study was performed.

Mr. Craig explained that Clay County determines whether a traffic study is needed, and they consider this is a low-density development and did not recommend one.

Upon roll call vote:

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

Ayes –5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3030-24 approved.

**6. Bill No. 3031-24, Supplemental Agreement with MoDOT – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3031-24, authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Commercial Street from Smithville High School to Meadow Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

Alderman Hartman noted that this project has been in the planning stages for a while and is needed for the safety of students and residents.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3031-24 approved first reading.

**7. Resolution 1341, Preliminary Plat – Mount Olivet**

Alderman Ulledahl moved to approve Resolution 1341, approving a preliminary plat for Mount Olivet subdivision and authorizing the Mayor to execute a development agreement. Alderman Hartman seconded the motion.

Public comment.

Doug Cirricione, 728 Spelman Drive, spoke to the Board about his concerns with the issues along that area's line of sight from the driveways exiting on Mount Olivet. He suggested having only one entrance into the subdivision would be best. He said he knew it would create additional engineering and everything else for the developers but with the way the roads are on all three sides you have spots that have limited visibility for line of sight coming in or out of the driveways. He said that this would limit the risk for traffic, whether it be at UPS, Amazon mail, school buses, etc. for them to all come and go from a single entrance.

Michael Ballenger, 14975 Mount Olivet Road, spoke to the Board about his concerns about the potential traffic and safety impacts of this proposed development as it is currently designed. He also has concerns about how rapidly the project is progressing. He noted his concern about all the additional traffic that would be exiting onto Mount Olivet, phase one would add six additional homes and phase two and additional 19 homes. He asked if the safety studies would occur and if the necessary safety changes, such as a four-way stop at the intersection of Mount Olivet and 144<sup>th</sup> Street would actually put into effect. He reached out to the Clay County Planning and Zoning Director Kip Jones and was told the county had no jurisdiction over requirements for this project and that Smithville must have a different process than theirs.

Kara Ballenger, 14975 Mount Olivet Road, spoke to the Board about her concerns for the additional traffic. She gave an example of the school bus that overturned on Mount Olivet and the Kansas City Star published an article titled "Speeding Driver's Flawed Road Smithville School Bus Crashed On A Street With Known Hazards". She said a spokesperson with the Clay County Sheriff's Office stated that Mount Olivet was a two-lane country road, and you really have to pay attention. She noted that there is no shoulder on Mount Olivet and has a 45-mph speed limit. She noted that the other roads have slower moving traffic, better visibility and access to three major highways and could avoid Mount Olivet entirely. She asked the Board to use more prudence in deciding if this really is the best location for neighborhood of that size and whether it is in the best safety interests of existing and future citizens of that area. Mrs. Ballenger added that if the Board decided to approve this neighborhood to ensure that all necessary safety improvements are put into place.

Kathleen Beard, 14975 Mount Olivet Road, spoke to the Board about Mount Olivet being a scary road and that in her opinion the 45-mph speed limit is just a suggestion. She never sees law enforcement out there. She added she believed the lighting was going to be worthless because all the accidents and she has seen several at 144<sup>th</sup> Street and Mount Olivet. She said that resurfacing the road will not help because people will still be going to crash into each other. Ms. Beard noted that there are blind spots on Mount Olivet and people go flying over the hills. She said to her the simple solution is to put a four-way stop at the intersection of 144<sup>th</sup> Street and Mount Olivet and to lower the speed limit to 25 or 30 mph. She noted that Mount Olivet was a dangerous road.

Board discussion.

Alderman Atkins asked if there were plans for a four-way stop at the intersection of Mount Olivet and 144<sup>th</sup> Street.

Jack explained that this area is under the Clay County jurisdiction. Jack noted that the City and the developer both asked the county what their requirements were for a traffic impact study for this subdivision. The county's response to the City was the same as to the developer that the subdivision is too low of a density to trigger a traffic study. He explained that it will be Clay County's determination on that intersection getting a four-way stop. Jack explained that the county has traffic engineers that will determine if traffic counts need to be completed.

Alderman Atkins asked then that this is then completely up to the county.

Jack explained that there are two factors with this. The county determined that no traffic study is needed for this subdivision and the City does not have the authority to make that decision.

Alderman Wilson asked the representative from the Clay County Sheriff's Department what can be done for safety on this road, and if the citizens need to contact the county.

Lieutenant Colonel Jeff Self, of the Clay County Sheriff's Department, explained that the Sheriff's Department can only deal with the enforcement on the road. They do not have any input on the road studies, widening of roads, etc. He noted that for enforcement, they can focus on the calls that come in, but they cannot put someone in that location constantly. He suggested that these concerns be voiced to the Clay County County Commissioners.

Mayor Boley asked if Lieutenant Colonel Self could pull incidents, accidents and citation data on this road and give it to Kipp Jones at Clay County Planning and Zoning.

Lieutenant Colonel Self said that he could absolutely do that. He also noted that he spoke with their commander about having a presence out there and they will do what they can, but they cover 400 square miles in the county.

Alderman Russell asked what department would police this location.

Chief Lockridge noted that the property that has been annexed into the City limits will be patrolled and the calls will be handled by the Smithville Police Department. Chief Lockridge explained that Clay County Sheriff's Department has jurisdiction over Clay County and will always back up and assist the Smithville Police Department.

Alderman Russell clarified that Mount Olivet will the responsibility of Clay County, the subdivision the responsibility of Smithville Police, to the east of the subdivision will be the responsibility of Clay County. He asked if keeping the entrances off Mount Olivet had been considered in developing this subdivision.

Jack explained that the county asked that they double up on the entrances coming off Mount Olivet. He noted that those entrances are shown on the preliminary plat. Jack explained that a lot of the discussion concerning the design of this subdivision occurred before it ever came to Smithville.

Alderman Russell asked if there had ever been a comprehensive traffic study done on Mount Olivet.

Jack said he assumed not.

Alderman Russell said that with Smithville growing the traffic on that road is going to increase. He said he thinks that they need more information like a comprehensive traffic study, number of accidents, violations, fatalities, etc.

Alderman Russell made a motion to postpone this item to a later date pending more data for the safety of the citizens off of Mount Olivet.

Alderman Wilson noted that if they were to do that, the item would have to go back to Planning and Zoning.

Alderman Atkins noted that sending it back to Planning and Zoning would not change the fact that all of the jurisdiction falls under Clay County.

Alderman Russell agreed that it does but said that it would be our subdivision that will be adding entrances onto Mount Olivet. He would like to see more discussion and information on this with Clay County for responsibility.

Receiving no second on the motion, Alderman Russell's motion died.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1341 approved.

#### **8. Resolution 1342, Neighborhood Beautification Grant**

Alderman Ulledahl moved to approve Resolution 1342, awarding the 2024 Neighborhood Beautification Grants. Alderman Hartman seconded motion.

Public comment.

Debra Dotson, 2004 NE 196<sup>th</sup> Place, spoke to the Board concerning the Harbor Lake subdivision. She noted that last Friday they were informed that their request for the Neighborhood Beautification Grant was denied. They are here this evening asking that the Board of Aldermen reconsider denying Harbor Lake subdivision's grant request. She said that they were denied their pool resurfacing request because it seemed more like it was pool maintenance. Ms. Dotson explained that have used professional for the annual upkeep and maintenance of their pool. She noted that their annual maintenance agreement was provided in the packet. They pay \$18,000 annually for the upkeep and maintenance. Ms. Dotson said that though their pool surface is clean it is stained and just plain ugly. She said that the definition of maintenance is subjective, there is routine maintenance, preventive maintenance and reactive maintenance. She said that resurfacing a pool is not about maintenance, it is about restoration, beautification and creating a safe enticing amenity that enhances their overall satisfaction of the residents. Ms. Dotson noted that Harbor Lakes is not a groomed subdivision. They have covenanted area that are to be protected for the benefit of wildlife. She explained that the one amenity that they have that is specifically for humans is their pool and kiddie pool. They respectfully request that the Board approve their request for the Neighborhood Beautification Grant.

Sonya Crites, 1802 NE 197<sup>th</sup> Court, spoke to the Board and asked that they reconsider the decision and approve Harbor Lake subdivision's grant request. They requested grant money to resurface their subdivision pool. She noted that resurfacing the pool reaches far beyond maintenance. Resurfacing a pool is about beautification and also about engineering structure, water chemical conservation and environmental protection. She noted that resurfacing the pool would eliminate the possibility of structural defects that can occur when the soil shifts and moves, causing breaks and fissures to the surface. It also prevents leaks and cracks that can affect water usage. Ms. Crites respectfully requests that this committee approve their beautification grant application and said that their residents deserved a safe pool.

Jane Crampton, 1703 NE 197<sup>th</sup> Court, noted that she was the president of the Harbor Lakes HOA. She also noted that their application was denied stating that it was maintenance not beautification. Ms. Crampton explained that in 2022 they were awarded and used the Neighborhood Beautification grant of \$2,400 for "Goats on the Go". In 2022 they repaired and updated the 18-year-old pool's electrical and in 2023 replaced the pump motor. She explained that the plaster is cracking and staining, this causes algae growth which uses more chemicals. She asked that the Board reconsider their grant request.

Board discussion.

Alderman Hartman asked if this is the first request like this for a pool.

Gina Pate, Assistant City Administrator, noted that for the Neighborhood Beautification Grant program there was budgeted a total of \$25,000. Five applications were received and the total asked was \$36,729.30. Harbor Lakes asked for \$17,025, that included resurfacing and replacement of a warn cover.

Alderman Hartman noted that the four approved grants total \$19,704.30 which leaves money left over. He explained that he also had a problem with their ask amount but noted that if you do not ask you cannot receive an answer. He asked if he was correct that there is no appeal process for this.

Gina explained that currently in the grant terms there is no appeal process. When Harbor Lakes reached out staff noted that they would include the email correspondence and recommended that they come before the Board. Gina explained that staff reviewed all the applications, and this is their recommendation. She noted that this is the first time that we have had a pool request, and this is setting the precedent for future grants if we continue this program.

Jane Crampton explained that they had raised their dues and had started a reserve fund. She said that anything that the City could do would be appreciated.

Alderman Russell said that he had a concern with using the grant funds for pools. He noted that this is a beautification grant and not for pool maintenance. He said that his concern is with all of the subdivisions having pools this would turn into a pool maintenance only grant. He thinks approving this would set a bad precedent.

Alderman Wilson asked if HOA's usually have a separate assessment for the pool maintenance for each of the residents.

Jane Crampton said that they had a dues increase from 2023 to 2024 from \$565 to \$635, \$40 of that was operating expense and cost of insurance. Their pool servicing went up from \$13,500 to \$18,000. She noted that they assessed their homeowners \$185. She explained that they have budgeted \$10,000 for tree clean-up to keep their trees groomed in their neighborhood.

Debra Dotson noted that she understands the concerns about other pools, as older pools do need beautification. She said that they would take what they could get for their project and suggested maybe putting a cap on pool requests in the Neighborhood Beautification Grant application.

Alderman Ulledahl asked why they did not ask for their tree work for the grant and use the money they have for the tree clean-up for the pool. The beautification grant is to be used for signage, landscaping or trails and not the amenity of a pool.

Jane Crampton explained that they spent \$46,000 to repave two miles of their trails and rebuild the dam. They just received a bid of \$100,000 to repair the cracks and resurface the rest of trails. She asked if existing trails would qualify for the grant or would they have to be new trails.

Alderman Ulledahl said that trails would trump swimming pools.

Cynthia explained that last year the Board approved improvements to the trail in the Hills of Shannon.

Mayor Boley noted it was for ADA compliance and resurfacing.

Cynthia noted that a trail that is connected can be used by anyone, but a pool is limited to the residents of that subdivision and the homeowner's association dues are specific to those.

Debra Dotson explained that they are somewhat different because their trails are not connected to any other trails, they are private. She said their subdivision does not fit into any categories.

Alderman Hartman asked if Harbor Lakes could amend their application or is it closed.

Cynthia noted that the applications have closed but it is the Board direction as to how to allocate those funds. Cynthia explained that this is the third year for the grants and suggested if it is budgeted next year the Board have discussion about what projects are eligible. This is a fairly new program, and this is the first time that we have had a question like this.

Mayor Boley noted that this was brought forward after speaking with Rollins Landing and the need for signage. Projects like that are part of the City's Comprehensive Plan and the Parks Master Plan.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1342 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **9. Public Comment**

Chelsea Dana, 19407 Mulberry Lane, spoke to the Board concerning grants for non-HOA citizens. She noted that she would like to see the residents on 134<sup>th</sup> Street get to utilize City grant funding for their dust control for their road.

### **10. Appointment**

The Mayor will nominate Kyle Squire's re-appointment to the Parks and Recreation Committee, and the Board will vote:

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Kyle Squire a re-appointed member of the Parks and Recreation Committee.

The Mayor will nominate Jerimiah Bloemker's re-appointment to the Parks and Recreation Committee, and the Board will vote:

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Jerimiah Bloemker a re-appointed member of the Parks and Recreation Committee.

**11. New Business from the Floor**

Alderman Wilson asked that the Neighborhood Beautification Grant discussion be part of a work session.

Alderman Wilson asked that the Board receive updates on the complaints the City receives concerning GFL and the trash services.

Cynthia noted that that report could be part of the quarterly budget update.

Alderman Russell asked that the Household Hazardous Waste Agreement with Mid-America Regional Council (MARC) be discussed at a work session. He believes that citizens are being overcharged and asked for a detailed breakdown of the trash bill and an explanation of where the money goes.

Alderman Russell asked for a breakdown on the cost of the Sculpture on the Move.

Alderman Russell asked for discussion in a work session for the City's process on bids from start to finish.

Alderman Russell asked that the Board revisit his request to have local clergy do a prayer before the meetings.

Alderman Russell asked that citizens be allowed at ask questions during meetings. He believes it is unconstitutional that they are not allowed.

**12. Adjourn.**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 8:23 p.m.

  
Linda Drummond, City Clerk

  
Damien Boley, Mayor