

SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

February 15, 2022 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. **Call to Order**

Mayor Boley, present, called the meeting to order at 6:59 p.m.

A quorum of the Board was present: John Chevalier, Marv Atkins, Dan Ulledahl, Kelly Kobylski and Rand Smith. Dan Hartman was absent, attending the MML Legislative Conference.

Staff present: Cynthia Wagner, Anna Mitchell, Chief Jason Lockridge, Chuck Soules, Matt Denton, Linda Drummond, Stephan Larson and Jack Hendrix.

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

3. **Proclamation – Public Schools Week February 21-25**

Mayor Boley presented the Public Schools Week Proclamation to School Board member Jeff Bloemker earlier in the evening.



The proclamation will be published on FaceBook and Nextdoor.

4. **Consent Agenda**

- **Minutes**

- January 18, 2022, Board of Alderman Work Session Minutes
- January 18, 2022, Board of Alderman Regular Session Minutes

- **Finance Report**

- Financial Report for December 2021

- **Resolution 1018, Street Name Change – Eagle Ridge Subdivision**

A Resolution approving changing the name of the short north-south portion of Carriage Street that is adjacent to Lots 31-38 to Ridge Drive.

- **Resolution 1019, Acknowledging Emergency Purchase**

A Resolution acknowledging the emergency purchase with Mid-America Pump in the amount of \$8,683.57 to replace the pump and motor at lift station #2 at Cedar Lakes.

- **Resolution 1020, Change Order No. 1 for Smith's Fork Campground Electrical**

A Resolution approving a change order for the Smith's Fork Campground Electrical Upgrade bid with Mr. Electric.

- **Resolution 1021, Clay County Local Emergency Operations Plan (LEOP)**

A Resolution adopting the Clay County Local Emergency Operations Plan.

- **Resolution 1022, Farmer's Market MOU for the 2022 Season**

A Resolution authorizing the Mayor to enter a Memorandum of Understanding (MOU) with the Lion's Club for the 2022 Farmers and Makers Market.

- **Resolution 1023, Main Street District MOU - 2022 Gravel Grinder Bike Race**

A Resolution authorizing the Mayor to enter a Memorandum of Understanding (MOU) with the Main Street District for Gravel Grinder Bike Race.

- **Resolution 1024, Letter of Support, Main Street District Grant Application**

A Resolution authorizing the Mayor to sign a letter of support for the Smithville Main Street District grant application for a Marketing Heritage and Cultural Tourism in Rural Missouri grant.

- **Resolution 1025, Change Order No. 1 Repair Motive Pump**

A Resolution approving the change order for the repair of a motive pump in the amount of \$3,501.72 with Mid-America Pump.

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

Ayes – 5, Noes – 0, motion carries. The Mayor declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

5. Committee Reports

Anna Mitchell, Assistant City Administrator reported on the January 28, 2022, Economic Development Committee meeting. They continue to work through the incentive toolbox. The committee worked on the Chapter 100 and Chapter 353 decisions as far as any recommendations to the Board of Alderman on any further restrictions, the committee's decision was not to put any additional restrictions on Chapter 100 and Chapter 353 and to continue as they are.

Megan Miller from Gilmore and Bell educated the committee on the Community Improvement District (CID). At the February meeting they will discuss if any further

restriction will be need on the Community Improvement District incentives. They will also move forward with education on Transportation Development Districts (TDD).

Alderman Atkins reported on the February 8, 2022, Finance Committee meeting. They reviewed the vendor payments in excess of \$7,500 and all the payments adhere to the City's purchase policy.

The bank reconciliation was completed on January 6, ahead of the benchmark goal that has been set by the City.

Staff continues to call and send emails to past due utility customers on the outstanding checks list.

Staff has been reaching out to several banks to compare rates on certificate of deposit. The current interest rates are not that aggressive, so it was highly recommended that the City's CDs remain as they are to retain access to available funds for emergencies.

The first quarter of FY22 budget we made small but obtainable adjustments, \$160,000 for the classification and compensation study. They also discussed the increase in the cost of gas from Spire and will be looking for ways to adjust for the increase.

They discussed the utility discount policy due to the Board receiving public comment to the severity of the policy. Staff has started to evaluate how the threshold for shut offs and fees compare to other cities. The update on the policy will be reviewed by the Board later in this meeting.

Staff posted requests for qualification (RFQ) for the utility rate study to complete the rate analysis on the City's water and wastewater rates and how they impact the impact fees, debt obligation and funding strategy for major capital improvements over the next five years. The submission process has concluded, and staff will begin evaluating the qualifications of each firm and begin interviews in order to select a qualified firm to present to the Board of Alderman.

Alderman Atkins noted that they also discussed capital improvements. Staff is currently evaluating the financial strategy for the Parks and Recreation/Public Works facility and the Police facility.

Alderman Atkins reported on the February 10, 2022, joint Legacy Fund Committee and Parks and Recreation Committee meeting. They presented the Parks and Recreation Master Plan and the results of the Citizens Satisfaction Survey, and it verified we are on target for what the citizens are requesting. They discussed future plans for items such as a riverwalk, expansion of Heritage Park and Smith's Fork Park and the expansion of the campgrounds to include a bigger playground and skate park. The estimate to obtain all of these visions is estimated at 15 million dollars. The current funding will only provide approximately half and why the Legacy Fund Committee is so vital to the success of these visions and the requests of our citizens. Some of the funding can be obtained from grants but most will need to come from fund raising.

Alderman Atkins noted that this was his first interaction with the members of the Legacy Fund Committee, and he was impressed by their professionalism and passion they had. They discussed what goals need to be priority to start the fundraising steps and possible fundraising events.

6. City Administrator's Report

Cynthia noted that there is a lot of information in the City Administrator's report in the packet. Cynthia gave a brief update on personnel. We have a number of new employees that started between Christmas time and last week. We currently have two vacancies in the Police Department, one in the Street Department and one in the Utility Department. We also have a part-time position we are advertising to fill in the Parks and Recreation Department.

In the report Cynthia provided an update on the snow removal effort for the last several storms and noted that staff is preparing for response for later this week for another snow event.

Also included in her report was information on the Right-of-Way maintenance communication to residents who are affected based on Board action late last year. There is also information on development that is occurring around the community.

Cynthia reminded the Board to RSVP to Linda Drummond, City Clerk by March 15, if they are attending the Missouri Municipal League (MML) West Gate dinner/meeting on March 24 at White Iron Ridge.

RDINANCES AND RESOLTUIONS

7. Bill No. 2930-22, Initial Zoning, Lot 24, Lakeside Crossing – 2nd Reading

Alderman Chevalier moved to approve Bill No. 2930-22, approving the initial zoning of Lot 24, Lakeside Crossing, 15705 North Wabash Street. 2nd reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Alderman Chevalier – Aye, Alderman Hartman– Absent, Alderman Atkins – Aye, Alderman Smith – Aye, Alderman Ulledahl – Aye, Alderman Kobylski– Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2930-22 approved.

8. Bill No. 2931-22, , Revenue Study for MarketPlace TIF Issuance - Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Readings

Alderman Ulledahl moved to approve Bill No. 2931-22, awarding RFP #22-10, Smithville Commons Development Revenue Study to PGAV Planners, LLC. 1st reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Alderman Hartman – Absent, Alderman Kobylski – Aye, Alderman Chevalier – Aye, Alderman Ulledahl – Aye, Alderman Smith - Aye, Alderman Atkins – Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2931-22 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2931-22, awarding RFP #22-10, Smithville Commons Development Revenue Study to PGAV Planners, LLC. 2nd reading by title only. Alderman Smith seconded the motion.

No discussion.

Alderman Smith – Aye, Alderman Atkins – Aye, Alderman Hartman – Absent, Alderman Chevalier – Aye, Alderman Kobylski – Aye, Alderman Ulledahl- Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2931-22 approved.

9. Bill No. 2932-22, Budget Amendment No. 2 – 1st Reading

Alderman Smith moved to approve Bill No. 2932-22, amending the FY22 operating budget to add \$547,205 to the expenditure budget and \$813,000 to the revenue budget. 1st reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Alderman Kobylski – Aye, Alderman Smith – Aye, Alderman Atkins – Aye, Alderman Hartman – Absent, Alderman Ulledahl – Aye, Alderman Chevalier- Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2932-22 approved.

10. Bill No. 2933-22, Award Bid No. 22-06, Sale of City Land – 1st Reading

Alderman Kobylski moved to approve Bill No. 2933-22, authorizing the Mayor to execute a land sale contract with Kansas City Properties and Investments, LLC. 1st reading by title only. Alderman Atkins seconded the motion.

Joel Schroeder, 1702 NE 197th Court, explained to the Board that he was concerned that the sale of this property would be a long-term problem for the City. He said that in selling city property that is already designated as a park area to only serve one business in town leaves the City open to other businesses to ask permission to buy other City park property once we set this precedence. Mr. Schroeder said that he does not believe this is going to be a positive thing for the City because it is taking away an area that has been used in the past for many other events. He also noted that he feels it should be brought to the voters and not just a survey that not everyone got the chance to respond to.

Sarah Ulledahl, 408 Highland Avenue, stated that she has a passion for a thriving downtown Smithville. She has spent numerous hours working towards and planning multiple community events with Main Street District, Community in Action, hosting events like Pet's Day Out and Movie Night. She said that she wants to see a vibrant downtown but not at the expense of our residents and one of our most used parks. She noted that last year alone they had thirty-nine community events take place in the Courtyard.

Mrs. Ulledahl explained that while working on an event for this year she was reminded that if the patio were in place on the east side of the stage, the west side of the stage would need to stay open for emergency crew to get through, so, they would not have the ability to set up on the other side of the stage. She said that she has a great relationship with Humphreys and really enjoys having them in downtown Smithville. She explained that when they have Movie Night, Humphreys always close the garage doors so they can continue to have a band playing and not disrupt the movie. Doors will not be able to be closed on a patio next to the stage. The Community in Action hosted the Fifth Quarter for Smithville kids after the football games this year. This event went until curfew in the Courtyard Park. She stated that she was not sure how a patio bar and grill at 11:00 p.m. on a Friday evening would work with a hundred of Smithville students playing in the park right next to it.

Mrs. Ulledahl said that she loves the idea of an outdoor patio but asked that the Board think of a way to for it not to involve losing part of our park. She suggested a rooftop patio or even behind the restaurant would be great ideas. She would like to keep our park for our community. She asked that the Board consider what is best for everyone and not what is best for one business.

Johnny Viebrock, 6408 Five Corners Road, explained that he was asked to come speak to the Board by concerned citizens who were not able to attend the meeting. He noted that he supports free enterprise and expansion but as one of the founding members of the Farmers and Makers Market that utilizes Courtyard Park, he strongly opposes the sale of this property. Losing this property reduces access for vendors to be able to drop off their goods and services in Courtyard Park. He said he sees no benefit to the City by removing the thoroughway and stopping the flow of traffic in the alleyway. He is also concerned that closing off that area reduces the access for emergency vehicles. Mr. Viebrock also noted that the City just spent several thousand dollars retrofitting the curb and entrance with the Streetscape and not sure the sale of the land would cover those expenses. He asked the Board to consider relaxing the rules of Courtyard Park and when it is not being used for a special event and allow all of the restaurants downtown opportunity to have tables they can serve. He asked that the Board consider not selling the property.

Alderman Chevalier voiced concern that once we sell this land, we will not have control. If an event such as Artistry in Motion was performing, and they were having something on the patio it would drown out the sound of the performance at the Courtyard and they City would not have a whole lot of say concerning it. He would prefer that the City look at something more like a lease of the land and have something written in the lease that would ensure that they could not hold loud events when events were being held in the Courtyard.

Alderman Smith asked about the possibility of building on the rooftop so it would not take away the alleyway or the parking?

Mayor Boley explained that the structure would not support it, the roof is a foam roof.

Alderman Atkins said that the Main Street District and the Parks and Recreation Committee reviewed this and are in favor of it but feels maybe the Board needs to spend more time reviewing it because at this time he is not comfortable selling it. He likes the idea of businesses increasing their sales but is not sure this is the exact right thing. He said that he knows it is not an alleyway, but it is used by the City and the citizens.

Alderman Kobylski noted that she has gone back and forth through this process, she is for selling the property and that the outdoor eating space will be a benefit. She said that she did not know if Humphreys had any plans for bands, but the outdoor seating is no different then the outdoor seating across the street that could have loud noise also. She explained that she was not sure that was a fair argument. She noted that she believes it is a good idea and would beautify that area and be beneficial.

Alderman Atkins noted that it was his understanding that it would be a two-story patio.

Mayor Boley said that was correct it would be a four-season patio.

Alderman Chevalier said that he thought it would be a benefit to downtown he just did not want the City to lose control over the land and not be able to stop something if we needed to.

Alderman Kobylski said that was what City Ordinances such as our noise ordinance are for just like for any other business.

Alderman Smith asked if we knew what the additional projected sales tax revenue would be?

Mayor Boley explained that all of our downtown restaurant's sales tax is substantial, but he was not sure if they provided that in the RPF.

Alderman Atkins – No, Alderman Chevalier – No, Alderman Ulledahl – No, Alderman Smith – No, Alderman Kobylski – Aye, Alderman Hartman - Absent.

Ayes – 1, Noes – 4, motion fails. Mayor Boley declared Bill No. 2933-22 failed.

11. Resolution 1026, Authorization No. 96, Bridge Street Streetscape North

Alderman Ulledahl moved to approve Resolution 1026, Resolution authorizing and directing the Mayor to execute Authorization No. 96 with HDR Engineering, Inc. for design and construction services for Streetscape Phase III – Bridge Street. Alderman Chevalier seconded the motion.

Alyssa Sanders, 211 North Bridge Street, noted that she is excited about the project but asked if the sewer lines and the water lines would be updated with the project?

Chuck Soules, Public Works Director, explained that the sewer lines and water lines would be part of the engineering for the project. He said that city staff will contact the residents and business owners in that area to explain the project. He noted that the project is slated for bid in 2023.

Alderman Ulledahl noted that the sewer lines and water lines should be addressed with the project.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1026 approved.

12. Resolution 1027, Award Bid No. 22-01, Camp Host

Alderman Ulledahl moved to approve Resolution 1027, awarding Bid No. 22-01, Camp Host to Kendra Kristler in an annual amount of \$14,700. Alderman Smith seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1027 approved.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

None

14. Discussion of Utility Billing

Stephen Larson, Finance Director, noted on January 4, 2022, the Board of Alderman received public comment regarding the City's utility disconnect policy. In response the that public comment staff has prepared a brief staff report including research and information on the disconnect policy. The policy outlines the Board of Alderman establishes the policy and the policy is executed by staff. This policy is found in the City's policy manual and is available on the City's website. The policy specifically outlines the times and dates in which accounts may be disconnected. Stephen noted that the staff report also outlines various facts and statistics regarding utility disconnection in the City. The information includes the average number of disconnects each month in relation to the total customer accounts that the City bills each month. It also contains the average utility bill following the rate adjustments implemented in 2021 and the City's current disconnect threshold. The staff report also provides information regarding utility disconnect policy and disconnection fees for comparable cities around Smithville. Staff researched disconnection policies for eleven other communities comparable to Smithville. Stephen said that staff was looking for direction from the Board on this matter.

Melissa Wilson, 19507 Diamond Lane, noted that she serves on the City's Finance Committee, and they did discuss utility billing at their February meeting. She shared that while she was serving as an Alderman, they did review the City's current policy that is in the manual and determined that the timelines in place cannot be adjusted due to the preparation of the next month's bills. She said that she read the January public comment and noted that it had to do with the delay in third-party vendors used by banks and those vendors not getting the checks submitted to the City. The postal service is now telling us that first class mail can take longer than five days. Mrs. Wilson recommended to the Board that the City focus on auto-debit for utility customers. She noted that she has been on auto-debit since it was first offered, and it comes out of her

account on the 16th of the month, and she does not have to worry about late fees or disconnects.

Greg Hinds, 18303 Belinda Drive, stated that he agrees with Mrs. Wilson, but he believes the problem is that the City policy states that the City takes checks, and his bank pays his utility bill by check. He explained that in December when he received his utility bill, he immediately authorized his bank to send a check. The check did not arrive to the City until December 27 and his water was already shut off. He said that the City policy says that it accepts checks via USPS, and he feels he did nothing wrong but was still shut off.

Mr. Hinds thanked staff for researching the eleven other communities and noted that the majority of those cities simply send a termination notice in the next bill. He said that procedure would take care of the problem. Give customers thirty or forty days of a grace period as opposed to ten days. He noted that would solve the problem and does not cost anything other than a delay in the payment.

Mr. Hinds also stated that changing the threshold from \$75 to \$100 would not solve the issue for someone like him because his bill is generally \$150, nor would it help someone whose bill is \$108. He asked that the City change the rigid ten-day policy.

Alderman Chevalier asked what the issue would be if the date was pushed back the disconnect date to the next billing cycle?

Cynthia explained that the largest issue is the timeline in getting the bills processed. There is also the issue of staffing for disconnects and reconnects.

Stephen explained there is also the timeline for meter reads during the disconnect period and that is where we run into the staffing issue. Stephen said that in the past when this issue has come up those were the main reasons for not changing the policy.

Alderman Chevalier asked how the other cities were able to extend the date? He saw where one city was 120 days and not sure why we can extend the date to the following month. The staffing issue will be the same if we extend it, staff will still have to go out and do the disconnects and the reconnects.

Alderman Atkins said that we might even have fewer shut offs.

Alderman Ulledahl noted that this would be true for someone like the gentleman that spoke this evening, the check would have been received on the 27th and his water would not have been shut off. He stated that he is in agreement with Alderman Chevalier and recommends that the Board change the policy to extend the disconnect thirty days plus ten. The overdue bill would go on the next billing cycle and if not paid then disconnected.

Alderman Atkins said that the thirty day plus timeline is common sense. He has is set up on autopay but noted that we cannot tell people how to pay.

Alderman Ulledahl noted that he has his accounts set up on autopay because he was shut off once.

Alderman Chevalier said that it would not be adding thirty days it would be adding to the next billing cycle and shut off if not paid by that shut off date. He also said that if we were to go this route maybe consider increasing the reconnect fee to help re-coop some of the City's costs.

Alderman Kobylski noted that in the policy we do accept checks, but the checks need to be received by the due date. She asked if the language in the policy could be changed to yes, we do accept checks, but they must be received on time?

Alderman Ulledahl said that if the bank mails the check and we do not receive it on time especially with the delay in with the USPS, which is why we should change the policy to extend it to the next billing cycle.

Alderman Kobylski asked what we do if that continues to happen. How do we hold the customers accountable?

Alderman Ulledahl said that everyone should be held accountable and is responsible for their bills. Extending it to the next billing cycle would be to help the individuals that mailed their bills and the City received it on or after the 27th of the month. If individuals are receiving disconnect notices because their bank is not sending out the checks soon enough then they need to make sure that their bank sends the checks out, so they are received by the due date.

Alderman Kobylski asked if we could require customers to sign up for ACH or auto debit?

Cynthia noted that if that were something that the Board wants to pursue, staff would have to consult legal counsel.

Alderman Smith asked if there was any reason that we could not extend it thirty days? He also said that he likes the idea of raising the reconnect fee.

Stephen stated that from a financial perspective we want to make sure that our cash flow for the water and sewer funds work. We operate our own utilities and that is why we justify a shorter timeline. That is something that will have to be evaluated if the Board chooses to extend the timeline, what does that do to the water and sewer fund cash flow.

Stephen asked for direction from the Board on how they wanted staff to proceed.

Mayor Boley said that the consensus is to look at what our cash flow would look like if we changed to a thirty day plus ten policy. Print on the following bill that they are past due.

Cynthia clarified that there would be a notification that there is a delinquency, and they will be shut off in the following month.

15. New Business from the Floor

Alderman Chevalier said that he was contacted by someone who was trying to reserve the Courtyard, but someone had a hold on it for the same date, but they had not paid the fee.

Matt Denton, Parks and Recreation Director, explained that it is in the policy that facilities are not reserved until the fees are paid. He noted that we do explain to people if events that are held every year on the same weekend, like Larson's Cruise, we do hold those dates.

16. Adjourn

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:45 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor