

## SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

March 19, 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, Chuck Soules, Chief Lockridge, Jack Hendrix, Rick Welch, Matt Denton and Linda Drummond.

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

### 3. Acknowledgement of Certification

- Alderman Wilson – Municipal Governance Institute Certification



Alderman Wilson is the first Alderman to go through the certification process.

### 4. Sergeant Pinning

Chief Lockridge gave a brief definition of the duties of a police sergeant.

- Kurt Johnson



Sergeant Johnson's wife doing the honors of pinning on his Sergeant's badge.

## 5. Consent Agenda

- **Minutes**

- March 5, 2024, Board of Aldermen Work Session Minutes
- March 5, 2024, Board of Aldermen Regular Session Minutes

- **Finance Report**

- **Resolution 1331, Emergency Purchase**

A Resolution acknowledging the emergency purchase of a waste valve at the Wastewater Treatment Plant from Mid-America Pump in the amount of \$19,811.43.

- **Resolution 1332, Special Event Permit - Lakefest**

A Resolution approving a special event permit for the Smithville Festival Committee for Smithville Lake Festival 2024 at Courtyard Park on Friday and Saturday, June 14 and 15, 2024.

- **Resolution 1333, Temporary Liquor License**

A Resolution issuing a Temporary Liquor License to Barbara Lamb for operation of the Smithville Lake Festival 2024 Beer Garden on June 14 And 15, 2024.

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

### 6. Committee Reports

Aldermen Wilson reported on the March 12, Planning and Zoning Commission meeting. She noted that there will not be an April Planning and Zoning Commission meeting, but the May agenda may have several items on it. Fairview Crossing South may start construction in the near future. On tonight's agenda, item 12 and 16 were discussed at the March Planning and Zoning Commission meeting.

Alderman Wilson reported on the March 12, Finance Committee meeting. They discussed the first quarter three-month financial year 2024 budget update, which was presented tonight during that work session. They also discussed the CD's and re-investing them to earn a higher rate of interest.

### 7. City Administrator's Report

Cynthia Wagner noted that as follow up from the last Board of Aldermen meeting, staff is working to move forward on the change to the employees LAGERS Retirement program,. There is a link within the City Administrator's Report to the actuarial report. The report has to be posted to the City's website for 45 days and then staff will bring it forward on a future agenda for approval by the Board. This starts the process to make the change effective for staff.

Cynthia noted that the April 2 Board of Aldermen meeting is moved to Monday, April 1 due to the April 2 municipal election.

Alderman Russell asked if he remembered correctly, the amount for the adjustment to LAGERS was just under \$82,000 and that is budgeted.

Cynthia explained that we did not budget for this change in the 2024 budget. We wanted to see how the revenues came in. Staff will need to bring this back as budget amendment.

## **ORDINANCES & RESOLUTIONS**

### **8. Bill No. 3026-24, Amending Site Plan Regulations for all Conditional Use Permits – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3026-24, amending sections of Chapter 400 of the Zoning Code related to site plan review for all Conditional Use permits. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

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. 3026-24 approved.

### **9. Bill No. 3027-24, Rezoning 16000 and 16100 North 169 Highway to R-3 – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3027-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 16000 and 16100 North 169 Highway. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 3027-24 approved.

### **10. Bill No. 3028-24, Agreement with Central Missouri Regional Lodge #50 – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3028-24, authorizing the City to enter into a labor agreement with West Central Missouri Regional Lodge #50 of the Fraternal Order of Police representing the non-supervisory bargaining unit. 2<sup>nd</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Russell- Aye, Alderman Atkins – Aye, Alderman Ulledahl - Aye,

Alderman Shipley – Aye, Alderman Wilson - No, Alderman Hartman - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3028-24 approved.

**11. Bill No. 3029-24, Fairview Crossing CID Cooperative Agreement – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3029-24, approving the cooperative agreement among the City of Smithville, Missouri, the Fairview Crossing Community Improvement District and Kansas City Properties & Investments, LLC to implement the Fairview Crossing Community Improvement District. 2<sup>nd</sup> reading by title only. Alderman Hartman seconded the motion.

Alderman Russell said he had several issues with this item. He sees it as driving the business out of downtown. Businesses are now being pushed toward 169 Highway. He believes that 169 Highway in a couple of years is going to be a nightmare to get through in town and out of town. He also sees potential conflict with the local Board of Alderman and the members of the Board. He believes it dilutes the business voice of the City and the small businesses are less represented locally. He sees additional tax. He sees differences between businesses and future residential neighborhoods which has also been seen in several locations. It also adds another layer of government with the creation of another governing body. He also sees lack of oversight potential there with one member representing the City.

Upon roll call vote:

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

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3029-24 approved.

**12. Bill No. 3030-24, Rezoning Mount Olivet – 1<sup>st</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. 1<sup>st</sup> reading by title only. Alderman Russell seconded the motion.

Public Comment.

Larry Yeatman, 4014 NE 144<sup>th</sup> Street, noted that he lives in the county. He spoke to the Board about his concerns with this item. He noted that if we keep developing that corridor the traffic is going to get worse and worse. He said that road was built in 1850 and was not built for traffic since it is like a roller coaster. He said that he has seen a lot of wrecks on Mount Olivet. Mr. Yeatman also asked who would be responsible for the upkeep of roads with all the extra traffic this subdivision would be adding. Mr. Yeatman noted that he never received any notice about this subdivision and some of his neighbors that did, only received them the day of the Planning and Zoning Commission meeting.

Ed Chambers, 3419 NE 144<sup>th</sup> Street, also lives in the county. He spoke to the Board about his concerns with this item. He said that he has lived there for 35 years and has seen a lot of deaths on Mount Olivet. He said that he believes this subdivision will bring a lot more traffic. Mr. Chambers noted that he moved to the country to live in the country not the city.

Board discussion.

Alderman Atkins asked for clarification, that when developers do the plot and planning for the development there would be a feasibility study for safety, traffic and lighting included in that.

Mayor Boley said that was correct. He noted that if you look at the plot, phase one is all on Wise Road not on Mount Olivet or 144<sup>th</sup> Street. Those would be later on and there are only five driveways going out to Mount Olivet when they get to that part of the development. He explained that the county engineers and the traffic engineers would have to review it to approve it. Part of the agreement is the developer will have to put a four-inch overlay on 144<sup>th</sup> Street as well as make improvements to Mount Olivet along that property.

Alderman Russell asked if we knew if all of the surrounding neighbors receive notice as required?

Jack Hendrix, Development Director, explained that the letters were sent certified 20 days prior to the March 12 meeting. He noted that we can only prove the letters that were received by the returned signed verifications we received. We do know that some were received the day of the hearing as they signed off on them on March 12. He explained that all landowners within 185 feet from the property line were sent certified letters.

Mayor Boley noted that staff also put the notice the paper at the same time and try to get it out to our website as soon as possible.

Cynthia suggested looking into putting signage for notice of the hearing on the property as a notification.

Alderman Wilson agreed that the signage might be a good idea, especially with the issues that we have with the delay in receiving mail.

Alderman Hartman asked if he was correct that through the planning and zoning process the developer has to follow certain guidelines, not only including for the internal road that will eventually be built but also the asphalt overlay. He asked if the developer has to meet all these requirements prior to the presentation to Planning and Zoning Commission.

Jack noted that in this case both roads are maintained by Clay County. Staff worked with their highway department engineers to identify what needed to happen and what they needed. The development agreement includes a micro surface of Mount Olivet along the entire property line, 144<sup>th</sup> Street will get a 4-inch overlay to match what is done on Wise and Tillman Road and further west on 144<sup>th</sup> Street in the City. Jack noted that the City policy only requires lights at intersections to light up an intersection at night and give better visibility to reduce some of the traffic issues. The two that will be installed initially will be at the Mount Olivet intersection and the Wise Road intersection. He clarified that the City does not install lights down streets like Kansas City.

Alderman Russell asked what additional roads the City would be responsible for maintaining.

Jack explained that staff is working with Clay County on a Shared Road Use Agreement that splits up the maintenance on these. The only streets that will be City maintained will be the newly constructed internal streets until such time as that Shared Road Use Agreement is amended or approved. Jack noted that Cynthia has been working with Clay County on this Shared Road Use Agreement since she started.

Alderman Russell asked if the Shared Road Use Agreement would come before the Board for approval.

Cynthia said that it would.

Alderman Wilson asked if the four-way stop was something that we can work on in the Shared Road Use Agreement.

Jack explained that we would have to address the four-way stop with the county directly since it is their road.

Mayor Boley noted that the county has been a lot more receptive recently. They started to work on North Main and a few others. The county's roads are becoming a big priority for them, and they are receptive to the feedback. He explained that striping helps, stop signs help and so does lowering the speed limit.

Alderman Wilson said that when City staff and the county are in discussion about the Shared Road Use Agreement she would like the four-way stop at Mount Olivet and 144<sup>th</sup> Street in that discussion.

Cynthia noted that once an agreement is reached between the City and the county staff that would absolutely come forward to the Board. Staff has been in negotiations with members of the county since 2018 on this agreement. Cynthia explained that there is an existing agreement in effect but many of the roads in the original agreement have either been annexed or there have been changes. Over the last two to three years, the county has been more receptive to those discussions. Cynthia noted that in the City Administrator's Report, it is noted that the county is making improvement now to North Main Street and once they are done with the improvements the City will take it. She noted that is part of that extension of that cooperative use.

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 first reading.

### **13. Resolution 1334, Downtown Parade Policy**

Alderman Ulledahl moved to approve Resolution 1334 authorizing and directing the Mayor to approve the Parade Rules and Regulations Policy. Alderman Hartman seconded the motion.

Public Comment.

Shauna Houghton, 113 Lakeland Drive, thanked the Board for sponsoring Lakefest and for staff and Board of Aldermen help during their event and for their support. She noted that they would be implementing different rules for security measures for the parade and event that will be sent out with their save-the-date. They will also be encouraging the crowd in attendance to visit the downtown local businesses.

Alderman Ulledahl moved to amend Resolution 1334, to amend the section pertaining to vehicles to read: All vehicles/equipment operators participating in the parade must be properly licensed and all vehicles/equipment must be insured with proof upon demand. By operating the vehicle/equipment in the parade, the owner/operator warrants that the vehicle is in sound

mechanical condition with no known defects or safety concerns. Alderman Wilson seconded the motion.

Board Comment.

Alderman Russell asked if the amendment to the vehicles section would also include go-carts.

Mayor Boley explained that was the intent that it would also pertain to go-carts also.

Ayes – 6, Noes – 0, Mayor Boley declared Resolution 1334 amended.

Alderman Ulledahl move to approve Resolution 1334, authorizing and directing the Mayor to approve the Parade Rules and Regulations Policy as amended. Alderman Hartman seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1334 approved as amended.

**14. Resolution 1335, Smithville Senior Center Agreement Renewal**

Alderman Ulledahl moved to approve Resolution 1335, authorizing and directing the Mayor to renew an agreement with Smithville Senior Center for the use of the building at 113 West Main Street. Alderman Russell seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1335 approved.

**15. Resolution 1336, Special Event Permit – Main Street District**

Alderman Ulledahl moved to approve Resolution 1336, approving a special request for the Smithville Main Street District. Alderman Wilson seconded motion.

No discussion.

Ayes – 5, Noes – 0, Abstained – 1 (Alderman Shipley) motion carries. Mayor Boley declared Resolution 1336 approved.

**16. Resolution 1337, Site Plan – Richardson Street**

Alderman Ulledahl moved to approve Resolution 1337, authorizing site plan approval for construction of a 10,000 Ft<sup>2</sup> flex use strip center at 208 West Richardson Street. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1337 approved.

**17. Resolution 1338, Amending the City Administrator's Employment Agreement**

Alderman Ulledahl moved to approve Resolution 1338, authorizing and directing the Mayor to execute an updated employment agreement with Cynthia Wagner for the position of City Administrator. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1338 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **18. Public Comment**

Jennifer Pease, 206 Hampton Drive, asked that the Board consider not voting at the April 1 Board of Aldermen meeting and waiting until after the election to vote on the "Go to Market" issuance of COP. She also spoke to the Board about her concerns regarding the funding of projects. Ms. Pease offered the Board her suggestions for funding options.

Mayor Boley noted that the issuance of bonds for COP had been moved weeks ago to a not yet decided on future date.

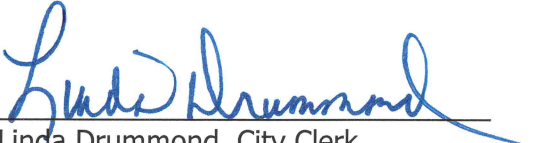

### **19. New Business from the Floor**

None

### **20. 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 7:42 p.m.

  
Linda Drummond, City Clerk  
Damien Boley, Mayor