



## City Administrator's Report

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March 14, 2025

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### **Personnel Update**

This week, we received Police Officer Chris Mendoza's resignation. Officer Mendoza has accepted a position with the Platte County Sheriff's Office. He has been with the City of Smithville for the last 16 years. Most recently he has worked as a School Resource Officer. His last day with the SPD will be April 1. Chief Lockridge is reaching out to the Smithville School District with regard to this resignation and the effect it will have on our ability to provide SROs in the schools.

While all vacant positions had been filled, this creates one vacancy in the department. We currently have a conditional offer out to a candidate.

We have received several applications for the vacant Finance Analyst position. Applications remain open until filled, but review of candidates submitting applications has begun in an effort to identify candidates for the interview process.

### **Follow Up to Public Comment**

At the February 25 Board Meeting, Randall Palmer spoke with questions and concerns regarding possible code issues adjacent to his property. Subsequent to the meeting, Development Director Jack Hendrix and Code Enforcement Officer Keowa Norton met with Mr. Palmer. A summary of that discussion is attached.

### **Proposition P Update**

On April 8, City of Smithville residents will have the opportunity to vote on a Public Safety Sales Tax. This proposition asks voters to consider imposing a citywide ½ percent public safety sales tax to be placed on all retail sales made in the City of Smithville. Funds generated would be dedicated to Police Department related purposes, including the enhancements to officer compensation and benefits to aid in recruitment and retention of officers; fund public safety equipment and staff to support community growth; and implementation of an animal control program.

In the last two weeks, staff has presented information on the ballot question at a public meeting held at City Hall, attended Kiwanis and Lions Club meetings, presented information at the Chamber luncheon and attended Cedar Lakes HOA meeting. Additional meetings are scheduled through election day, including a second public meeting on

Wednesday, April 2 at City Hall at 6 p.m. Board members are encouraged to attend as they are able.

The Smithville Chamber of Commerce has worked with the City, Smithville School District and Northland Regional Ambulance District to schedule an informational forum to be held on Thursday, April 3 at 6:30 p.m. in the Performing Arts Center at Smithville High School.

An informational flyer has been mailed with utility bills arriving in mailboxes in March.

If you have any questions regarding the ballot question, please contact Chief Jason Lockridge [jlockridge@smithvillemo.org](mailto:jlockridge@smithvillemo.org) or Assistant City Administrator Gina Pate [gpate@smithvillemo.org](mailto:gpate@smithvillemo.org).

For more information on the ballot issue, please visit [www.smithvillemo.org/PropositionP](http://www.smithvillemo.org/PropositionP).

## **Infrastructure Project Updates**

### *Streetscape Phase III Project Update*

The contractor is currently installing the fence at the bridge, as well as light poles and conduit throughout Bridge Street. Mill and overlay are scheduled for March 27-28, with striping planned for mid-April. After completing a few punch list items, North Bridge Street is expected to reopen by the end of April.

### *Utility Improvements*

An Amendment to Authorization 99 with HDR for the Water Treatment Plant Improvements Project will be on the April 1 agenda. This project is proceeding however due to material and equipment deliveries, the anticipated completion date is now July 2025. The project was originally scoped to be completed in August 2024. Additional, construction management services to review contractor submittals, pay applications and site visits have been necessary, increasing the project costs by approximately \$36,000.

The scope of services that HDR will provide for Smithville Lake Sampling to determine any water quality issues that may be contributing to taste and odor issues. HDR will develop a lake sampling plan. City staff will collect the samples and send them to PACE Labs for analysis. HDR will review the results, document findings and provide recommendations to improve the finished water quality. The project will run from April to December 2025. HDR fees for this service is \$28,120.00

The City will be invoiced directly for the laboratory services from Pace.

## **Board of Aldermen Retreat**

The 2025 Board of Aldermen Retreat is scheduled for Thursday and Friday April 17 and 18. Times of the meeting will be determined in the coming weeks.

<b>Date:</b>	February 28, 2025
<b>Prepared By:</b>	Jack Hendrix, Development Director
<b>Subject:</b>	Nuisance Complaints from the February 25 Board Meeting

This memo is to memorialize the Development Department's response(s) to the complaints made at the last Board meeting from Mr. Randy Palmer, 14702 Shamrock Way pertaining to Lot 4 and Lot 5, Fairview Crossing North. Some of Mr. Palmer's concerns are similar to some of those previously made by Ms. Kristine Bunch. In addition to Mr. Palmer and Ms. Bunch, Keowa previously addressed issues with Mr. Dave Mullen, 104 Hudson Ln. who also made nuisance related complaints last year. Mr. Mullen contacted Keowa in September and December of 2024 about concerns with trees along the property line between his house in Hills of Shannon and the Fairview Crossing North subdivision. That area is the undeveloped Lot 4 between the strip center on Lot 5 and the stormwater detention basin to the south. She provided him with the information that any tree dispute and potential damage from trees would be a civil matter between the parties.

Mr. Palmer, Keowa Norton and I met at City Hall on March 6, 2025 to discuss the various issues brought up by Mr. Palmer at the February 25, 2025 Board Meeting. The following is a description of our meeting, and more particularly the subjects discussed, including the code interpretations we went through with him.

### **Rocks and Debris concerns**

The first item we discussed was his concern with the rocks and debris located on Lot 4. This matter was inspected Wednesday, February 26, 2025, by both Keowa and myself. We notified Mr. Palmer that it was determined that there exist one large (10'x10' area) pile of concrete demolition materials, as well as several instances of large rocks removed during the utility construction located in various places on the vacant Lot 4. As a result, the Keowa notified the owner through her normal procedures that the lot must be cleaned up from this debris. She also provided notice that the lot appears to be missing enough vegetation to meet our stormwater standards. Those standards require that at least 80% of this lot must be vegetated and that the Public Works Department will be responsible for further inspections and verification of compliance. Mr. Palmer thanked Keowa for her work on this matter. Following this, we moved to discuss his concerns related to several zoning/site plan issues he mentioned at the Board meeting.

### **Lighting concerns**

Mr. Palmer expressed concerns that the lighting was impacting his view. The lighting installed was identified in the initial application for site plan review and complies with the lighting standards there. See <https://ecode360.com/28675252>

The lighting on the rear of the building is composed of both parking lot lighting as well as egress lighting. The egress lighting is specifically exempted from the lighting protection standards, but the parking lot lighting must comply. The lights are LED and are aimed directly down with the LED panel slightly recessed into the fixture. While the lighting may be disruptive to Mr. Palmer, it complies with the above standards. Mr. Palmer indicated that at the time of the original planning commission hearing on the conceptual plan, he wasn't aware of the elevation that the buildings would be set at, or he would have addressed the lighting concerns then. I acknowledged that the elevation of the lights in relation to his property do certainly impact the visibility of them from his property, but that our codes do not take that into account. We use the photometric plan method to determine how much light leaves the property and this complied with the standards above. We next discussed trees and tree buffering requirements.

### **Buffering Tree concerns**

The concern about landscape buffering between the Hills of Shannon properties and the Fairview Crossing North properties were first identified in the Planning and Zoning meetings in the initial subdivision hearings. Those concerns included the removal of the existing trees for the drainage easement between the properties and the visual impact of the future buildings. Prior to approving the subdivision, it was identified and made clear that any and all buildings would be subject to the site plan review process, and specifically the landscaping and buffering requirements of the following: <https://ecode360.com/28675320>

I explained to Mr. Palmer that during that site plan review, the developer agreed that the evergreen buffer trees should not be planted at the bottom of the hill adjacent to the fencing, but instead on top of the hill adjacent to the parking lot. The grade of each of the houses is such that those yards slope downhill, and the building pads would be at or near the same elevation of the houses so placing the trees higher up would provide the best protection for the properties. This is what was approved, and those trees are all installed but have not fully matured to increase the visual buffer. Mr. Palmer then asked why the trees don't extend past the building to the end of the parking lot. I explained that our codes create the number, type and spacing of landscaping based upon the building length in particular and the trees are centered upon the building and laid out accordingly.

### **Stormwater concerns**

At the meeting, Mr. Palmer indicated that when it rains he gets water running through his yard. Obviously staff has not been able to view this condition. I explained that the subdivision design and lot design of Lot 5's stormwater were designed and constructed to remove the majority of the original drainage from between the two subdivisions into separate storm structures. Those structures then drained that water to the west into the primary storm drainage in the street, then down to the detention basin south of both Lots 4 and 5. I explained that this design actually removed much of the properties drainage that went through that swale between the properties and contained it into the storm system as stated above. The basin then holds the water and releases it back into the natural system

at the same location and volume as existed prior to any buildings. That basin is performing as designed, and is also subject to annual review and inspection by the Public Works department.

We finally discussed the parking/storage of the kayaks and boats on Lot 4. This matter has been subject to complaints from Ms. Bunch in the past, in particular the storage of kayaks, boats and a trailer on the ground of the undeveloped Lot 4. I mentioned that my research on this matter began on the basis of the similarities between his and Ms. Bunch's statements. Specifically, they both stated that the City's ordinances CLEARLY prohibit parking the boats on the ground. My research started on viewing the online ordinances available to both citizens to determine how they both reached the same conclusion of it being clearly prohibited. I was unable to find the relevant zoning code provisions on the Website and worked with Linda Drummond to get this ordinance on the website. Ultimately, this was the basis upon which I explained the city's determinations on the parking and outdoor storage of the kayaks, etc.

### **Parking and Outdoor Storage concerns**

First, I provided copies of the two relevant ordinances listed below, and clarified the timing and reasons for each. Specifically, the Board of Aldermen added a new provision to the property maintenance code by Ordinance 3077-20 on November 2, 2020. That provision required parking to be on an approved parking surface (either pavement or gravel). I then explained that following that adoption, concerns and questions were expressed to me about both of the tractor businesses parking on grass. I was aware of the zoning definitions concerning an exemption from outdoor storage requirements for merchandise of the business. My research further indicated that the link between that definition and the rest of the code was broken during the changes made to the code in 2013. As a result, staff brought forward a new ordinance that restored the provisions previously removed in 2013. That ordinance was passed by Ordinance 3160-22 on October 4, 2022. It effectively changed and clarified the zoning regulations for Outdoor Storage in the B-1 through B-4 districts in the city limits. The changes in this newer ordinance clarify outdoor storage rules, including an exception for display of merchandise.

There is now a difference in how parking is handled versus storage, especially if the storage is merchandise to be displayed outdoors. The new ordinance clarified the differences and included provisions that outdoor storage must be hidden by storage screening except as allowed in the district zoning regulations. Since Fairview Crossing North is zoned B-3, it is subject to the following from the 2022 ordinance available here at the following link.

<https://ecode360.com/SM3433/laws/LF2284485.pdf>

#### **§400.170.B.8**

*No outdoor storage except the display of merchandise for sale to the public during business hours, except outdoor storage completely enclosed in proper storage screening.*

To understand what this provision means, the following definitions are provided in the zoning code for context:

**OUTDOOR STORAGE**

*The keeping of goods, equipment, property, etc., business related or otherwise, not completely enclosed in a building.*

**STORAGE SCREENING**

*A solid or semisolid fence or wall or trees or shrubs at least six (6) feet but not more than eight (8) feet high (maximum height excluded for trees and shrubs) and having a density of not less than eighty percent (80%) per square foot.*

**DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC**

*Outdoor storage of goods, equipment, property, etc., in a visually pleasing manner for retail purchase by the general public, excluding the outdoor storage of repair parts, and supplies, assembly items, and/or items primarily used for contracted services, repairs and/or installations.*

See this link for the above zoning code definitions. <https://ecode360.com/28674183>

After providing him with the ordinances and the background, he asked as to whether we thought that this merchandise had been placed “in a visually pleasing manner”. I explained that Keowa and I were limited to what we could prove beyond a reasonable doubt in court. Obviously, “visually pleasing” is a subjective term which is difficult to define, but having the merchandise laid out in lines seems to meet that definition. He went on to say that Heritage Tractor and Coleman Equipment stores merchandise in the grass, but in a clearly visually pleasing manner and that these kayaks don’t seem to be in a visually pleasing manner. I again explained that since it was so subjective, we did not believe it was in anyone’s interest to bring this to a state court judge to determine the issue. I explained that we would likely continue to be able to discuss the matter with the parties involved to see if they could address the visually pleasing portion.

Following the meeting, Mr. Palmer thanked Keowa and I for meeting and explaining our positions. He expressed that the meeting did not proceed as he imagined going in, but was pleased with how we handled it and explained things to him.