

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

October 7, 2025 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, Kelly Kobylski, Melissa Wilson, Dan Hartman, Leeah Stone and Chelsea Dana.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Jack Hendrix, Chuck Soules, Rick Welch, Matt Denton, Linda Drummond and Captain Roetman.

Also present: City Attorney John Reddoch and Megan Miller, Gilmore and Bell, PC.

2. Pledge of Allegiance lead by Mayor Boley

3. Public Hearing – The Shops at Smithville Chapter 353 Plan

Mayor Boley called the public hearing for The Shop at Smithville Redevelopment Plan pursuant to Chapter 353 to order at 7:01 p.m.

No public comment.

Mayor Boley declared the public hearing for The Shop at Smithville Redevelopment Plan pursuant to Chapter 353 adjourned at 7:01 p.m.

4. Public Hearing – 1505 East Main Street Annexation

Mayor Boley called the public hearing for the 1505 East Main Street Annexation to order at 7:02 p.m.

Development Director Jack Hendrix noted the evidence was included in the staff report in the packet. This is a small triangular piece of property located across from Grace Community Church. The previous owners of the property did not realize that they owned this piece, they assumed it was owned by the Corps of Engineers.

No public comment.

Mayor Boley declared the public hearing for the 1505 East Main Street Annexation adjourned at 7:02 p.m.

5. Public Hearing - Whispering Creek Farms Phase I, Lots 1 & 4 Annexation

Mayor Boley called the public hearing for the Whispering Creek Farms Phase I, Lots 1 & 4 Annexation to order at 7:03 p.m.

Development Director Jack Hendrix noted that the evidence was included in the staff report in the packet. He explained that the title for the property is not 100% accurate because there is additional land. He noted that in the notices that went out, lots 1 and 4 and parts of two

additional parcels add up to the total up to about 13,300 feet and would match the minimum 15% of the adjoining land that was contiguous to the current city limits. This is the property immediately east and north of the annexation approved by the Board in August.

Public Comment

Larry Yeatman, 4014 Northeast 144th Street, noted that he sent the Board of Aldermen an email against the voluntary annexation. He explained that his north fence is the city limits. He felt this property is not contiguous and compact. He said that this annexation would create a city island surrounded by unincorporated properties except for a 297 foot gap. He said he feels this is a bad deal for their properties.

Cheryl Lee, 4400 Northeast 144th Street, said the annexation process slowed down in the area of Mount Olivet Road and 144th Street. She noted that Mount Olivet Road, 144th Street, Tillman Road and Amory Road are all curvy, have steep peaks and blind intersections. She presented to the Board the Missouri Highway Patrol crash statistics for the last ten year for 92 Highway south for two miles on Mount Olivet Road . There was one fatality crash, 17 personal injury crashes and 31 property damage-only crashes all on Mount Olivet Road. One of those personal injury crashes in 2022 involved a school bus, where the driver and two children were injured. She added that the intersection of Mount Olivet Road and 144th Street needs to have a 4-way stop. She asked that the Board table this application.

Nicole Pfaff, 3405 Northeast 144th Street, asked that the Board reconsider this annexation. She noted that they live out there for a little peace and quiet. She asked if the Board would want to have a piece of property and then a new development go in right across the street. Ms. Pfaff said that a traffic study would be beneficial and so would a 4-way stop at the intersection of Mount Olivet Road and 144th Street. She requested the county residents be allowed to have input on the type of development. She also asked the Board to not approve the annexation.

Michael Ballenger, 14975 Mount Olivet Road, noted he has been reviewing the proposed annexation and had questions about whether it fully meets the requirements of Missouri law, specifically Section 71.012. That section says an annexation must be “contiguous and compact,” and cannot rely on a narrow strip of land—like a railroad, trail, or other property less than a quarter mile wide—to create contiguity.

He noted that Lots 1 and 4 appear clearly contiguous with the city and consistent with past annexations. However, the larger tract being annexed is connected only by about a 276-foot stretch, which seems narrow and raises questions about whether it truly meets the intent of the statute.

Mr. Ballenger said that in past annexations—like The Ranch, Monterey Estates, and Whispering Creek Farms—the properties were fully contiguous along entire borders. This proposal does not seem to match that pattern. He asked that the City carefully review whether it meets the legal definition of “contiguous and compact.” However, the issue arises with the larger tract of land proposed as part of this annexation. Based on what has been presented, that tract— which makes up the majority of the annexation area—has zero percent of its perimeter directly contiguous with the City of Smithville.

Mayor Boley declared the public hearing for the Whispering Creek Farms Phase I, Lots 1 & 4 Annexation adjourned at 7:15 p.m.

6. Consent Agenda

- **Minutes**

- September 23, 2025, Board of Aldermen Work Session Minutes
- September 23, 2025, Board of Aldermen Regular Session Minutes

- **Resolution 1507, Leak Adjustment – Lois Shanks**

A Resolution approving a water and wastewater leak adjustment request for Lois Shanks.

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

No discussion.

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

7. City Administrator's Report

Cynthia Wagner asked Public Works Director Chuck Soules to provide an update on projects. She noted that at the time the agenda was posted, we did not have detailed information available regarding several projects happening around town. Since then, Chuck has had a number of meetings and would provide updates on those projects, as well as on an item included in the City Administrator's Report related to the Water Treatment Plant.

Chuck provided the Public Works Project Update.

MoDOT Cost Share Application – Richardson and U.S. 169 Intersection Signal

The City has submitted a MoDOT Cost Share Program application for the proposed traffic signal at Richardson Road and U.S. Highway 169. Notification of award decisions is expected in the spring of 2026. If approved, the project is anticipated for construction in 2027. Upon successful funding, staff will present a design contract for Board consideration.

Main Street Water Line Replacement and City Hall Sewer Main Repair

Construction activity continues along Main Street near the new apartment complex. The project involves replacement of an aging 8-inch water main that has experienced multiple breaks in recent years. Foster Excavating took over the project from Legacy Construction following a re-bid process. The replacement will help prevent future utility failures beneath recently resurfaced streets. Work is expected to be completed by the end of October.

Additionally, the project includes replacement of the City Hall sewer main which has caused repeated maintenance issues recently. Repairs are expected to begin following completion of the water main installation.

Commercial Street Pedestrian Improvement Project

The Commercial Street Pedestrian Improvement Project will construct a six-foot sidewalk connecting Smithville High School to Meadow Street. Legacy Construction was awarded the contract in late 2024 for \$898,000, with 80% of construction costs funded through a MARC grant.

Legacy began work in June 2025 but defaulted on the project in August after going out of business. The City has notified the project surety, West Bend, which has retained a construction manager and solicited bids to complete the work. A “takeover agreement” between the surety and a qualified replacement contractor is expected this week. The City will pay the surety, and they will pay the contractor.

Once the agreement is finalized, staff will present it for Board approval. The new contractor’s proposed schedule allows 68 calendar days for completion, potentially enabling the project to finish by the end of the year, weather permitting.

Water Plant Improvements

Ross Construction is currently under contract for the Water Plant Improvement Project, which includes installation of a new lime feeders and carbon feeders, repainting of the piping gallery, and replacement of filter media in all filters.

During inspection, staff discovered that the underdrain system in Filter No. 3 consists of asbestos cement pipe originally installed in the 1970s. Although laboratory testing has shown no detection of asbestos fibers in the City’s water, staff recommends full replacement of the asbestos components.

B&R Insulation, a licensed asbestos abatement contractor, has provided a removal cost of approximately \$19,000. Ross Construction will replace the underdrain systems with stainless steel piping and plastic diffusers for \$173,000.

Work on the abatement is expected to begin next week, with material lead times of approximately five weeks. Filters will be backwashed and tested prior to being placed back into service. The City will continue water sampling throughout the process to ensure regulatory compliance and public safety.

144th Street Pump Station Project

Epic Construction continues work on the 144th Street Pump Station project, valued at \$4.9 million, with \$1.5 million in funding provided by the U.S. Army Corps of Engineers.

Progress has been slowed by persistent wet conditions through the spring and summer, which required extensive dewatering efforts. As of early October, crews successfully poured a four-foot concrete base and have since erected the first-stage steel structure for the wet well.

Additionally, installation of approximately 1,500 feet of force main south of Highway 92 is underway. Despite equipment delivery delays, the project remains on schedule for completion by April 2026. Property owners affected by easements have been cooperative, and the contractor has maintained good communication with residents throughout construction.

Cynthia noted the City’s Public Safety Sales Tax, approved by voters in April, took effect on October 1. Since implementation, staff have observed that some local businesses may not yet be charging the updated sales tax rate of 8.975%. City representatives have been in communication with several business owners to help ensure awareness and compliance.

The Missouri Department of Revenue (DOR) has confirmed that notification letters were sent to all registered businesses within the city limits. Additionally, businesses with an email address on file received electronic reminders regarding the new rate. Cynthia noted that DOR also advised that after a few months of implementation, typically by the end of the calendar year, they conduct a reconciliation of sales tax collections. Businesses found not to have collected the correct rate will be required to remit the difference directly to the Department. Cynthia indicated that staff would continue outreach efforts to support local businesses during this transition. She would also be shared at the upcoming Chamber of Commerce meeting.

At the October 21 Board of Aldermen meeting, staff will present final budget-related items as well as recommendations for appointments to the Public Safety Sales Tax Review Committee. Three local residents have expressed interest in serving on this committee, which is expected to meet a few times each year to review expenditures and confirm that funds are used in accordance with the adopted budget and voter intent.

Cynthia noted the Westgate Civic Leadership Award Dinner will be October 23, with an RSVP deadline of October 16. The City's honoree this year is Erica Winston of the Smithville Chamber of Commerce, and the information is included in the City Administrator's Report.

ORDINANCES & RESOLUTIONS

8. Bill No. 3079-25, The Shops at Smithville Community Improvement District – 2nd Reading

Alderman Atkins moved to approve Bill No. 3079-25, approving the petition for establishment of The Shops at Smithville Community Improvement District (CID), establishing the district, and making findings and authorizing actions related to establishment of the district. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Wilson - Aye, Alderman Atkins – Aye, Alderman Stone – Aye,
Alderman Kobylski - Aye, Alderman Dana - Abstained, Alderman Hartman – Aye.

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 3079-25 approved.

9. Bill No. 3080-25, The Shops at Smithville Redevelopment Plan – Chapter 353 – 2nd Reading

Alderman Atkins moved to approve Bill No. 3080-25, approving The Shops at Smithville Redevelopment Plan pursuant to Chapter 353 of the Revised Statutes of Missouri, Declaring the Redevelopment Area a Blighted Area and making finding and authorizing actions related to the Plan. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Dana - Abstained, Alderman Hartman - Aye, Alderman Atkins – Aye,
Alderman Stone - Aye, Alderman Kobylski – Aye, Alderman Wilson – Aye.

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 3080-25 approved.

10. Bill No. 3081-25, FY2026 Annual Budget – 1st Reading

Alderman Atkins moved to approve Bill No. 3081-25, adopting the FY2026 Annual Budget for the City of Smithville, Missouri, and authorizing the expenditures for finds for municipal services. 1st reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hartman - Aye, Alderman Kobylski - Aye, Alderman Wilson – Aye,
Alderman Dana - Aye, Alderman Atkins – Aye, Alderman Stone - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3081-25 approved first reading.

11. Bill No. 3082-25, Creation of a Public Safety Sales Tax Fund - 1st Reading

Alderman Atkins moved to approve Bill No. 3082-25, creating a Public Safety Sales Tax Fund. 1st reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Stone - Aye, Alderman Wilson - Aye, Alderman Dana - Aye,
Alderman Hartman - Aye, Alderman Atkins - Aye, Alderman Kobylski - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3082-25 approved first reading.

12. Bill No. 3083-25, Creation of The Shops at Smithville CID Fund – 1st Reading

Alderman Atkins moved to approve Bill No. 3083-25, creating of The Shops at Smithville CID Financial Fund to account for the establishment of a separate fund to allow for accounting of revenues and expenditures separate from any other monies. 1st reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Hartman – Aye, Alderman Wilson – Aye,
Alderman Stone - Aye, Alderman Kobylski - Aye, Alderman Dana – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3083-25 approved first reading.

13. Resolution 1511, Special Event Permit – Winter Wine Walk & Christmas Market

Alderman Atkins moved to approve Resolution 1511, approving a Special Event Permit for the Smithville Main Street District for Winter Wine Walk and Christmas Market at Courtyard Park and surrounding Main Street businesses on Saturday, November 8, 2025. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1511 approved.

14. Resolution 1512, Temporary Liquor License – Smithville Main Street District

Alderman Atkins moved to approve Resolution 1512, issuing a Temporary Liquor License to Smithville Main Street District for the Winter Wine Walk & Christmas Market to be held Saturday, November 8, 2025. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1512 approved.

15. Resolution 1513, Acknowledgement of Change Order No. 1

Alderman Atkins moved to approve Resolution 1513, acknowledging the emergency expenditure and approval of Change Order No. 1 for the replacement of the filter underdrain system at the water treatment plant with David E. Ross Construction. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1513 approved.

16. Resolution 1514, Acknowledgement of Snow Removal Services

Alderman Atkins moved to approve Resolution 1514, authorizing and directing the Mayor to execute an agreement with R & S Lawn Services for on-call residential snow removal in an amount not to exceed \$222 per hour. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1514 approved.

17. Resolution 1515, CID Board of Directors Successors

Alderman Atkins moved to approve Resolution 1515, consenting to the appointments of Successor Directors for the Governance of the Smithville Commons Community Improvement District. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1515 approved.

18. Resolution 1516, Acknowledgement of Emergency Purchase

Alderman Atkins moved to approve Resolution 1516, acknowledging the emergency expenditure for the removal and disposal of asbestos piping at the water treatment plant with B&R Insulation. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1516 approved.

OTHER MATTERS BEFORE THE BOARD

19. Public Comment

None.

20. Chamber of Commerce Annual Review

Chamber Director Erika Winston provided the Chamber of Commerce annual review.

Erika noted this year has been such an exciting one for the Chamber and shared a few highlights of what was accomplished.

She noted that the Community Calendar has really taken off. It has become the place people go to find out what is happening around town — from City meetings and Senior Center programs to school events and business activities. Erika explained that traffic to that page has jumped an incredible 351% compared to last year. That tells us the community is truly using and valuing this resource.

Erika explained that for Business Retention Visits, they have continued our partnership with the City to connect directly with local businesses. So far, they have met with several and heard some common themes — mainly around marketing and staffing challenges. In response, they have stepped up their efforts to promote members through Facebook, newsletters, and e-blasts. Going forward, they will be pairing these visits with our “Member of the Month” program to keep the momentum going.

They also made sure their Business Startup Checklist stays up to date. They reviewed it in January to match current city codes and processes, and it is available both on the Chamber website and at the Chamber for anyone ready to start their business.

On the tourism and events side, they have been focused on building partnerships and preparing for some exciting opportunities ahead, especially the FIFA World Cup in 2026. Erika noted they have been working with regional partners through the new goNorthKC initiative to help showcase Smithville and the entire Northland as great destinations for visitors.

Erika explained that this year also brought a big transition to the Placer.AI data platform, which gives powerful new tools to better understand and support our local economy. She has spent time learning the system and will be ready to use it more fully in the coming year.

She noted that communication continues to be one of their strongest connections with the community. They have kept their members and residents informed through our newsletters, Facebook, and the welcome buckets for new residents. Looking ahead, they are teaming up with City staff to launch a new quarterly Economic Development newsletter to keep everyone informed on major projects and updates.

Erika noted that overall, it has been a productive, collaborative, and energizing year for the Chamber, and they are excited to keep that momentum going.

The Board thanked Erika for all the work she does.

21. New Business from the Floor

None.

22. Adjournment to Executive Session Pursuant to Section 610.021(1&2)RSMo.

Alderman Hartman moved to adjourn the Regular Session Pursuant to Section 610.021(1&2)RSMo. Alderman Wilson seconded the motion.

Upon roll call vote:

Alderman Hartman - Aye, Alderman Wilson - Aye, Alderman Dana - Aye,

Alderman Stone - Aye, Alderman Kobylski - Aye, Alderman Atkins - Aye.

Ayes – 6, Noes – 0, motion carries. The Mayor declared the meeting adjourned at 7:46 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor