

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

December 7, 2021, 7:00 p.m.  
City Hall Council Chambers

**Due to the COVID-19 pandemic this meeting was held via teleconference.**

**Mayor, Aldermen, and staff attended via Zoom meeting. The meeting was streamed live on the city's FaceBook page. Attendance in person by members of the public was not permitted.**

**1. Call to Order**

Mayor Boley, present via Zoom, called the meeting to order at 6:59 p.m.  
A quorum of the Board was present via Zoom meeting: John Chevalier, Marv Atkins, Steve Sarver, Dan Hartman, Kelly Kobylski and Dan Ulledahl.

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

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

**3. Mayor Boley called the Public Hearing for the annexation of Lot 24, Lakeside Crossing to order at 7:00 p.m.**

No public comment.

**Mayor Boley declared the public hearing adjourned at 7:01 p.m.**

**4. Consent Agenda**

- **Minutes**

- November 16, 2021, Joint School Board/Board of Alderman Meeting Minutes
- November 16, 2021, Board of Alderman Regular Session Minutes

- **Resolution 999, Award Bid No. 21-18, Geographic Information System Services**

A Resolution awarding Bid No. 21-18, Geographic Information System Services to Survey and Mapping, LLC in an amount not to exceed \$212,080.

- **Resolution 1000, Purchase of Ultra-Violet Lights**

A Resolution approving a sole source purchase of ultra-violet lights for the wastewater treatment plant from Ray Lindsey Company in the amount of \$57,424.47.

- **Resolution 1001, Award Bid No. 22-02, First Street Waterline Extension Improvement**

A Resolution awarding Bid No. 22-02, First Street Waterline Extension to Menke Excavating in the amount not to exceed \$52,112.

- **Resolution 1002, Award Bid No.22-03, Scanner/Plotter/Printer**

A Resolution awarding Bid No. 22-03, Scanner/Plotter/Printer to SumnerOne in an amount not to exceed \$7,707.

- **Resolution 1003, Purchase of Playground Equipment**

A Resolution approving the purchase of the playground equipment for Diamond Crest Park through the cooperative agreement with Greenbush in the amount of \$214,812.

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

Mayor Boley asked is the playground equipment would have a wheelchair accessible swing?

Matt Denton, Parks Director explained that it would.

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

## **REPORTS FROM OFFICERS AND STANDING COMMITTEES**

### **5. Committee Reports**

Alderman Kobylski reported on the November 23 Economic Development Committee meeting. They are still working on the recommendations for the policy for the incentives for developers.

Anna Mitchell, Assistant City Administrator, noted that they also discussed recommendation on TIFs. They also had a presentation from Megan Miller from Gilmore and Bell on chapter 100 and 353. The next regular meeting in January they will go over recommendations for the Board on chapter 100 and 353 and then will have presentation regarding CID. Anna explained that they are getting through the list of different incentives that will be available to developers.

Mayor Boley asked if we going to have the EDC dashboard that shows business license and Chamber numbers on a quarterly basis?

Anna said that she would continue to update the dashboard on a quarterly basis. She will include in the January meeting with the year-end figures.

### **6. City Administrator's Report**

Anna noted that the Neighborhood Beautification Grant materials will be sent to the HOAs after the first of the year. Those materials will include a cover letter explaining the process and who to contact regarding questions.

The petitions with signatures for the Smithville Special Road and Bridge District need to be turned in to City Hall by this Friday. Staff will need to confirm the addresses and voter registration status prior to submitting them to the county.

The Direction Finder Surveys should be hitting mailboxes please continue to encourage citizens to fill them out.

Anna noted a couple event reminders, the Missouri Municipal League (MML) Westgate meeting at White Iron Bridge is on January 27. She asked that the Board please mark their calendars for the May 25 Board of Aldermen Retreat with Patty Gentrup.

Chuck Soules, Public Works Director, updated the Board on the fiber being installed in Smithville. We basically have two companies, AT&T and United Fiber both with several crews working in Smithville. Staff has had several discussions with them about access to resident's yards, getting holes back filled, etc. and they have been pretty receptive. They are supposed to be hanging door hangers notifying residents of the work. Our inspector has verified that they have been hanging door hangers, but he does not check every home. If a resident is having issues with the installers, they can contact the city and staff will give out their contact information.

Chuck noted that the crews installing fiber will be working in Smithville for a few more months. They will be required to re-establish lawns that they tore up and they are fixing the holes. Chuck said that both AT&T and United Fiber have been good to work with. We have had a couple instances where we made them stop work and we had to have meetings with them, and they have been receptive to our concerns.

Chuck explained that if we have issues with either vendor, we can revoke their permit and they would have to start over and there is a cost to that. That is why they are trying to work with us as best they can. He also explained that we cannot stop them from using the right-of-way or the easements. He noted that they are digging the holes to help locate the utilities, unfortunately they have hit a few that we have had to repair.

Mayor Boley noted that one of the items approved in the consent agenda was the GIS system so hopefully that will help us with locates in the future.

Chuck said that it would help because we only have three employees that basically know where the infrastructures is, and their memories are not always accurate. The GIS system will not survey underground but will definitely help identify the water valves, hydrants and hopefully everything was put in a straight line.

Mayor Boley spoke with United the other day and they pulled a couple crews out because there were somewhere over 120 locates requested.

Chuck said that they had definitely been taxing our crew. Right now, we are short two employees in the utility department and with one trying to do all the locates. Between United Fiber and AT&T they probably got seven to eight crews working here at any given time. When they request a locate it is not for one address, they want a whole neighborhood or several addresses. These locates take a while because we are locating both water and sewer and sometimes with the older lines we do not know exactly where they are. Some of them do not have the tracer wire installed in them so it takes a little bit longer to locate it and it is really difficult for one locator to keep up. Plus, we

have other construction going on as well so United Fiber pulled out a couple crews just so that we could keep up.

Mayor Boley noted he thought they have been fairly reasonable, and staff are keeping an eye on them. He told the Board if any resident contacts them explain that we were aware and there is a lot going on right now with infrastructure.

Chuck reiterated that if residents are having issues, they can always call City Hall and he will track it down and work with the vendors to resolve the problems.

## **ORDINANCES & RESOLUTIONS**

### **7. Bill No. 2924-21, Amending Section 520.130, Right of Way Maintenance – 2<sup>nd</sup> Reading**

Alderman Hartman moved to approve Bill No. 2924-21, repealing and replacing Section 520.130 of the Right of Way Maintenance of the City Code. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

Alderman Chevalier noted that in conversation with a resident this past week and they expressed a concern about this. Alderman Chevalier said that in the packet it references Gladstone's Ordinance:

*Gladstone, MO*

*Sec. 2.110.030. - Removal of weeds from the public rights-of-way along improved streets.*

*Property owners adjacent to public rights-of-way along improved streets shall remove or cause to be removed weeds or grasses from the public rights-of-way in accordance with the requirements of this article. Any property owner along a public right-of-way that contains a drainageway having such width, depth or slope to create a defined channel and which cannot be mowed or maintained by a normal residential mower or weed removal tool shall not be subject to this requirement. Property owners shall be responsible for the maintenance of the public rights-of-way including but not limited to mowing, seeding, sodding and plantings. All such maintenance shall be maintained in a neat and professional manner.*

Alderman Chevalier asked if it would be possible to add something similar to this Ordinance to ours?

Chuck explained that it is not our intent to give single-family residents undue hardship with this. He said that there are a lot of single-family properties that the city mows the right-of-way. Chuck explained that once this Bill was approved, he would sit down with staff from Code Enforcement and Street Division Manager and actually look at all the areas that the city mows the right-of-way and then make the call as to what right-of-way areas the city will continue to mow. He explained that at this time there are quite a few areas owned by developers and businesses that the city is mowing, and the Bill is intended for those areas. Chuck explained that some areas may come down to a judgement call, but the city is not looking to cause anyone hardship. He noted that it takes one employee from the street crew just to keep up the mowing during the summer when he could be used to do other tasks.

Mayor Boley asked Alderman Chevalier to get the resident's name and address to Chuck so he could contact him and look at his property's right-of-way?

Alderman Chevalier said that he would but also noted that he had looked at the property and believed that it would fall under the exemption.

Chuck noted that a lot of property owners do not think about needing to mow the right-of-way on their property because they have a privacy fence and they do not even think about it because the city has always taken care of it. He said that staff would definitely look at these on a case-by-case basis to make the determinations. Chuck explained that we could amend the Bill and add the additional wording but did not believe it would change how staff would implement it.

Alderman Hartman noted that he liked Chuck's recommendation of looking at it on a case-by-case basis. He suggested implementing this as is and revisiting it if needed.

Mayor Boley noted that we are amending the current Ordinance now and it could be amending again if needed. He believes that the wording that Alderman Chevalier is requesting still leaves it up to a judgement call. If staff is going to look at these on a case-by-case basis then he thinks that is fair.

Chuck asked that the resident give him a call and he would meet with him at his property.

Alderman Hartman – Aye, Alderman Sarver – Aye, Alderman Kobylski – Aye,  
Alderman Chevalier – Aye, Alderman Ulledahl – Aye, Alderman Atkins – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2924-21 approved.

**8. Bill No. 2925-21, Richardson Street Plaza Overlay District – 2<sup>nd</sup> Reading**

Alderman Hartman moved to approve Bill No. 2925-21, approving the Richardson Street Plaza Overlay District at the corner of Richardson Street and Northwest 169 Highway. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

Alderman Hartman inquired as to a timeline for a start date?

Matt Cross explained that they are currently working on the construction documents.

Shane Crees noted that as soon as the construction documents are completed, they will go out for bid, and they hope to start the site work in the spring.

Alderman Ulledahl – Aye, Alderman Chevalier – Aye, Alderman Hartman – Aye,  
Alderman Atkins – Aye, Alderman Kobylski – Aye, Alderman Sarver – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2925-21 approved.

**9. Bill No. 2926-21, Annexation Lot 24, Lakeside Crossing – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2926-21, approving the annexation of Lot 24, Lakeside Crossing, 15705 North Wabash Street. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Alderman Kobylski – Aye, Alderman Sarver – Aye, Alderman Ulledahl – Aye,  
Alderman Atkins – Aye, Alderman Hartman – Aye, Alderman Chevalier – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2926-21 approved first reading.

**10. Bill No. 2927-21, Purchasing Agreement with SHI Corporation – 1<sup>st</sup> Reading**

Alderman Hartman moved to approve Bill No. 2927-21, authorizing the Mayor to sign on behalf of the City the Participation Agreement with Software House International Corporation. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Alderman Chevalier – Aye, Alderman Atkins– Aye, Alderman Kobylski – Aye,  
Alderman Ulledahl – Aye, Alderman Sarver – Aye, Alderman Hartman – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2927-21 approved first reading.

**11. Resolution 1004, Single-Phase Final Plat – Richardson Street Plaza**

Alderman Hartman moved to approve Resolution 1004, approving the single-phase final plat for Richardson Street Plaza to create three lots on 7.64 acres at the northwest corner of 169 Highway and Richardson Street. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1004 approved.

**12. Resolution 1005, Clay County American Rescue Plan Act Funding Request**

Alderman Ulledahl moved to approve Resolution 1005, authorizing the Mayor to sign and submit the Clay County American Rescue Plan Act (ARPA) Funding Requests for infrastructure projects on behalf of the City of Smithville. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1005 approved.

**OTHER MATTERS BEFORE THE BOARD**

**13. Public Comment**

None.

**14. Appointment**

The Mayor made the nomination of Billy Muessig for the Planning and Zoning Commission.

Upon roll call vote:

Alderman Kobylski – Aye, Alderman Sarver – Aye, Alderman Atkins – Aye,  
Alderman Hartman– Aye, Alderman Ulledahl – Aye, Alderman Chevalier – Aye.

Ayes – 6, Noes – 0, nomination approved. Mayor Boley declared Billy Muessig a member of the Planning and Zoning Commission.

**15. New Business from the Floor**

None.

**16. Adjourn**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:31 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor