

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

October 4, 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, Leeah Shipley, Marv Atkins, Dan Ulledahl, Dan Hartman and Ronald Russell.

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

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

**3. Consent Agenda**

- **Minutes**

- September 20, 2022, Board of Aldermen Work Session Minutes
- September 20, 2022, Board of Aldermen Regular Session Minutes

- **Resolution 1122, Acknowledging Emergency Purchase – Basin Cleaning**

A Resolution acknowledging an emergency expenditure for basin cleaning at the wastewater treatment plant in the amount of \$28,694.40 with Clean Harbors Environmental Services.

- **Resolution 1123, Acknowledging Emergency Purchase – Harbortowne Lift Station**

A Resolution acknowledging an emergency expenditure in the amount of \$27,744.89 with Mid-America Pump for the Harbortowne lift station.

- **Resolution 1124, Authorizing Purchase for Actuators and Valves**

A Resolution authorizing the purchase of two solid waste treatment plant actuators and valves in an amount not to exceed \$60,086.93 with Mellen and Associates.

- **Resolution 1125, Authorizing the purchase of Park Signage**

A Resolution authorizing the purchase of park signage from Boulder Designs in the amount of \$10,400.

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

No discussion.

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

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

**4. City Administrator's Report**

Cynthia noted a few weeks ago staff provided information on four projects that we submitted grants for through Mid-America Regional Council (MARC). One of those projects

was the Riverwalk. Staff has received word that the Transportation Alternatives Program funding recommendations have been identified and there is a committee meeting tomorrow morning that Chuck Soules, Public Works Director will participate in. The Riverwalk project has been identified as one of the top six projects.

Staff anticipates if the Riverwalk project meets with approval at the meeting tomorrow, it then goes to a larger committee that approves the funding recommendations. We would anticipate potential of funding for that in 2026.

The City submitted a request for over \$2 million dollars for the project, but the MARC match is only up to \$750,000. Staff has looked at the Riverwalk project and the estimates that we had from Landworks as we went through the Parks and Recreation Master Plan and believe we could scale back the project to install the trail and stub in the utilities for future water fountains and electrical. Cynthia noted that the design would be an additional cost but with the grant of \$750,000 plus the City match of \$750,000 staff believes we could get the trail. The cost for the amenities outlined could be done with fundraising or look at our Capital Improvement Plan over time. She explained that with the budget that is included in the agenda tonight includes the Capital Improvement Plan program only for the fiscal year 2023. The Capital Improvement Plan that looks the next five years has funds in the Parks and Recreation and Stormwater sales tax \$300,000 in 2025 and \$300,000 in 2026 for sports courts. Cynthia noted that \$600,000 gets us close to that \$750,000 match and we could also look at stormwater expenditures. She explained that there are ways we could move those projects around as we get closer to that time period.

Staff recommends that the Board adopt the budget tonight showing those items. Those funds would be targeted for use for the match for the Riverwalk project. Cynthia explained that in terms of comparison, the \$750,000 that we could potentially get for a Riverwalk compares to the Main Street Trail where we received only \$280,000.

Cynthia noted that this is a significant investment but the project checks all of the boxes that Mid-America Regional Council (MARC) reviews on its applications and they see it as a significant project for the area.

Cynthia noted that staff is excited about this project and wanted to make sure the Board is on board with continuing because staff will want to be able to convey that support to MARC tomorrow morning in that meeting.

Chuck Soules, Public Works Director, explained that if things go as planned, he does anticipate the funding but wanted to make sure that the Board was aware of the \$750,000 plus the engineering commitment.

Mayor Boley said that he supported it and as a MARC Executive Board member he would support it when it comes before them.

Alderman Ulledahl asked if the grant would also match the engineering cost?

Chuck explained that the engineering cost would be the City's responsibility and that cost could be \$250,000 to \$300,000.

Alderman Chevalier asked if this is the only project that we could receive funding for?

Cynthia explained that the four grant applications we have submitted are processed by separate committees, so we do not have word on the others at this time.

Chuck noted that the application submitted for Second Creek did not score as well and he did not know why.

Mayor Boley explained that smaller communities do not score as well because of census tracks and different things.

Cynthia noted that with the Boards approval, staff will proceed and keep the Board informed as staff receives the information.

## **ORDINANCES & RESOLUTIONS**

### **5. Bill No. 2960-22, Amending Outdoor Storage – 2<sup>nd</sup> Reading**

Alderman Hartman moved to approve Bill No. 2960-22, amending Sections of Chapter 400, zoning codes related to outdoor storage. 2<sup>nd</sup> reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote:

Alderman Shipley – Aye, Alderman Atkins – Aye, Alderman Chevalier – Aye,  
Alderman Hartman – Aye, Alderman Ulledahl – Aye, Alderman Russell - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2960-22 approved.

### **6. Bill No. 2961-22, Right of Way Agreement with Bluebird Network - 1<sup>st</sup> Reading**

Alderman Hartman moved to approve Bill No. 2961-22, authorizing the Mayor to sign a Right-Of-Way Use Agreement For Communications Facilities with Missouri Network Alliance, LLC also known as Bluebird Network. 1<sup>st</sup> reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 2961-22 approved first reading.

### **7. Bill No. 2962-22, Adopt the FY2023 Operating Budget – 1<sup>st</sup> Reading**

Alderman Hartman moved to approve Bill No. 2962-22, adopting the FY2023 Annual Operating Budget. 1<sup>st</sup> reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins – Aye, Alderman Russell – Aye, Alderman Ulledahl – Aye,  
Alderman Shipley – Aye, Alderman Chevalier – Aye, Alderman Hartman - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2962-22 approved first reading.

**8. Bill No. 2963-22, Amending Chapter 510, Right of Way Management – 1<sup>st</sup> Reading**

Alderman Hartman moved to approve Bill No. 2963-22, amending Chapter 510, Right of Way Management. 1<sup>st</sup> reading by title only. Alderman Ulledahl seconded the motion.

Chuck Soules, Public Works Director, explained that the City's code does not have clear instructions for right-of-way management. During right-of-way work being done by a contractor on Commercial Street a week or two ago this water line was damaged, and it was an \$11,000 repair. Staff sent the repair bill to the contractor who is now out of business. We are now in the process of trying to get payment from the general contractor.



*Figure 1 - Water line damaged during work done in the right of way.*

Chuck explained that these types of job generally start with the main business who hires a general contractor, and the general contractor then hires two or three subcontractors.

Chuck noted that this new Right-of-Way Management Ordinance makes it clear that the person doing the work is responsible, they must provide insurance certificates with the City named as an additional insured and it will if they forfeit it will go back all the way to the main company that has the right-of way agreement.

Alderman Hartman asked if it was a boring machine that damaged the water line?

Chuck said that it was.

Chuck explained that so far the City has been successful collecting for the repairs until this one. This Ordinance will make it absolutely clear what is expectations are.

Alderman Russell asked about the existing right-of-way agreements including the one that the Board just approved with Bluebird.

Chuck explained that in those agreements state they follow the current codes so if me make amendments to our Ordinance those agreements will follow the codes as amended. Chuck noted that staff will notify all the existing right-of-way agreements within the City once the Ordinance has been approved.

Cynthia explained that one of the reasons staff wanted to get this done now is to help in working through updating the processes of business licensing. The current business licenses expire and renew in November and the applications and information is mailed out this month. Staff will not send those renewals out until the second reading of this Ordinance so we can include communication with those renewals. That will let those contractors know there is a change in that Ordinance and of heightened responsibility on their part.

Alderman Hartman thanked Chuck for bringing this to their attention.

Upon roll call vote:

Alderman Hartman – Aye, Alderman Atkins – Aye, Alderman Russell – Aye,  
Alderman Shipley – Aye, Alderman Ulledahl – Aye, Alderman Chevalier - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2963-22 approved first reading

## **OTHER MATTERS BEFORE THE BOARD**

### **9. Public Comment**

None

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

Alderman Russell broached the odor issue that happens with the water about every six months. He noted that it happened again recently, and he knows that the water is safe, and that the City complies with and or exceeds existing requirements on state, local, city and federal levels. He asked if there is something additional that could be done to filter the water for the smell.

Alderman Russell noted that he sees people's comments on social media wondered if there is something we could look at to help address this issue with the citizens.

Cynthia explained that this is related to the lake turnover and staff posted information on social media letting people know why this happens and the process the City takes.

Mayor Boley noted that it was great post today and thinks it will help this issue when we get the new raw water pump online.

Chuck explained that it will help a little bit it because we will get the zebra mussels.

Chuck noted that as Alderman Russell mentioned everything is safe. We follow all the guidelines and safety regulations so no one will get sick. He explained that it takes a few days to work itself out of the system because the system holds millions of gallons already. When staff notices the odor, they start adding more carbon which is basically the treatment process. Chuck explained that he has worked in several communities that all have this same issue. He said that when you deal with surface water you are going to have this issue at some point. He explained that he has used potassium permanganate that helps but does not really solve it. He noted that we already use it and carbon and those are the two traditional treatment processes.

Chuck noted that when we start looking into the water plant expansion, there may be some alternatives but does not know what the new technologies are.


Mayor Boley added that the new pump will also have a carbon filter that will help it.


Chuck explained that rivers and wells tend to have less of the odor issue but lakes which is our primary source have the odor issue.

### **11. Adjourn**

Alderman Hartman moved to adjourn. Alderman Chevalier the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:16 p.m.

  
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Linda Drummond, City Clerk

  
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Damien Boley, Mayor