

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

September 20, 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 7:19 p.m. following the Work Session. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins and Dan Ulledahl. Dan Hartman and Ronald Russell were present via Zoom.

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

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

**3. Proclamations**

Mayor Boley proclaimed September 24 through October 2 Diaper Need Awareness Week.

**4. Mayor Boley called the public hearing for the Property Tax Levy to order 7:20 p.m.**

No Public Comment.

**5. Adjourn Public Hearing for Property Tax Levy**

Mayor Boley declared the public hearing adjourned at 7:20 p.m.

**6. Consent Agenda**

- **Minutes**

- September 6, 2022, Board of Aldermen Special Session Minutes
- September 6, 2022, Board of Aldermen Regular Session Minutes

- **Financial Report**

- Finance Report for August 2022

- **Resolution 1118, Amending the Sidewalk Policy**

A Resolution authorizing Public Works Department staff to implement a revised Sidewalk Improvement Program.

- **Resolution 1119, Amending Harborview Neighborhood Grant Award**

A Resolution amending the Harborview Neighborhood Beautification Grant award approving additional scope and authorizing additional expenditure of funds in the amount of \$5,810.

- **Resolution 1120, Award Bid No. 22-19, City Facilities Solid Waste Collection**

A Resolution awarding Bid No. 22-19, City facilities solid waste collection services to Waste Management of Kansas.

Alderman Ulledahl 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**

### **7. Committee Reports**

Alderman Russell reported on the September 13 Finance Committee meeting. In addition to the normal updates they also discussed the certificate of deposit renewal, utility bill email options, and possible enrollment for a positive pay program. They discussed the five-year update on infrastructure spending, property tax updates, possible ballot initiatives and certificate of deposit updates.

Alderman Chevalier reported on the September 13 Planning and Zoning Commission meeting. So far for the year there have been 54 residential permits. They discussed and approved the items on the agenda tonight one being the emergency ordinance rezoning land for the school district's bus barn.

Matt Denton, Parks Director, reported on the September 16 Legacy Fund Committee meeting. Staff updated the committee on the creation of the donation fund that the Board approved back in July. They also updated the committee that Stephen Larson, Finance Director and Matt are working together to provide the ability to make online donations available through the City's software. They discussed the Legacy Fund dinner that will be held on February 23, 2023. Planning meetings for the event have begun to plan and prepare for it. The main focus for the next couple of months will be to get the word out about the event, get the donations and sell the tables.

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

Brandi Schuerger, Assistant City Clerk presented Linda Drummond, City Clerk her second level of certification for Missouri City Clerk and Finance Officers Association (MoCCFOA) MRCC-Continuing Certificate.



Cynthia noted that in the City Administrator's report there is information concerning our SBR a valve break at the wastewater treatment plant. She reported on the updated information as of today. She has authorized an emergency purchase based on this and a second emergency purchase on another issue that will show up on the agenda for the October 4 meeting. At the last meeting she reported that there were issues with the valves at the wastewater treatment plant that regulates the flow into basin number three. In order to remove the valve, the basin was drained. The decanter was found at the bottom of the basin. The decanter is supposed to float in the basin above the solids which allows the solids to settle and be clarified, the clarified water is then removed. The basin now has approximately three feet of solids at the bottom and an accumulation of flushable wipes and other debris that has gone through the water treatment plant. Staff believe the weight on this debris adhered to the decanter and caused the mounts on the support to break and cause the failure.

Staff has contacted Mid-America Pump, who has completed previous repairs on our system, and they made repairs to the valve. A circuit board had to be borrowed from another valve in order for them to make the valve work and they are making repairs to the decanter. The basin does need to be cleaned so that we can replace the decanter and repair the supports.

Staff received a quote from Ace for the basin cleaning for \$27,168 and a quote of \$28,694 from Clean Harbors of \$28,694. Cynthia explained that she authorized the payment to Ace so they can begin the basin cleaning and the emergency purchase acknowledgement will then be on the October 4 agenda.

Cynthia noted that we will also have the purchase of the replacement valve on the agenda. Rather than just ordering the one valve staff is recommending ordering two because we have valve in another basin that we are afraid we might have issues with there is a lead time on these purchases of 16-30 weeks. Staff wants we will bring that forward on the October 4 agenda so staff can get the valves ordered as soon as possible.

Cynthia explained that she has authorized a second emergency purchase to make repairs to for the lift station at Harbortowne that failed this week. The City only provides sanitary sewer services to that area since it is not in the city limits. Crews were able to get the station back up and online, but they did find a pump was at the bottom of the lift station and the discharge piping for the second pump was broken and disconnected. Staff removed one pump and used rubber tubing and hose clamps to reconnect the discharge piping. The lift station more than 20 years old and does need to be rehabilitated. We do have a quote from Mid-America pump to replace the pumps and the discharge piping for an amount totaling \$27,744. Cynthia authorized the repairs so we can proceed on that and move forward and keep those services running. The acknowledgement of emergency purchase will be also on the October 4 agenda.

## **ORDINANCES & RESOLUTIONS**

### **9. Bill No. 2957-22, Setting the 2022 Property Tax Rate – Emergency Ordinance Sponsored by Mayor Boley – 1st & 2nd Reading**

Alderman Chevalier moved to approve Bill No. 2957-22, setting the property tax levy on all taxable property within the City of Smithville, Missouri for 2022. 1<sup>st</sup> reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2957-22 approved first reading.

Alderman Chevalier moved to approve Bill No. 2957-22, setting the property tax levy on all taxable property within the City of Smithville, Missouri for 2022. 2<sup>nd</sup> reading by title only. Alderman Shipley seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2957-22 approved.

**10. Bill No. 2958-22, Rezoning 1103 South Commercial Street – Emergency Ordinance Sponsored by Mayor Boley - 1st & 2nd Reading**

Alderman Chevalier moved to approve Bill No. 2958-22, approving the rezoning of 1103 South Commercial Street from B2 to B3. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 2958-22 approved first reading.

Alderman Chevalier moved to approve Bill No. 2958-22, approving the rezoning of 1103 South Commercial Street from B2 to B3. 2<sup>nd</sup> reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 2958-22 approved.

**11. Bill No. 2959-22, Rezoning 413 Winner Avenue – Emergency Ordinance Sponsored by Mayor Boley - 1st Reading & 2nd Reading**

Alderman Ulledahl moved to approve Bill No. 2959-22, approving the rezoning of 413 Winner Avenue from R1 to R3. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2959-22 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2959-22, approving the rezoning of 413 Winner Avenue from R1 to R3. 2<sup>nd</sup> reading by title only. Alderman Shipley seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2959-22 approved

**12. Bill No. 2960-22, Amending Outdoor Storage – 1<sup>st</sup> Reading**

Alderman Chevalier moved to approve Bill No. 2960-22, amending Sections of Chapter 400, zoning codes related to outdoor storage. 1<sup>st</sup> reading by title only. Alderman Ulledahl 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 first reading.

**13. Bill No. 2961-22, Right of Way Agreement with Bluebird Network - 1st Reading**

Alderman Ulledahl 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 Shipley 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.

**14. Resolution 1121, Site Plan – Heritage Tractor**

Alderman Ulledahl moved to approve Resolution 1121, approving the site plan for an addition to the Heritage Tractor building. Alderman Chevalier seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1121 approved.

**OTHER MATTERS BEFORE THE BOARD**

## **15. Public Comment**

Patricia Ward, 400 Maple Avenue, spoke to the Board about her vinyl coated chain link fence. She noted that she moved to Smithville nine years ago after her husband passed away. She rented the home from her son and after she moved in, she used the last of her husband's life insurance to install a fence. She did not know she was supposed to get a permit to build a fence and was not notified until just a few days ago that the fence she put in was not up to City code. She said that she has had a lot of compliments from her neighbors about her fence and believes that it looks nice and is appropriate for the neighborhood. She does not want to take down her fence and asked that the Board consider grandfathering it in. She said she does not have the money to replace it.

Adam Ward, 9901 North Revere, Kansas City, spoke to the Board about his mother's fence. He noted that he owned property in Smithville but if this is how the City handles these types of things, he has no interest in keeping them or purchasing more. He said that no one has any issues with the fence, and he is not sure who is benefiting from this.

## **16. Election of Mayor Pro Tem**

Alderman Hartman nominated Alderman Chevalier for Mayor Pro Tem. Alderman Russell seconded the nomination. No other nominees.

By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman Chevalier as Mayor Pro Tem.

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

Alderman Ulledahl asked that the Planning and Zoning Commission revisit the codes on fencing on corner lots.

Alderman Chevalier noted he would also like to have Planning and Zoning Commission revisit this.

Mayor Boley noted that fence codes are in Chapter 400 of the municipal codes and must go to Planning and Zoning for review before any decisions can be made by the Board.

Jack Hendrix, Development Director explained that the Public Hearing notice will have to be posted so it cannot be on the Planning and Zoning Commission agenda until the November meeting.

## **18. Adjourn**

Alderman Ulledahl moved to adjourn. Alderman Atkins the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:49 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor