

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

December 6, 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 and Ronald Russell. Dan Hartman was absent.

Staff present: Chuck Soules, Gina Pate, Chief Lockridge, Stephen Larson, Matt Denton and Linda Drummond.

2. Pledge of Allegiance led by Alderman Chevalier

3. Consent Agenda

- **Minutes**

- November 15, 2022, Joint Board of Aldermen/School Board Minutes
- November 15, 2022, Board of Aldermen Regular Session Minutes

- **Resolution 1150, Event Permit – Lakefest**

A Resolution approving a Special Event Permit to the Smithville Festival Committee (Chairman, Barbara Lamb) for Smithville Lake Festival to be held at Courtyard Park on June 16 and 17, 2023.

- **Resolution 1151, Temporary Liquor License**

A Resolution issuing a Temporary Liquor License to Barbara Lamb, doing business as Smithville Lake Festival Committee for Smithville Lake Festival on June 16 and 17, 2023 at Courtyard Park.

- **Resolution 1152, Change to Employer Match for LAGERS**

A Resolution approving changes under the Missouri Local Government Employees Retirement System.

- **Resolution 1153, Amending the Policy Manual**

A Resolution amending the Policy Manual adding more stringent policies on temporary hydrant meter policy for contractors.

- **Resolution 1154, Amending the Schedule of Fees**

A Resolution adopting amendments to the Schedule of Fees related to the temporary hydrant meter fees.

- **Resolution 1155, Acknowledging Emergency Purchase – Mid-America Pump**

A Resolution acknowledging an emergency expenditure in the amount of \$12,972.27 with Mid-America Pump for repairs to the decanter and supports in basin #3.

- **Resolution 1156, Annual Fireworks Event Permit**

A Resolution approving an annual fireworks event permit for White Iron Ridge Event Center at 815 East 92 Highway.

- **Resolution 1157, Leak Adjustment**

A Resolution approving a leak adjustment for of \$47.12 for residential utility billing customer, Ruth Archibald for her October 2022 utility bill.

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

No discussion.

Ayes – 5, Noes – 0, motion carries. The Mayor declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. City Administrator's Report

Gina Pate, Assistant City Administrator, reported on a staffing update. In the Public Works Department Dennis Witt and Mayra Toothman both received their Local Public Agency (LPA) Certification from the Missouri Department of Transportation.

Last Thursday, TRI-CIT hosted their inaugural awards night honoring first responders for their work with behavioral health clients in Clay, Platte and Ray Counties. Sergeant Jim Morgan received the award for Crisis Intervention Team (CIT) Coordinator of the Year.



Alderman Ulledahl noted that the Crisis Intervention Team helps with all mental health calls and situations. He explained that he was a CIT officer when he was a police officer and found that this helps lots of people. Alderman Ulledahl explained that it is not an easy job to see people in crisis and at their worst possible times. He congratulated Sergeant Morgan.

ORDINANCES & RESOLUTIONS

5. Bill No. 2966-22, Stormwater Revisions – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2966-22, amending Section 520.110, dumping or depositing dirt, rock, or other materials and adding the stormwater system to the language. 1st reading by title only. Alderman Atkins seconded the motion.

Alderman Russell noted that he would like to add the collection of rainwater. He said that he realizes the City sells water, but the collection of rainwater has a lot of benefits to the beautification of the lawn. He said from what he read in the Ordinance the collection of rainwater was not going to be allowed.

Chuck Soules explained that this Ordinance is for larger stormwater events. We are trying to make sure that people are not dumping debris into the storm drains or blocking them with dirt or rocks. This is to ensure people keep debris away from the curbs and gutters. Chuck explained that we do not want people to accumulate water in the yard in items such as tires where mosquitoes can be bred.

Chuck explained that if someone is collection rainwater for their garden or yard or some type of irrigation is not what this Ordinance is for. This is for stormwater run-off for areas such as construction sites and making sure they have the appropriate silt fence in place.

Alderman Russell suggested added a sentence in the Ordinance to clarify rainwater versus stormwater. He believes that someone could interpret it that you are not allowed to gather rainwater.

Chuck explained that this will be used as more of an educational tool on the enforcement side. He noted that staff will not be going out and fining people. First staff will talk to and educate and if they do not comply we will send a letter. Chuck explained that the state requires the City to have an Ordinance for this.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2966-22 approved first reading.

6. Bill No. 2967-22, Declaring the November 8, 2022 Election Results – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2967-22, declaring the election results for the November 8, 2022 questions to provide a four-year term of office for the Mayor and the members of the Board of Aldermen. 1st reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2967-22 approved first reading.

7. Resolution 1158, Award Bid No. 22-23 – Winner Avenue Watermain Replacement

Alderman Ulledahl moved to approve Resolution 1158, awarding Bid No. 22-23, for Winner Avenue Watermain Improvements to Blue Moon Hauling, LLC. in the amount of \$214,870

and approving a Force Account of \$25,000 for a total project cost of \$239,870. Alderman Russell seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1158 approved.

OTHER MATTERS BEFORE THE BOARD

8. Discussion of Ballot Initiatives

Gina noted that previously staff planned to bring forward to a work session discussion of ballot language relating to the construction of City facilities. This was discussed at the Board budget retreat and discussed and passed with the budget development. At the November 15 Board of Aldermen meeting Mayor Boley made the suggestion of potentially moving this ballot question to the November 2023 election, Gina asked the Board to confirm this change.

Gina added that the recent approval of Amendment 3 allows cities to impose a 3% sales tax on retail sales of adult-use marijuana. The first opportunity to bring this to the voters is the April election. Staff has had conversations with other cities and communities and with our attorneys concerning this. Gina explained that staff could get Ordinance ready to bring to the board for discussion.

Gina explained that since this is a brand-new Amendment staff is learning new things as we have these discussions. As we receive more information we will bring forward to the board. Gina noted that staff would like direction from the Board whether to pursue this Ordinance and bring it to a future board meeting. She noted that the Mayor has indicated plans to cancel the January 3 Board of Aldermen meeting since we only have one pending item currently on that agenda, but this can be discussions at the January 17 meeting. Gina asked the Board for feedback on if they would like staff to bring this forward as a discussion for an Ordinance with the ballot language and then timing.

Mayor Boley asked the Board opinion moving the potential ballot language for questions relating to construction of city facilities to the November 2023 election, since the school district will have a ballot question on the April 2023 election ballot.

Alderman Chevalier noted that he for moving it, but his concern is which election would be the best the November 2023 or the April 2024 depending on the difference in thresholds to pass.

Mayor Boley explained November is two-thirds or 66% and April is four-sevenths or 57%.

The Board all agreed to move it to a future election.

Sarah Ulledahl, 408 Highland Avenue, President of Smithville Community In Action, Smithville's local coalition that receives major funding from the federal drug free communities grant which focuses on underage drinking and youth marijuana use. Sarah noted that the coalition with guidance from their Amendment 3 Specialist, Jennifer Road have spent hours looking at the pros and cons of this Amendment. She explained that she came to speak to the Board tonight to offer some of what they have learned in the

past few months concerning Amendment 3 and to give some suggestions for use of the sales tax funds.

Smithville already has a medical marijuana dispensary which will probably apply to convert to a comprehensive license, which means it will be selling a non-medical marijuana as early as February 6, 2023. Local communities that have a dispensary that sell non-medical marijuana are permitted by Amendment 3 to have a 3% local sales tax. This sales tax would only be on non-medical marijuana. Missouri is not the first state to implement recreational marijuana so there have many other examples to see what trends followed.

Sarah reported on information from the Colorado Department of Public Safety. In Colorado once marijuana was legalized the number of law enforcement officers who are trained and recognizing drug use went from 129 in 2012 to 221 in 2020 this increase requires training and requires more funding. Since recreational marijuana was legalized their traffic deaths in which drivers tested positive for marijuana increase 109%. Since recreational marijuana was legalized traffic deaths following drivers who tested positive for marijuana more than doubled from 55 to 115 people.

Sarah noted that it is reported continually that after legalizing marijuana local police and other First Responders will have extra expenses added to their bottom line. Youth substance prevention funds come from medical marijuana taxes. She explained that it has been shown over and over that once recreational marijuana is legalized, medical marijuana sales drop and this leads to less funding for youth prevention. Sarah noted that other states have added recreational marijuana tax for prevention, but Missouri did not. Missouri's Amendment 3 sales tax goes to opioid treatment not prevention.

Sarah explained that Smithville CIA has an outside evaluator come in every year to look at what they are doing in the community, through this evaluation it has shown that their work in the community has brought down youth substance use and abuse over the last few years. The Missouri state auditor estimates it will cost local communities \$35,000 per year in additional resources to patrol this impairments and with the 3% sales tax is estimated to generate \$13.8 million. Sarah noted that youth prevention is the first step in battling a lifelong addiction. She said that our kids are important to us and with prevention funding put in place we can touch the lives of each child in this community. She noted that the revenue from retail marijuana will be there whether or not Smithville does something to capture. She said the longer the City hesitates to put this on the ballot the more money Smithville will leave on the table. Sarah asks the Board that when they decide how to earmark the 3% sales tax that they look at what other states and cities have done, what problems they have had and to get ahead of the game and put the funding in place.

Mayor Boley explained that the attorney is working on this because there are questions concerning the interpretation of how cities will be able to claim the sales tax. They are trying to determine if the 3% will be in addition to or in lieu of. If it is in lieu of we would lose the Parks and Stormwater sales tax. He asked if we are able to do the recreational marijuana sales tax in addition to our current sales tax would the Board agree to having it as an emergency Ordinance at the January 17 meeting. Mayor Boley noted that it has to be certified with the election board by January 24.

Alderman Chevalier noted that it could be done as an emergency Ordinance January 17, or he would not be opposed to having an emergency meeting. He said that this needs to be on the ballot.

Alderman Russell asked Mayor Boley to explain again what the attorneys are trying to find out about the tax.

Mayor Boley noted they are trying to pin down whether the 3% will be in addition to our current sales tax or if it will be in lieu of, which would basically take away our Parks and Stormwater sales tax. He added that we do not want that to happen since we are finally starting to be able to get some projects down.

Alderman Chevalier asked if a figure on the sales on medical marijuana was available.

Gina noted that we do not have it for medical marijuana. We only have the Missouri projected estimate of \$150,000 in tax revenue for the 3% sales tax.

Alderman Chevalier asked what the loss would be from the Parks and Stormwater tax revenue.

Gina explained that staff would have to work on that and bring it back to the next meeting.

Alderman Russell asked if it is in addition to will we discuss where the revenue will be allocated.

Mayor Boley explained that it would be put in the general fund since police are funded from that account.

Alderman Russell noted that as Mrs. Ulledahl stated additional training and officers will be needed and the funding will need to be ear marked for that.

Alderman Chevalier noted that it would be discussed as part of the budget process.

Alderman Russell asked who besides the dispensary will be able to sell recreational marijuana.

Mayor Boley explained that no additional business licenses will be issued.

Alderman Ulledahl noted that as soon as we have the correct language from the attorney we need to move forward with this.

The Board all agreed.

9. Public Comment

None

10. New Business from the Floor

Mayor Boley noted that with the holidays he suggested cancelling the January 3, 2023 meeting.

The Board agreed.

11. Adjourn

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:23 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor