

SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

May 17, 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 7:21 p.m. following the Work Session. A quorum of the Board was present: John Chevalier, Dan Ulledahl, Kelly Kobylski, Ronald Russell, Marv Atkins and Dan Hartman.

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

2. Pledge of Allegiance led by Siana Prindable

3. Consent Agenda

- **Minutes**

- May 3, 2022, Board of Alderman Work Session Minutes
- May 3, 2022, Board of Alderman Regular Session Minutes

- **Financial Report**

- Finance Report for April

- **Resolution 1062, Leak Adjustment – Gary Williams**

A Resolution approving a leak adjustment for of \$387.61 for residential utility billing customer, Greg Williams for his March 2022 utility bill.

No discussion.

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

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

Alderman Chevalier reported on the May 10, Planning and Zoning Commission meeting. This year to date we have 48 single-family permits. Diamond Creek subdivision is nearly complete and ready for the sale of the lots. McBee's Carwash final plat was discussed and approved and is on the agenda tonight for Board approval.

Alderman Hartman reported on the May 10, Finance Committee meeting. They reviewed the payments in excess of \$7,500. They also looked at the bank reconciliation for the last two months and Alderman Hartman noted that was due to not having a meeting the previous month. They reviewed the outstanding checks and discussed the financial report that was presented in the packet.

5. City Administrator's Report

Cynthia noted that first we would witness the ceremony of pinning the newly appointed Sergeant, Claire Henry.

Chief Lockridge noted that Claire has been with the Smithville Police Department for seven years. Four of those years she spent as a very successful SRO in the Smithville School District. She has been president of the Shop with a Cop organization for the last four years helping with fundraising, doing events and helping raise money to take children Christmas shopping every year. She was instrumental in starting the Kids Academy here in Smithville and then the following year began the Junior Academy in conjunction with that. She is the driving force behind the police social media presence in the community.

Chief Lockridge noted that Claire has a strong work ethic and a great desire to serve this community and that was one of the major reasons she was selected to be one of the next Sergeants of the Smithville Police Department.

Chief Lockridge invited Claire's husband Joe, an Independence Police Officer, to pin her Sergeant's badge on her for the very first time.



Figure 1 Joe and Claire Prindable



Figure 2 The Prindable Family

Cynthia noted that we did receive word last week that we received the Government Finance Officers Association (GFOA) distinguished budget award. This award highlights budgets that provide specific information and are easy to navigate. This is the third year we have received this recognition. Stephen Larson and Mayra Ore worked really hard to make improvements to our budget document and we are really proud of the rating and information that was outlined in the review materials. Outlining the particular importance in the notations and information highlighting our community planning with our strategic planning and Capital Improvements. Cynthia thanked Stephen and Mayra for their work on this project and all the staff who helped provide the information.

Cynthia reminded the Board the retreat is next Wednesday. The agenda will be posted tomorrow, and the packet will be sent out on Friday.

ORDINANCES & RESOLUTIONS

6. Bill No. 2937-22, Marketplace TIF Revenue Bond – 2nd Reading

Alderman Hartman moved to approve Bill No. 2937-22, approving the Issuance of Tax Increment Revenue Bonds (Smithville Commons Project), Series 2022. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2937-22 approved.

7. Bill No. 2938-22, Rezoning & Conceptual Plan – Fairview Crossing – 2nd Reading

Alderman Hartman moved to approve Bill No. 2938-22, approving the rezoning to B-3P and R-3P and the Conceptual Plan for Fairview Crossing at the northeast corner of 169 Highway and 144th Street. 2nd reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Alderman Atkins – Aye, Alderman Chevalier – Aye, Alderman Ulledahl – Aye,
Alderman Russell – No, Alderman Kobylski – Aye, Alderman Hartman - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 2938-22 approved.

8. Bill No. 2939-22, Conceptual Plan – McBee’s Carwash – 2nd Reading

Alderman Chevalier moved to approve Bill No. 2939-22, approving the Conceptual Plan for the Overlay District at property located at the southeast corner of Highway 169 and Richardson Street to allow a new commercial subdivision to be called McBee’s Coffee & Carwash. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2939-22 approved.

9. Bill No. 2940-22, Agreement with MoDOT for TAP Funding – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2940-22, authorizing and directing the Mayor to enter into an agreement with Missouri Highways and Transportation Commission for Commercial Street sidewalk. 1st reading by title only. Alderman Russell seconded the motion.

No discussion.

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2940-22 approved first reading.

10. Bill No. 2941-22, Funding Agreement with 110 Smithville, LLC – 1st Reading

Alderman Chevalier moved to approve Bill No. 2941-22, authorizing and directing the Mayor to enter into a funding agreement with 110 Smithville, LLC. relating the consideration of a tax increment financing plan for the property located on the northwest corner of West Main Street and North Mill Street. 1st reading by title only. Alderman Hartman seconded the motion.

Cynthia explained that there was a scrivener's error in the Ordinance and should include the northwest corner and West Main Street and North Mill Street. She also noted that this Ordinance is to establish an account that would be paid by the developer to cover cost related to review of any economic development incentive request.

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2941-22 approved first reading.

11. Bill No. 2942-22, Easement with Army Corp of Engineers – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2942-22, approving an easement with the Army Corp of Engineers for the raw water pump station. 1st reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2942-22 approved.

12. Resolution 1063, Final Plat – McBee's Carwash

Alderman Chevalier moved to approve Resolution 1063, approving the final plat for McBee's Carwash located at the southeast corner of Richardson Street and 169 Highway. Alderman Hartman seconded the motion.

Public Comment:

Ashley Smith, Pre-construction Project Manager for McBee's Coffee and Carwash spoke to the Board concerning the Developer's Agreement, specifically number four on the agreement. She wished to make it clear that McBee's agrees with all other sections of the Developer's Agreement except for number four where they are being asked to contribute \$100,000 or 25% of the traffic light construction cost, totaling \$400,000 with MoDOT.

They believe that this is not a suitable amount to be asked of one developer. The application for the site plan has two lots within the subdivision. Lot one is McBee's Coffee and Carwash to the north and lot two to the south is completely separate ownership, Jolarub, LLC. owning La Fuente restaurants. Ms. Smith noted that as of now only McBee's have submitted the preliminary plans. They have concrete site plans, they paid to get the traffic report revised and they split the parcel just so they can buy and develop half of the land.

The traffic report predicted 8.3% of total traffic coming from the two-lot subdivision through that intersection. At this time, they do not know if lot number two will have a high-volume restaurant or not since nothing has been submitted. Ms. Smith has tried to ask them but have had nothing confirmed. She noted that since they own La Fuente, she is assuming a high-volume restaurant would be built on that lot. If is, of that predicted 8.3% total traffic coming from the subdivision, La Fuente would be 5.2%. Ms. Smith stated that they only thing they do know for sure is that McBee's will only account for about 3.2% of the total traffic coming from the two-lot subdivision. She clarified they are only expecting about 40 cars during the peak evening rush hours.

Ms. Smith stated if they were to pay what the traffic engineers were recommending that would be about \$13,000 or 3.2% of that \$400,000 cost.

Ms. Smith noted that in the staff report the City is asking based on what the neighboring development to the west of the intersection had paid in the past with a similar percentage of traffic flow which was about 7%. That was \$100,000 from three tenants in that strip mall. She said the problem with this is that the equivalency of this basis has not really been proven at this point with lot twos plans so up in the air. She said that they should be asked to submit their own development plan and additional traffic evaluations. She believes they should be asked to pay their own separate contribution to the traffic light cost.

She noted that as project manager if she had been aware of the significant contribution sooner than just a few weeks ago she would have been able to work this out between McBee's and Jolarub, LLC. Instead of now when they are trying to close on the lot on Friday.

Ms. Smith feels that lot two's responsibility should be between the City and them and does not believe it should affect the development of McBee's Coffee and Carwash. She is asking for the Development Agreement to be revised to only reflect McBee's. Lot two's contribution should not prevent McBee's development from moving forward. She noted that if two agreements are not possible, she would suggest that there at least be two signature blocks, one for each entity. She also asked the contribution amount to be changed to reflect the cost for each developer separately. She asked that the City determine each developers required contribution amounts based on the traffic report. She urged that the Board consider that McBee's is only contributing the 3.2% of traffic flow when calculating the expected cost of the \$400,000 traffic light construction. Ms. Smith noted that with the \$100,000 expected from the east side of the intersection she believes they should only be expected to pay \$35,000-\$40,000 for the 3.2% projected traffic flow.

Ms. Smith also noted that it was mentioned that during the Planning and Zoning Commission meeting there is a possibility of MoDOT contributing to the traffic light. It was said that an overage may be refunded to the developers involved. She asked that this also be included in the Development Agreement.

Ms. Smith concluded by saying that they are excited about becoming part of the Smithville community and hope to have their location open in the spring of 2023.

Alderman Ulledahl said that with the information that Ms. Smith shared the contribution for the traffic light does not seem fair. He said that he would like more information on the subject.

Jack Hendrix, Development Director, noted that the City looks at these projects a little different than the applicant. The City only takes into account when we have the authority to obtain these dedications that happen in a subdivision scenario.

Jack noted that in this scenario McBee's has to do the subdivision of somebody else's lot in order to obtain their lot. He noted that he understands their concerns, but the City looks at it as the impact is at the subdivision and that is when we can lock it in with the development agreement.

Jack said he would agree with Ms. Smith's estimates on the traffic flow numbers of what McBee's would be and what the other restaurant site would be. He explained that the entities involved provided an update to the traffic study done by Richardson Street Plaza on the west side of the highway. Based upon all the information the numbers came down roughly at 8.3% as Ms. Smith indicated. The difference is the other one across the street with a 7.8% so they have actually less traffic based upon the total subdivision.

Mayor Boley asked what that developer contribution was?

Jack said they contributed \$100,000.

Jack explained that some of the errors in the agreement were due to him using the wording from a similar agreement.

Alderman Ulledahl asked if they had paid their part?

Jack explained that they are obligated to pay it upon recording their final plats. That usually occurs when all of the construction is done or when the lots are up for sale.

Alderman Ulledahl asked that McBee's must pay the \$100,000 and whoever owns the rest of the land has to pay nothing?

Jack said that we are in a scenario where one entity will be paying for it. He explained that we do not look at which businesses are going to be going in, we look at who is doing the subdivision. This process is all done at the subdivision phase.

Alderman Russell asked if once the other lot is developed can the carwash be reimbursed?

Jack explained that the one who builds on the other lot will have to update the traffic study, but they are not required to contribute to the traffic light. He also added that if after they did a traffic study, and another entrance or island would need to be added it would be completely their financial responsibility.

Jack noted that in a normal scenario the subdivision would have been done by the owner and they could then pass the cost of the traffic light on to the purchasers when they sold the lots. In this scenario there isn't enough time to negotiate the cost since they want to close in the next day or two.

Alderman Russell asked Ms. Smith if it would help if the Board postponed this to the next Board meeting to give them more time to negotiate this with the owner?

Ms. Smith explained that they needed the approval of the Board for the final plat to be able to close and proceed to record the final plat. The only way the lot can be sold is if it is already divided off.

Alderman Russell asked if there was a way to defer the payment until after negotiations have been made?

Alderman Ulledahl asked if he understood correctly that the payment is not due until the structure is built?

Jack explained that the final plat cannot be recorded unless all of the public infrastructure has been constructed or bonds for 125% of the value of the infrastructure have been put in place. This is to ensure that all of the infrastructure gets done.

Alderman Ulledahl asked what the timeline is for the construction of the infrastructure?

Jack explained that with McBee's wanting to close by the end of the week the only way they could do that is to put up a bond all of the work in the Development Agreement other than this fee for the traffic light. Once they have the bonds, they can record the final plat. Once they have recorded the final plat that is when the fee for the traffic light is triggered.

Alderman Ulledahl asked if there would be any happy medium we can come to this evening?

Alderman Kobylski asked when they were given the information for the \$100,000 fee for the traffic light?

Jack said it was about four or five days after we got their updated traffic report. Jack noted that this was delayed one Planning Commission meeting because they were still working through issues and because of this information. In order for this to be ready, staff has set a pretty aggressive timeline that had to be adjusted to get everything ready for this meeting. He also explained that the conceptual plan had to be approved by the Board before the final plat can be approved.

Alderman Chevalier asked if we did give them a break on the fee for the traffic lights could we possibly make the lot two owner pay their percentage of the fee when they build?

Jack explained that there may be a chance that we could, but the bigger problem is that the traffic signal on MoDOT's priority list is probably down somewhere around 800. It will move up MoDOT's list the more funding is contributed to it. Jack anticipates that we will have significant issues at that intersection.

Alderman Chevalier noted that we already have the agreement with the developer on the west side for \$100,000. He asked if there is any difference is that developer and this developer in the projects they are developing?

Mayor Boley noted that based on the traffic study traffic from the west is less.

Jack explained that the only scenario that make this development unique is this one is a purchaser that is subdivision process in order to purchase the land.

Alderman Russell asked if the Board could do a conditional approval as long as item number four was agreed to by a certain date?

Jack explained that the conditions in the Resolution would have to change if the Board wish to change anything.

Mayor Boley noted an amendment would have to be made to the Development Agreement.

Jack explained that the amendment would be to the Resolution.

Alderman Kobylski noted that this has been a lot of information but her thought process is if our standard is \$100,000 from the developer across the street then it should be the same.

Alderman Ulledahl noted that a developer would be developing both plats so technically they are only developing one of the plats so they should only have to pay half of the traffic light fee.

Mayor Boley explained that the City would be on the hook for the other half of the fee.

Jack explained that the Development Agreement has both entities named in it, it does not have a signature line for both, which is a scriveners scenario, and the signature blocks can be edited easily enough. He said that this is a subdivision and it is going to have two lots, the subdivision is going to have 8% of the traffic and the subdivision is going to be the entity that pays for it. In this case we have one person doing the subdivision work for just one lot.

Alderman Ulledahl moved to amend Resolution 1063 to add the second entity's signature block, and change the amount that McBee's pays to \$50,000 and the other entity pays \$50,000 for the traffic light.

Jack explained that the City does not have a problem with who pays for the traffic light. The question is can Ms. Smith get the other entity to agree and sign the Development Agreement.

Ms. Smith asked to add that if MoDOT contributed that the refunds go back to the developers that paid.

Jack explained that this is a 50/50 match with MoDOT, \$200,000 from the developers and \$200,000 from MoDOT. It gets this project to move up on MoDOT's list more money would needed.

Alderman Chevalier seconded the motion.

Ayes – 6, No -0, motion carries. Mayor Boley declared the amendment approved.

Alderman Hartman thanked Ms. Smith for being present.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1063 approved as amended.

13. Resolution 1064, Adopting the Transportation Master Plan

Alderman Chevalier moved to approve Resolution 1064, adopting the Transportation Master Plan. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1064 approved.

14. Resolution 1065, Special Permit – Lake Festival

Alderman Chevalier moved to approve Resolution 1065, 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, 17 and 18, 2022. Alderman Hartman seconded the motion.

Alderman Hartman thanked the Lake Festival committee for updating the map for more clarity.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1065 approved.

15. Resolution 1066, Temporary Liquor License

Alderman Chevalier moved to approve Resolution 1066 issuing a Temporary Liquor License to Barbara Lamb, doing business as Smithville Lake Festival Committee for Smithville Lake Festival on June 17 and 18, 2022 at Courtyard Park. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1066 approved.

16. Resolution 1067, Sewer Main Repair

Alderman Hartman moved to approve Resolution 1067, authorizing Menke Excavation to complete sewer main repairs in the amount of \$11,147.50 on First Park Drive. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1067 approved.

17. Resolution 1068, Waterline at Raw Water Pump Station

Alderman Ulledahl moved to approve Resolution 1068, authorizing Menke Excavating to install a water line to the Raw Water Pump Station in the amount of \$12,928. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1068 approved.

18. Resolution 1069, Emergency Repairs to High-Service Pump

Alderman Ulledahl moved to approve Resolution 1069, acknowledging an emergency purchase with Mid-America Pump for the amount of \$13,999.11 to make repairs to High Service Pump No. 1. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1069 approved.

19. Resolution 1070, Amending the Backfill Specifications

Alderman Hartman recued himself from Resolution 1070.

Alderman Ulledahl moved to approve Resolution 1070, amending the Backfill Specifications in the City for new subdivisions. Alderman Kobylski seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1070 approved.

20. Resolution 1071, Renewing the Contract for Collections

Alderman Ulledahl moved to approve Resolution 1071, renewing the contract with I.C. System, Inc. for the continuation of collection services for an additional three years. Alderman Kobylski seconded the motion.

No discussion.

Ayes – 5, Noes – 1 (Alderman Russell), motion carries. Mayor Boley declared Resolution 1071 approved.

OTHER MATTERS BEFORE THE BOARD

21. Public Comment

None

22. New Business from the Floor

Alderman Hartman requested that the Bill for the sale of City land be brought back before the Board at the June 7 meeting.

Mayor Boley noted that the July 5 Board of Alderman Work Session and Regular Session meetings Have been cancelled due to the holiday.

23. Adjourn

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

Ayes – 6, Noes – 0, motion carries via teleconference. Mayor Boley declared the regular session adjourned at 8:10 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor