

	<div>STAFF</div> <div>REPORT</div>
Date:	7/19/2022
Prepared By:	Anna Mitchell, Assistant City Administrator
Subject:	Sale of Land – Courtyard Alleyway

In early 2021, staff received and presented to the Board a request for proposed use of the parkland at 111 North Bridge Street for outdoor dining space for Humphrey's Bar and Grill. At the May 4, 2021 Work Session, the Board directed staff to research options for potential use of this space to bring back for review and discussion.

The proposal submitted is included as is a map of the Downtown area with the potential area of use outlined in black (in the alleyway portion of Courtyard Park).

The land that the proposed patio would be located on is City Land and part of the adjacent Courtyard Park. The owner is asking for the use of the property to then construct the patio with no financial help from the City. The options below hold the assumption that the constructed patio is for private use only and not available for public use.

Because the proposal uses park land (the area used as an alleyway is technically park land and not designated as an official alley or parking lot) and in the Downtown area, the original proposal was reviewed by both the Parks and Recreation Committee and the Main Street group.

At the September 21, 2021 Work Session, staff presented three separate options on how to move forward with the submitted proposal. The Board directed staff to develop an RFP for the sale of the portion of land. The draft RFP is attached.

On December 2, 2021, staff provided the proposed RFP to the Board in a work session for further direction. The Board directed staff to post the RFP as presented. RFP #22-06 was posted on December 10, 2021 with a deadline date of January 3, 2022 at 10:00 AM. Staff received one bid from Kansas City Properties and Investments LLC in the amount of \$26,100.

On February 15, 2022, Bill No. 2933-22, Award of Bid No. 22-06 was placed on the action agenda to be approved on first reading. Following public comment and Board discussion, Bill No. 2933-22 failed, 1-4.

Since the February meeting, Alderman Hartman has requested that the item be placed on the agenda again for further considerations. To ensure all proper steps are taken,

staff reached out to the City Attorney and it was advised that if the item were to be placed on the agenda for a second time, the RFP should also be released a second time for any interested parties to submit a proposal.

To ensure that the Board wanted to continue, staff brought the reissuing of the RFP to the Board during the City Administrators report. From the discussion with the Board, it was requested that the options of how to handle the property be brought forward again.

Staff has consulted the City legal team and has formulated three possible paths forward on this proposal.

Option 1: Lease the property: An RFP would be posted for the lease of the property and a bid process completed.

Pros

- Any improvement on the property would be accepted as City property at the end of any lease.
- Any structure built on the property would be subject to approval from the board
- If the restaurant and or owner no longer have an interest in the property, it will still remain the City's property
- Insurance and maintenance would be solely on the private business with the City listed as an additional insured.
- Revenue generated according to a lease agreement.

Cons

- The land is currently park land where alcohol is not permitted except on a temporary basis for short term events. To allow for the consumption of alcohol on the premises, our legal team would have to do further research as there is no clear way to allow it at this time.
- The construction of the patio will decrease parking and ease of accessibility to the parking behind the Courtyard Park Stage.

Option 2: Sale of property: An RFP would be posted for the sale of the property and a bid process completed.

Pros

- As the property would no longer be public land, the process of doing private business on public land would not be necessary.
- Revenue generated according to a purchase agreement.

Cons

- The City would not have any say, other than codes set by Planning and Zoning, on what happens with the property.
- The construction of the patio will decrease parking and ease of accessibility to the parking behind the Courtyard Park Stage.
- New property lot lines would need to be drawn to accommodate the sale.

Option 3: Do nothing/provide alternatives: Staff is willing to discuss other alternatives to a patio that is on that specific portion of land. Options may include using the space behind the building.

Pros

- Parking would not be decreased, access continues
- Existing space that is available is being used by the property owner

Cons

- If the property owner decides not to go with any of the alternatives, the outdoor dining feature would not be available for this restaurant.

Public correspondence received related to this item is included in this packet.

Staff seeks direction from the Board regarding next steps.



Dear Mayor:

Please consider this my full support for outdoor restaurant seating in the alleyway of the courtyard. While I'm not a Smithville resident, I am a small business owner and vendor in your quaint town.

I encourage just about anything that brings people, new and familiar, to the downtown area. Being a lake community, outdoor seating seems to me to be a natural and welcome asset to any restaurant as well as a feature that would make people feel more comfortable in these challenging times.

Thank you for your consideration

Tracey Martin
Red Geranium Restorations

202 N. Bridge St.

June 20, 2022

Smithville, MO

Board of Aldermen

Mayor Damien Boley

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community.

Outdoor seating for dining can help people to feel more at ease in a neutral environment, enhance curb appeal, and be more relaxing. Being a "lake town" many people like to come to eat after being on a boat, trails, or fishing all day and feel more comfortable eating outside.

This could also create a safe and fun environment for our teenagers to spend time with friends during school functions and after school.

Sincerely,
Amber Brooks
Owner of Rose Cottage Boutique

June 21, 2022

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community.

Outdoor seating for dining can help people to feel more at ease in a neutral environment, enhance curb appeal, and be more relaxing. Being a "lake town" many people like to come to eat after being on a boat, trails, or fishing all day and feel more comfortable eating outside.

What you have been doing with your Square lately has been amazing. This would add one more amenity to Smithville.

Sincerely,



David Slater, executive director
Clay County Economic
Development Council 7001 N.
Locust
Gladstone, MO 64118

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community.

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My husband is hard of hearing. He enjoys a place to eat where he can hear people talk. Inside a restaurant can be very noisy. Outside options would be perfect for us. We are in Smithville often.

Sincerely,

Sara Willdermood

I watched the last city council meeting and I noticed that sale or lease of the courtyard alley is going back on the city council meeting agenda. This was voted down last time so I am unsure why it is allowed to be brought back on the agenda.

I am opposed to this being brought back on the agenda and totally opposed to it being sold or leased. The courtyard is a wonderful place to have events such as the market, festville, lake festival and hot summer nights to name a few. Allowing the alley to be sold or leased will block the access for people to get in and out of the courtyard to sell their items.

Why did we do so much work down there with a nice stage, a 911 memorial, getting power, etc. to give up a part of it to somebody to expand their business? This business is a great asset to our community but when he opened his business he knew the square footage.

As a tax paying citizen but not in your ward, I ask that you please not allow the sale or lease to happen.

I also respectfully ask you to vote based on what your constituents want and not your personal wishes.

Thank you for your time. Barbara Lamb

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. With all due respect to the people speaking out in opposition of this, I do feel that the opposed instances are more narrow in scope and the benefits to an outdoor seating area greatly outweigh the drawbacks. If anything, the added advantage of people in our community enjoying the outdoor space will help bring awareness to all of the great events that take place on the square as well as everything else our downtown has to offer. An anchor tenant in our downtown offering more diverse seating options for dining would definitely be rewarding for our community.

Speaking for myself but as someone who is involved in several different Smithville organizations, Humphrey's Restaurant owners Tiffany and David Cox are always there and willing to support the town. As they have been open for over a year, they have demonstrated good discernment with serving customers - MUCH more than any tenant in that space over the last five years. Owning a business on the square and frequenting many others, I have seen almost an immediate benefit to the buildings Shane Crees has restored. Our downtown was fairly stagnant and over the last two years, Shane has invested millions of his own money and has not asked for a dime from the city in return. I believe we can trust that he will do justice to this outdoor dining area and that we can be sure it will be cared for in the future regardless of any change in residency within the space.

Outdoor seating for dining can help people to feel more at ease in a neutral environment, enhance curb appeal, and be more relaxing. Being a "lake town" many people like to come to eat after being on a boat, trails, or fishing all day and feel more comfortable eating outside. Several members of my family are hard of hearing and when we dine out together, there is often too much background noise indoors for them to be able to actively participate in conversations and eating outside can greatly eliminate this struggle. When events geared towards youth are held in the courtyard, it seems it would be a great incentive for parents to stick around to spend time eating and enjoying the downtown also while keeping an eye on their children. The owners of Humphrey's are already cognizant of events being held the same nights they host a band or karaoke and will close their garage door and offer to do anything else they can to assist with the overall enjoyment downtown.

With regards to the concern that the sale of park property "will set a precedent" of the city continuing to do this in the future, again I feel our city staff and elected officials will perform due diligence to each individual circumstance. This is why we have a parks board, Board of Aldermen, etc. It seems as though this sale just makes sense for a number of reasons and I hope you will take my thoughts into consideration.

Sincerely,

Alicia Neth

June 16, 2022

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community.

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Sincerely,

Sent from my iPhone
Agent Jo, Broker/Owner
Elite Realty
ABR CRS GRI SFR SRS MRE ePRO
816.617.4412
MAR State Director

June 16, 2022

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or the lease of the park property at Courtyard Park. I believe in the sale/ lease of the alleyway would create a diverse environment for the downtown square and as a modern addition to Courtyard Park. The outdoor seating will make the downtown feel lively and fun. It will continue to show the residents of Smithville what an inclusive environment the downtown is and encourage people to walk around, stimulate the downtown economy, relax, and to participate in downtown events. Whoever leases or owns the alleyway will give the space the update that it truly deserves, as the alleyway has been neglected and does not give the appearance of inclusiveness

I ask that my letter of support inspires the Aldermen, Mayor, City Staff, and Committees involved to allow the sale/ lease of the alleyway so that Humphreys may build a deck. Humphreys will do the right thing and create an environment that we all would like to see happen. Thank you for your time and consideration, I appreciate all of you!

--

With Kind Regards,

Miss Allyson Attigliato

MCCKC- Maple Woods Student

7406 NE 160th Terrace, Smithville, MO 64089

(816)510-9989

Dear Board of Aldermen and Mayor,

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Sincerely,

Lara Cummins

June 15, 2022

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Sincerely,

Thanks,
Karic Brown
Realtor®
ReeceNichols Kansas City North
A Berkshire Hathaway affiliate

June 15, 2022

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community and here's the reasons I think so!

I personally struggle with anxiety issues. Most of the time eating inside restaurants is work for me. I hate having people walk behind my back or having my back to an open room. Outdoor seating definitely helps to relieve some of the anxiety that I have when it comes to situations like this. Not to mention that it will only increase business for people that are still worried, as they should be, about things like covid and being indoors around food with different people handling it.

Outdoor seating will help people to feel way more comfortable in there environment. Not to mention that it'll make Smithville especially the main Street look like it's a up-and-coming city not one that a lot of people think about when they think of rural Missouri. Which is not really known for it's up and comingness.

Being a "lake town" many people like to come to eat after being on a boat, trails, or fishing all day and feel more comfortable eating outside.

Best Wishes,
Jena Workman
m. 816-399-7009

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community.

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Sincerely,

Bruce Cramer

June 16, 2022

Dear Board of Aldermen and Mayor,

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I was a resident in Smithville years ago. I do believe that this project would be terrific for you, the residents and the many visitors that come to Smithville for various events and activities in and around the lake.

Sincerely,

Best Wishes,
Robert Workman
m. 816-786-7403

Please do not sell, or lease the public area near the courtyard to any business. This area is for the people. Business already has enough. Our great town is getting bigger. Please don't take space away from the public.

Thank You
Todd Johnson

Good morning,

We were surprised to hear during the Zoom meeting last week that the prospect of the sale or lease of the alleyway & parking at Courtyard Park is up for reconsideration. This issue was voted on and rejected at the Alderman meeting on February 15, 2022. Much opposition was presented at that time with very convincing concerns.

According to the 2022 Annual Operating Budget, the Parks and Stormwater Fund carried over \$340,960, expects a revenue of \$627,555, an expenditure of \$485,000, leaving an ending balance of \$483,515. The argument that the sale would generate needed funds is therefore misleading. It implies that the sale &/or lease is something other than represented.

The parks land is an investment for the citizens of the community and not a benefit for an individual business.

Several reasons I oppose this measure, have been voiced before in public comments at previous Board of Aldermen meetings, but worth restating. The Courtyard Park is used by many groups for various festivals and events that benefit the entire community, including the Lake Festival, Lighted Christmas Parade, Jukeville, Larson's Cruise, Smithville Farmers and Makers Market, 5th Quarter, Homecoming, Hot Summer Nights, to name a few.

The Community in Action Committee promotes anti-drug and anti-alcohol events, some of which are held at the Courtyard Park, and would not be in the best interest to have outdoor seating with alcohol being served at the same location.

The downtown area has lost parking due to the street scape project and the sale or lease would further reduce the number of parking spaces in the area possibly hurting local businesses and events.

Music from Humphrey's could interfere, or compete with any music or presentations on the stage.

IF the Parks Department actually needs more funding, perhaps pending projects at Smith's Fork Park, Hawthorn Court Park, Heritage Park, Helvey Park Loop Trail, Wildflower Neighborhood Park or Smith's Fork Destination Development, could be reduced or rescheduled to makeup any financial shortfalls the sale &/or lease would makeup.

We oppose the sale &/or lease at Courtyard Park. The parks are for the citizens of the community and need to remain as such.

Thank you,
Wayne and Joy Bailey

June 15, 2022

Dear Board of Aldermen and Mayor,

This letter is in support of the sale or lease of the park property (aka alleyway) located on the square at Courtyard Park. An anchor tenant in our downtown offering more diverse seating options for dining would definitely benefit our community.

Outdoor seating for dining can help people to feel more at ease in a neutral environment, enhance curb appeal, and be more relaxing. Being a "lake town" many people like to come to eat after being on a boat, trails, or fishing all day and feel more comfortable eating outside.

Sincerely,

Dawn and Bruce Cramer

Still voting NO!!!
Heather McGuire-Dunphy

Sent from my iPhone

Begin forwarded message:
From: Heather McGuire <heather@heathermcguire.net>
Date: June 14, 2022 at 12:43:37 PM CDT
To: mail@smithvillemo.org
Subject: Ally at Humphreys
WHY is this coming back up???!!

The people voted NO! Stop trying to slickyboy this! The vote hasn't changed in one month!
Your corruption is shining through loud and clear!

Heather McGuire-Dunphy

From: Statham, Mike <mstatham@missouriwestern.edu>
Sent: Tuesday, June 14, 2022 6:22 PM
To: Ronald Russell <rrussell@smithvillemo.org>
Subject: Alleyway sale/lease

Sir I don't care what alderman Kelly Kobylski thinks about the above issue. This matter was once voted down and seems she not happy with the results.

We the people said No once, why is this even on the agenda again. Exactly who is she thinking she serving because it's not the will of the people.

Just my opinion.

Alderman Hartman,

I am concerned that you have voiced your opinion to revisit consideration of selling a piece of Courtyard Park to the owners of the property being occupied by Humphrey's Bar and Grill, Kansas City Properties and Investments LLC despite the measure failing earlier this year by a vote of 4 to 1 in the regular meeting on February 15, 2022. Although you were not present on February 15th, the vote failed 4 to 1. Only Alderman Kobylski voted for the proposition, it should have been apparent this was a non-starter for our community.

I have many questions that I feel should be answered regarding the sale of a strip of Courtyard Park to Kansas City Properties and Investments, LLC. Who is Kansas City Properties and Investments, LLC and why do they want to purchase this small strip of land? What are their motives behind this purchase? What happens to the strip of land if Humphrey's closes? Is anyone tied to the city a partner or investor in KCPI, LLC? How did the land become a Courtyard Park in Smithville? If the land was taken by Eminent Domain, is it legal for the land to be sold? No one in Smithville has been able to forecast accurately any additional revenue the sale of the land would generate for the city according to the minutes of the Alderman. This issue was defeated in February by a vote of 4 to 1, why is it being revisited? I look forward to hearing from you that it is your plan to rescind your request to revisit the proposition of selling public land that is used by many groups in our community.

I look forward to hearing from you that it is your plan to rescind your request to revisit the proposition of selling public land that is used by many groups in our community.

Joel Schroeder
1702 NE 197th Ct
Smithville MO 64089
Cell: 417-770-1126

Hi Damien,

Just wanted to let you know that I am super excited about the possibility of Humphrey's adding on an outdoor deck. The only outdoor dining that I am aware of in Smithville is Kozaks and we could certainly use more outdoor dining options.
Let me know how I can show my support?

Thanks,
Dawn

Dawn Adams
Consulting Manager
Office: 816-201-1003
dawn.adams@cerner.com