

## **SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION**

December 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 7:00 p.m. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins and Dan Ulledahl. Dan Hartman was present via Zoom. Ronald Russell joined via Zoom at 7:02 p.m.

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

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

### **3. Consent Agenda**

- **Minutes**

- December 6, 2022, Board of Aldermen Work Session Minutes
- December 6, 2022, Board of Aldermen Regular Session Minutes

- **Finance Report**

- Financial Report for November 2022

- **Resolution 1159, City Surplus**

A Resolution declaring certain city items as surplus.

- **Resolution 1160, Mutual Aid Intergovernmental Agreement**

A Resolution authorizing and directing the Mayor to enter into an intergovernmental agreement for mutual aid with the City of Excelsior Springs.

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

No discussion.

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

Alderman Russell joined the meeting at 7:02 p.m.

## **REPORTS FROM OFFICERS AND STANDING COMMITTEES**

### **4. Committee Reports**

Alderman Chevalier reported on the December 13 Planning and Zoning Commission Meeting. They discussed and approved several items that are on the agenda this evening. Alderman Chevalier noted the end of year totals for building permits are 58 single family residential building permits since January 1, 2022 with a total value of a little over \$16 million in valuation. Two new commercial construction permits for new buildings and 15 commercial tenant finish permits for remodeling for a total valuation of \$6.5 million.

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

Chief Lockridge introduced newly promoted Detective Melissa Knowles. Detective Knowles has been with the department for almost three years. The selection committee picked her not only for her experiences but also for her tenacity, her attention to detail and for her drive.

Chief Lockridge asked Detective Knowles' mother and her daughter to perform the pinning of her Detective badge.



Cynthia Wagner, City Administrator, noted that City Hall will be closed Monday, December 26 for the Christmas holiday and Monday, January 2 for the New Year's holiday. Cynthia wished the governing body and the community a Merry Christmas and Happy New Year.

## **ORDINANCES & RESOLUTIONS**

### 6. **Bill No. 2966-22, Stormwater Revisions – 2<sup>nd</sup> Reading**

Alderman Atkins 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. 2<sup>nd</sup> reading by title only. Alderman Ulledahl 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. 2966-22 approved.

### 7. **Bill No. 2967-22, Declaring the November 8, 2022 Election Results – 2<sup>nd</sup> Reading**

Alderman Atkins 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. 2<sup>nd</sup> reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

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. 2967-22 approved.

**8. Bill No. 2968-22, Accepting Gifted Land – Emergency Ordinance Sponsored by Mayor Boley - 1<sup>st</sup> and 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2968-22, accepting gifted land from Gwendolyn C. Kemper for furthering the City's trail system. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

Alderman Russell asked for clarification for the emergency ordinance.

Mayor Boley explained that this is for trail connectivity for Diamond Crest Subdivision to adjacent subdivisions. He noted that staff has been working on this for some time and want to get it wrapped up for the landowner by the end of the year.

Cynthia noted that it is also a tax issue for the landowner.

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. 2968-22 approved first reading.

Alderman Ulledahl moved to approve Bill No. 2968-22, accepting gifted land from Gwendolyn C. Kemper for furthering the City's trail system. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2968-22 approved.

**9. Bill No. 2969-22, Amending Zoning Code Related to Fences – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2969-22, amending sections of Chapter 400, the zoning code related to fences. 1<sup>st</sup> reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2969-22 approved first reading.

**10. Bill No. 2970-22, Rezoning 18601 North 169 Highway from R-1B to R-3P – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2970-22, rezoning a portion of 18601 North 169 Highway from R-1B to R-3P for the new Herzog Education Center. 1<sup>st</sup> reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2970-22 approved first reading.

**11. Bill No. 2971-22, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2971-22, rezoning the northeast corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 for a new Second Creek Meadows subdivision. 1<sup>st</sup> reading by title only. Alderman Chevalier seconded the motion.

Alderman Hartman recused himself and logged off Zoom.

Douglas Wilson, 20 East Franklin Street, Liberty, legal council for Roberta Lowman, noted that Ms. Lowman was contacted by a real estate agent about selling this property. He stated that Ms. Lowman would not sell this property without the restriction of it being developed with single family homes only, she did not want duplexes built on the land. Mr. Wilson noted that at the Planning and Zoning Commission meeting there was talk of duplexes being somewhere that teachers and police officers could afford to live. Mr. Wilson said that there was a breach of the purchase contract. He asked that the Board table this item since they will be taking this to court. He said that he has been part of city government and does not want to drag the city into this.

Jennifer Justus, 13317 Mount Olivet Road, noted that she is in favor of this. Ms. Justus said that she is a realtor and that it was her understanding that the restriction for only single-family homes was not filed in the deed for this parcel with the county. Ms. Justus noted that the plans for this subdivision meet with the City's Comprehensive Plan, which she was apart of the Comprehensive Plan process in 2019. She said that there is a clear need for housing in this community. Ms. Justus noted that she has spoken with several residents, some seniors, and they have indicated that something like this smaller footprint would better serve their needs in the future. It could also serve young adults wanting to move to the area after college. Ms. Justus noted that 41% if the people that participated in the Comprehensive Plan said that they anticipated a need of something like this. She said that this development does fall inline with what we need in Smithville.

Clayton Cox, 215 Doubletree Lane, noted that he is the current owner of this property. The name of his company is LMW Investment and the company purchased this parcel of land on January 21, 2020. Mr. Cox noted that everything was recorded with the county at that time and Ms. Lowman was paid for the purchase. Mr. Cox explained that he is selling the property because he had a private investor that does not want to move forward with the development due to the economy. He explained that he has to have the property zoned for the new developer in order to sell it.

Robert Hadley, 520 Second Creek Road, noted that he is not in favor of this development. He explained that his main reason is because of the water flow and what it will do. He noted that he has lived here his entire life and grew up with the flooding and had to move his furniture due to the rising water. Mr. Hadley explained that he is worried that building up the land where the duplexes are planned will displace the water and will raise the flood plain. He said he did not know what that would do environmentally or if an environmental impact study would be done for this issue before the Board would give final approval.

Alderman Chevalier asked for clarification that there was no restriction language in the deed filed with the county.

Mayor Boley noted that he and City staff reviewed the deed with the City Attorney today and that language was not in the deed. Mayor Boley explained that this is a rezoning not a court of law and based on the facts and findings and the applications they signed is what the Board has to go by.

Alderman Chevalier asked if the environmental study would be submitted as part of the site plan.

Jack Hendrix, Development Director, explained that information has already been submitted and will be presented to the Planning Commission in January.

Alderman Chevalier noted that it is not part of the zoning it is a separate issue.

Upon roll call vote:

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

Ayes – 4, Noes – 0, Abstain – 1, motion carries. Mayor Boley declared Bill No. 2971-22 approved first reading.

## **12. Resolution 1161, 122 North 169 Highway Site Plan Review – Former Price Chopper**

Alderman Ulledahl moved to approve Resolution 1161, approving the Site Plan application to modify and improve the former Price Chopper building at 122 North 169 Highway by adding nine new suites for future tenants. Alderman Chevalier seconded the motion.

Alderman Russell asked who the area on the plans for fencing was for.

Alderman Hartman rejoined the meeting via Zoom.

Mayor Boley explained this is in accordance with the City Ordinance. He noted that we do not know who the tenants are at this time.

Alderman Chevalier noted that this reimaging and adding retail space is exactly what we were looking for when the Marketplace TIF was approved, and it is a win-win for the City.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1161 approved.

**13. Resolution 1162, HHW Contract with MARC for 2023**

Alderman Ulledahl moved to approve Resolution 1162, authorizing and directing the Mayor to enter into an agreement with Mid America Regional Council for disposal of Household Hazardous Waste for 2023. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1162 approved.

**OTHER MATTERS BEFORE THE BOARD**

**14. Public Comment**

None

**15. Appointment – TIF Commission**

The Mayor nominated appointments to the TIF Commission, and the Board voted:

Steve Sarver                      Adam Royds                      Kelly Kobylski

By roll call vote.

Steve Sarver

Alderman Shipley – Aye, Alderman Atkins – Aye, Alderman Russell – Aye,

Alderman Hartman – Aye, Alderman Chevalier – Aye, Alderman Ulledahl – Aye.

Ayes – 6, Noes – 0, motion carries. The Mayor declared Steve Sarver a member of the TIF Commission.

Adam Royds

Alderman Atkins – Aye, Alderman Shipley – Aye, Alderman Chevalier – Aye,

Alderman Ulledahl – Aye, Alderman Russell – Aye, Alderman Hartman – Aye.

Ayes – 6, Noes – 0, motion carries. The Mayor declared Adam Royds a member of the TIF Commission.

Kelly Kobylski

Alderman Hartman – Aye, Alderman Russell – Aye, Alderman Atkins – Aye,

Alderman Chevalier – Aye, Alderman Ulledahl – Aye, Alderman Shipley – Aye.

Ayes – 6, Noes – 0, motion carries. The Mayor declared Kelly Kobylski a member of the TIF Commission.

**16. New Business from the Floor**

Mayor Boley reminded everyone that with the holidays there is no meeting on January 3. There will be a Planning and Zoning Commission meeting on January 10 and the next Board of Aldermen meeting will be January 17.

**17. Adjournment to Executive Session Pursuant to Section 610.021(1&2)RSMo.**

Alderman Ulledahl moved to adjourn to executive session pursuant to Section 610.021(1&2)RSMo. Alderman Atkins seconded the motion.

Upon roll call:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned to executive session at 7:31 p.m.

---

Linda Drummond, City Clerk

---

Damien Boley, Mayor