

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

July 18, 2023 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: Melissa Wilson, Leeah Shipley, Marv Atkins, Ronald Russell and Dan Ulledahl. Dan Hartman was present via Zoom.

Staff present: Cynthia Wagner, Gina Pate, Captain Tony Roetman, Chuck Soules, Jack Hendrix, Stephen Larson, Matt Denton and Linda Drummond.

2. Pledge of Allegiance lead by New School Superintendent Dr. Mark Maus

3. Consent Agenda

- **Minutes**

- June 20, 2023 Board of Aldermen Work Session Minutes
- June 20, 2023 Board of Aldermen Regular Session Minutes

- **Financial Report**

- Finance Report for June 2023

- **Resolution 11236, Appointment of A Temporary Alternate Prosecuting Attorney**

A Resolution approving the appointment of Mark Ellebracht as Temporary Alternate Prosecuting Attorney.

- **Resolution 1237, Leak Adjustment**

A Resolution approving the leak adjustment in the amount of \$3,137.68 utility billing customer James Woerhman for his December 2022 and January 2023 bill.

- **Resolution 1238, Temporary Liquor License – Festiville**

A Resolution issuing a temporary liquor license to Eric Craig Real Estate team for Festiville to be held in the downtown courtyard on Saturday, August 19, 2023.

- **Resolution 1239, Special Event Permit – Festiville**

A Resolution issuing a special event permit to the Eric Craig Real Estate team for Festiville to be held in the downtown courtyard on Saturday, August 19, 2023.

- **Resolution 1240, Acknowledging Emergency Purchase**

A Resolution authorizing emergency repair of the aerator in digester #2 at the wastewater treatment plant from Mid-America Pump in the amount of \$39,569.05.

- **Resolution 1241, Smithville Warrior Youth Football Club Contract**

A Resolution authorizing and directing the Mayor to enter into an agreement with Smithville Warrior Youth Football Club for use of city park land.

- **Resolution 1242, Special Request – Hot Summer Nights**

A Resolution approving the sponsorship request from Smithville Lions Club for Hot Summer Nights Events that will take place at the Courtyard on August 5, 12 and 26, 2023.

- **Resolution 1243, Liquor License**

A Resolution approving a liquor license for Ryan S. Wells for operation of Welco Brewing Company located at 117 South Commercial Avenue.

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

Upon roll call vote:

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

Gina Pate, Assistant City Administrator, reported on the June 28, Economic Development Committee meeting. She noted that they have two new members, John Wallace and Sonya Crites. They are working toward outlining the comprehensive plan goals they want to work on. The committee has identified focusing on the arts in the community. At the next meeting they will have GK Callahan from the Missouri University Extension lead a discussion on how to plan an art project in the community.

Alderman Wilson reported on the July 11, Planning and Zoning Commission meeting. She noted that they discussed four of the items that are on the agenda this evening, the conditional use permit for the transfer station, the single-phase final plat for first park third plat, the site plan for Smithville Self Storage and the site plan for Smithville School transportation facility. They also start initial discussion regarding an ordinance for short-term rentals. She reported that Attic Storage construction is being completed and is now open and there have been 22 single-family building permits this year to date and three more were recently issued.

Mayor Boley noted that Alderman Wilson and Alderman Russell have been working on two advisory committees for him. This month they will be meeting on the fourth Monday at the Housing Authority at 10:00 a.m. The topics will be a community center and senior citizens needs.

Alderman Shipley reported on the July 11, Finance Committee meeting. They discussed vendor payment in excess of \$7,500, received updates on bank reconciliation and outstanding checks, and discussed the utility rate changes and schedule of fees. They also discussed compensation adjustments and the budget for FY2024.

5. City Administrator's Report

Cynthia Wagner noted that there are a number of project updates in her report that are available on the City's [website](#). She explained that Jack Hendrix, Development Director, debuted at Planning and Zoning Commission meeting last week the Comprehensive Plan Dashboard that will provide updates on progress in meeting the action steps identified in the plan and work to be completed. We hope to have that available on the City website in

August. There are also additional project updates and memo follow-ups from Board from the Board retreat.

Cynthia noted that staff anticipates bringing forward for Board approval the replacement of the John Deere tractor and boom mower that is used for right-of-way mowing and mowing some of the park areas. The tractor and mower have become less reliable and have had many mechanical issues. The tractor was acquired by the City in 2005 and has 8,000 hours of operation on it. Staff has looked at replacement cost for new and it will be around \$200,000. Staff has been working with John Deere on a five-year lease option, which would cost \$46,000 a year for a total of \$230,000 over the five years of \$230,000 and could opt to keep the equipment when the lease is over. John Deere has informed us that there is an eight-month lead time in receiving the equipment once the order is placed. Staff would like to add this to the FY24 budget, have the Board approve the initial contract with John Deere at the August 15 meeting so that we can get it ordered. Cynthia explained that no money is due until we take delivery. Cynthia asked for Board direction, the Board had no concerns, Cynthia noted staff will bring this forward at the August 15 meeting.

Cynthia noted that staff had anticipated the second reading of the 110 Smithville TIF related items. Those item will be brought forward for consideration at the August 1 Board of Aldermen meeting at 7:00 p.m. Those will be the only two items on the agenda.

At the August 15 meeting there will be a number of budget related items. A special meeting will be on August 28 for certification of ballot language for a public safety sales tax ballot question.

ORDINANCES & RESOLUTIONS

6. Bill No. 2998-23, Fairview Crossing CID Funding Agreement – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 2998-23, approving the funding agreement for the Fairview Crossing Community Improvement District. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2998-23 approved.

7. Bill No. 2999-23, Amending Chapter 640 Peddlers, Solicitors and Canvassers – 1st Reading

Alderman Ulledahl moved to approve Bill No. 2999-23, amending Chapter 640 concerning Peddlers, Solicitors and Canvassers. 1st reading by title only. Alderman Wilson seconded the motion.

Alderman Russell asked if a company has several people going out does every person have a background check through the City and will a copy of what the approval looks like be available so whenever someone knocks on a resident's door they know whether that person has been approved through the City.

Jack Hendrix explained that now they get a badge, but we would be switching to a required permit.

Cynthia noted that staff will provide information on the change of the process on social media. If residents have people showing up at the door they have the right to ask for their approved permit.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2999-23 approved first reading.

8. Bill No. 3000-23, Conditional Use Permit – Transfer Station – 1st Reading

Alderman Ulledahl moved to approve Bill No. 3000-23, approving a conditional use permit for a transfer station at 14820 North Industrial Drive on land zoned I-1. 1st reading by title only. Alderman Wilson seconded the motion.

Kim Finke, 9350 Highway E, Camden Point, Missouri, applicant for the conditional use permit for the transfer station. She noted that she and David are the owners of Huntley Disposal, a dumpster company serving Smithville and the surrounding area. They are looking to branch out into the recycling market.

David Finke, 9350 Highway E, Camden Point, applicant for the transfer station. He explained that their main purpose is to divert things from the landfill. He noted that they are not trying to become a transfer station, they want to become a recycle center. For companies they provide service for like Meta they require recycling 93% of the materials. The dumpster they will bring back to this facility will have demolition and construction materials only. Household dumpsters will still go to the landfill. Mr. Finke explained that this facility would only recycle wood, metal, plastic, cardboard and drywall. He said that currently they run six trucks and have 300 dumpsters.

Mrs. Finke noted that this would be an environmentally friendly business.

Mr. Finke noted that no hazardous waste would be allowed in the facility, nor did they accept hazardous waste in any of their dumpsters. They police all dumpsters and charge a large fee for anyone that puts hazardous waste in their dumpsters. If something did get put in the dumpster it would be cleaned up with a spill kit and taken to the Kansas City location for chemical disposal.

Alderman Russell asked if they got any chemical would they have to report to anyone.

Mr. Finke explained that they have never had that issue. Their biggest concern that they watch for is asbestos. He also noted that they are policed by DNR (Department of Natural Resources).

Alderman Russell asked if the allowed any liquids.

Mr. Finke said that they do not allow any liquids.

Alderman Russell asked what adequately screened means for the location. He also asked if once the dumpsters were sorted, would they be stored at the location.

Mr. Finke explained that all dumpsters are dumped and not sitting. If they did not get a dumpster dumped it would have to remain on the truck, be tarped and inside the building. Dumpsters sitting on the lot have to be completely empty and DNR checks for that.

Alderman Russell asked where all the materials would come from.

Mr. Finke explained that most of the construction materials would come from Gladstone and north, such as Kearney, Platte City, Smithville, Holt and all the surrounding small towns. This facility will only be for their trucks, no other company will be dumping there.

Alderman Russell asked about the adjacent properties.

Jack Hendrix, Development Director noted that Fairview Enterprises is to the south and people who own the property to the west were present at the Planning and Zoning Commission meeting, but he could not recall their name.

Jack clarified that this item is just for the zoning request of the property and a site plan review will be submitted separately through the Planning and Zoning Commission where the fencing and landscaping will be reviewed.

Alderman Russell asked what the difference between I-1 and I-2.

Jack explained that this type of transfer station is only allowed in two circumstances in the City. One if it is light industrial they have to have a conditional use permit, or it can be in heavy industrial. Jack explained that if it were zoned I-2, heavy industrial the property owner could sell the property to anyone in the future. The reason for zoning it I-1 was to be able to isolate the risk of that.

Upon roll call.

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3000-23 approved first reading.

9. Resolution 1244, Renewing the City Tow Contract

Alderman Ulledahl moved to approve Resolution 1244, a renewing the contract for city tow services with G.T. Tow Service to continue to provide police-ordered tows at a cost to the vehicle's owner of \$100.00 per tow. Alderman Russell seconded the motion.

Alderman Hartman moved to lay the question on the table and go out to bid for the contract of City tow services. Alderman Atkins seconded the motion.

Ayes – 4, Noes – 2, motion carries. Mayor Boley declared Resolution 1244 postponed.

10. Resolution 1245, Encroachment Agreements with Evergy Metro and Evergy Missouri West

Alderman Ulledahl moved to approve Resolution 1245, authorizing and directing the Mayor to sign encroachment agreements with Evergy for the construction of the west interceptor. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1245 approved.

11. Resolution 1246, Purchase of Utility Meters

Alderman Ulledahl moved to approve Resolution 1246, authorizing the expenditure of \$12,538.80 for the purchase of utility meters from Kansas City Winnelson Company. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1246 approved.

12. Resolution 1247, Single Phase Final Plat First Park 3rd Plat

Alderman Ulledahl moved to approve Resolution 1247, approving a final plat for First Park 3rd Plat. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1247 approved.

13. Resolution 1248, Site Plan – Smithville Self Storage

Alderman Ulledahl moved to approve Resolution 1248, authorizing site plan approval for construction of eight new storage buildings at 14506 North 169 Highway. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1248 approved.

14. Resolution 1249, Site Plan – Smithville School Transportation Facility

Alderman Ulledahl moved to approve Resolution 1249, authorizing site plan approval for construction of a transportation facility for the Smithville School District at 250 East 92 Highway. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1249 approved.

15. Resolution 1250, Change Order No. 2, 4th Street Terrace

Alderman Ulledahl moved to approve Resolution 1250, approving Change Order No. 2 with Menke Excavating for 4th Street Terrace in the amount of \$49,554. Alderman Wilson seconded the motion.

Alderman Russell asked why if we did not do this it would only cost \$9,000 and in doing it will cost \$49,554.

Chuck Soules, Public Works Director explained that the sewer line is not deep enough, and the service lines are under the street.

Mayor Boley noted that making these improvements are better for the residents.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1250 approved.

OTHER MATTERS BEFORE THE BOARD

16. Public Comment

Ali McClain, 1004 Coneflower Street, spoke to the Board about the history of Dr. Arch E. Spelman's dream of building a much-needed hospital for those residing north of the Missouri River. She said that if the Board goes ahead with the TIF they would be erasing the history of a building and a great man by approving it. She asked that something be built that honors our history, not apartments and an anchor restaurant that will compete with other restaurants. She said that residential TIFs are not economic development. She asked that the Board do the right thing and vote the TIF down.

Carol Dawkins, P.O. Box 972, spoke to the Board about her concerns about it not being fair to have no taxes for 25 years for a TIF. When the building is built the fire department will need a bigger truck to take care of a four-story building.

17. New Business from the Floor

Alderman Wilson requested the Board look at raising the City Administrator's spending authority due to the rising cost of everything.

Mayor Boley requested staff look at different options for the City website platform.

18. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:39 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor