

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

October 17, 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. following the work session. A quorum of the Board was present: Melissa Wilson, Leeah Shipley, Marv Atkins, Ronald Russell, Dan Ulledahl and Dan Hartman.

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

2. Pledge of Allegiance lead by Mayor Boley

3. Public Hearing – Sewer Rates

Mayor Boley called the public hearing for the Sewer Rates to order at 7:00 p.m.

No Public Comment.

Mayor Boley declared the public hearing for Sewer Rates adjourned at 7:00 p.m.

4. Public Hearing – Fairview Crossing CID

Mayor Boley called the public hearing for the Fairview Crossing CID to order at 7:00 p.m.

Megan Miller, Gilmore and Bell, gave a brief overview of the Fairview Crossing Community Improvement District.

It is a separate political subdivision created by the city following submission of a petition. It is governed by a Board of Directors. It can only finance public improvements and public services within the boundaries of the CID. A CID is statutorily able to impose a number of different funding sources, the Fairview Crossing CID anticipates a sales tax of 1%, which is the maximum allowed.

Megan explained the Ordinance being brought before the Board later this evening approves the petition, and it establishes the district. Gilmore and Bell will work with developers to draft a cooperative agreement that will be between the City, the CID and the developer. That agreement will be approved by a subsequent Ordinance that will be brought before the Board at a later date. They will set out the terms for what is being built, the improvements, where the money is going to be held and how we approve reimbursable project cost. Megan noted that it will be very similar to what we do with a TIF, when a developer wants costs to be reimbursed they will submit a requisition of the improvements, the City will sign off on it and Gilmore and Bell will make sure that they all fall within the statute.

Megan noted specifically about the Fairview Crossing CID. The property includes 63.47 acres. It is part of the larger development of 80 acres on the east side of 169 highway. It is bounded by 144th Street on the south, Commercial Street on the north and the Hills of Shannon subdivision on the east. The developers are intending to build a mixed-use

development consisting of residential, townhomes in multifamily components, approximately 70,000 ft of retail, which is where the 1% sales tax revenues will come from, a hotel with approximately 80 rooms and fast-food restaurants, again another sales tax generator.

Megan noted that the petition sets out a five-member Board of Directors. The petition particularly lays out who the first set of Board of Directors are going to be. However, successor directors will need to be appointed. Those will be appointed by the Mayor with the consent of the Board of Aldermen. There is a new statutory change and because there are not registered voters within the CID it is required that a member of the Board of Directors is what we call an uninterested board member and they must be a Smithville resident, they can have no financial interest in any of the real property or a business within the CID and is not related to any owner of real property or a business within the CID. They have two board members that meet those requirements, Cory Fauch and Alicia Neth. The proposed length of term for the CID is 27 years, which is the statutory maximum allowed. She explained that they could come back and request additional time be added but that has to go through the Board of Aldermen for approval.

Megan noted that they are only requesting a 1% sales tax, they are not requesting a property tax, special assessment or any business licenses. They intend to fund the following; site work and grading associated with the public improvements, stormwater improvements, public parking improvements, utility improvements, public right away improvements and landscaping lawns and trees in public areas all which are allowable under the CID Act.

No Public Comment.

Mayor Boley declared the public hearing for the Fairview Crossing CID adjourned at 7:05 p.m.

5. Consent Agenda

- **Minutes**
 - October 3, 2023, Board of Aldermen Regular Session Minutes
- **Finance Report for September**
- **Resolution 1275, Agreement with the Smithville Chamber of Commerce**

A Resolution authorizing and directing the Mayor to execute an agreement with Smithville Chamber of Commerce for the purpose of providing services in the amount of \$10,000.
- **Resolution 1276, Emergency Purchase**

A Resolution authorizing the emergency purchase of a new SCADA and PLC System at the water treatment plant.

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

No discussion.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

6. Committee Reports

Alderman Wilson reported on the October 10, Planning and Zoning Commission meeting. They discussed electric vehicle charging stations and short-term rentals which is on the agenda. Fairview Crossing is progressing and there is a micro-brewery getting close to opening.

7. City Administrator's Report

Cynthia Wagner noted that we opened bids October 3 for Streetscape Phase III. Bids came in significantly higher than our budget of \$800,000. The budget includes grant funding and City funds. The low bid was \$1.8 million. Staff has had significant conversations with HDR on ways to perhaps reduce the scope of the project. Staff has also had conversations with both MoDOT and MARC because they are the sponsoring organizations for the grant funding. Because it is jointly funded through the two organizations, there are a lot of requirements for the grant. Staff has been on the phone a lot since the end of last week and are trying to get the three entities, the City, MARC and MoDOT together to talk through the processes each of those agencies have for grant changes and how much scope can change in order to continue to do the project. Staff has also had conversations about the possibility of the grant amount going down. If the grant amount goes down, that will also affect our ability to do the project. Staff continues to work with and advocate on our behalf to bring the three entities together for conversation and make sure everybody is on the same page. Staff will keep the Board informed of the status on this.

Cynthia noted that staff is working to provide an opportunity for the Board and City staff to tour the water and wastewater treatment facilities to help understand what is done at those facilities. If members of the Board has an interest in participating in that tour, please reach out to Mayra Toothman in the Public Works Department. Mayra is coordinating the times. Cynthia noted that if we have multiple Board members attending the tour we will post that meeting.

Cynthia noted that on the agenda this evening is the final reading of the FY2024 budget. It does include funds for a Citizens Academy. We envision a portion of that being a tour of City facilities. Gina Pate, Assistant City Administrator is putting together the curriculum for that Citizens Academy and spearheading that process. We anticipate putting information out after the first of the year and requesting people to apply. The academy will probably start in early spring. We are excited to be able to offer this new program.

Thursday morning Department Directors are going to be preparing breakfast for City staff in appreciation for all the work that our front-line staff do. Breakfast will be from 7:30 to 9:00 a.m. so we will not open until 9:00 a.m., on Thursday morning. That information will be posted after the meeting tonight.

One final reminder is that the first meeting in November will be Monday November 6, the day before the election.

ORDINANCES & RESOLUTIONS

8. Bill No. 3008-23, Adopt the FY2024 Operating Budget – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3008-23, adopting the FY2023 Annual Operating Budget. 2nd reading by title only. Alderman Atkins seconded the motion.

Alderman Russell noted that with the 15% increase for the sewer rates included in the FY2024 operating budget he could no longer support it.

Upon roll call vote:

Alderman Hartman- Aye, Alderman Ulledahl - Aye, Alderman Atkins – Aye,
Alderman Wilson - Aye, Alderman Russell – No, Alderman Shipley - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3008-23 approved.

9. Bill No. 3009-23, Creation of a 110 Smithville Tax Increment Fund – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3009-23, approving the creation of the 110 Smithville Tax Increment Financing Fund to account for the receipt of and expenditures from that allocation separate from any other monies. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Russell - No, Alderman Shipley - Aye, Alderman Wilson – Aye,
Alderman Atkins - Aye, Alderman Ulledahl – Aye, Alderman Hartman - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3009-23 approved.

10. Bill No. 3010-23, Amending Utility Rates for Non-Residents – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3010-23, amending the utility rates for non-residents. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Shipley - Aye, Alderman Atkins - Aye, Alderman Ulledahl – Aye,
Alderman Hartman - Aye, Alderman Russell – No, Alderman Wilson - Aye.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3010-23 approved.

11. Bill No. 3011-23, Amendment to Chapter 520, Sidewalks, Streets and Miscellaneous Public Places – 2nd Reading

Alderman Ulledahl moved to approved Bill No. 3011-23, amending Chapter 520, Sidewalks, Streets and Miscellaneous Public Places. 2nd reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3011-23 approved.

12. Bill No. 3012-23, Establishment of the Fairview Crossing North CID – 1st Reading

Alderman Ulledahl moved to approved Bill No. 3012-23, approving the petition for establishment of the Fairview Crossing Community Improvement District, establishing the district, and making findings and authorizing actions related to establishment of the district. 1st reading by title only. Alderman Russell seconded the motion.

Alderman Russell asked if the 1% sales tax was only for the CID district.

Megan Miller explained that this 1% sales tax can only be charged within the boundaries of the Community Improvement District.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3012-23 approved first reading.

13. Bill No. 3013-23, Short-Term Rentals - 1st Reading

Alderman Ulledahl moved to approved Bill No. 3013-23, enacting a new chapter 625 of the Code of Ordinances pertaining to short-term rentals. 1st reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. Mayor Boley declared Bill No. 3013-23 approved first reading.

14. Resolution 1277, Amending the Schedule of Fees

Alderman Ulledahl moved to approve Resolution 1277, adopting amendments to the Schedule of Fees. Alderman Wilson seconded the motion.

No discussion.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1277 approved.

15. Resolution 1278, Amending the Employee Compensation Plan

Alderman Ulledahl moved to approve Resolution 1278, adopting amendments to the Employee Compensation Plan. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1278 approved.

16. Resolution 1279, Amending the Employee Handbook

Alderman Ulledahl moved to approve Resolution 1279, adopting amendments to the Employee Handbook. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1279 approved.

17. Resolution 1280, Temporary Liquor License – Wine Walk

Alderman Ulledahl moved to approve Resolution 1280, approving a temporary liquor license to Smithville Main Street District for operation of the Wine Walk on November 11, 2023. Alderman Atkins seconded the motion.

No discussion.

Ayes – 4, Noes – 0, Abstained – 2, motion carries. Mayor Boley declared Resolution 1280 approved.

18. Resolution 1281, Downtown Sidewalk Guidelines

Alderman Ulledahl moved to approve Resolution 1281, adopting a new Downtown Sidewalk Guidelines and Use Guidelines for the Central Business District. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1281 approved.

19. Resolution 1282, Change Order No. 1, Quincy Boulevard

Alderman Ulledahl moved to approve Resolution 1282, approving Change Order No. 1 with Amino Brothers in the amount of \$24,504.85 for additional asphalt for Quincy Boulevard improvements.. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1282 approved.

20. Resolution 1283, Liquor License – Donna Marie Shear

Alderman Ulledahl moved to approve Resolution 1283, issuing a Liquor License to Donna Marie Shear for the Operations of Sunny's. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1283 approved.

OTHER MATTERS BEFORE THE BOARD

21. Public Comment

None

22. Appointment

The Mayor will nominate Dennis Kathcart re-appointment to the Planning and Zoning Commission, and the Board will vote:

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Dennis Kathcart re-appointed member of the Planning and Zoning Commission.

The Mayor will nominate Billy Muessig re-appointment to the Planning and Zoning Commission, and the Board will vote:

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Billy Muessig re-appointed member of the Planning and Zoning Commission.

The Mayor will nominate Stephen Langley re-appointment to the Economic Development Committee, and the Board will vote:

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Stephen Langley re-appointed member of the Economic Development Committee.

The Mayor will nominate Pat Luce appointment to the Economic Development Committee, and the Board will vote:

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared Pat Luce appointed member of the Economic Development Committee.

23. New Business from the Floor

None.

24. Adjournment to Executive Session Pursuant to Section 610.021(3) RSMo.

Alderman Ulledahl moved to adjourn to Executive Session Pursuant to Section 610.021(3) RSMo. Alderman Hartman seconded the motion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned to the Executive Session at 7:22 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor