

## SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION

May 7, 2024 7:00 p.m.  
City Hall Council Chambers and Via Videoconference

### 1. Call to Order

Mayor Boley, present, called the meeting to order at 7:17 p.m. following the Executive Session. A quorum of the Board was present: Marv Atkins, Melissa Wilson, Leeah Shipley, Ronald Russell, Kelly Kobylski and Dan Hartman.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Jack Hendrix, Rick Welch, Matt Denton and Linda Drummond.

### 2. Pledge of Allegiance lead by Sergeant James Morgan

### 3. Proclamations

- National Public Service Recognition Week
- National Police Week



Mayor Boley presented the Proclamation for National Police Week, May 12-18, 2024 to Officer Neill, Officer Tso, Officer Burns, Sergeant Henry and Sergeant Morgan.

- Older American's Month



Mayor Boley presented the Proclamation for Older American's Month to Amy Alexander, Senior Center Coordinator and Matt Denton, Parks and Recreation Director.

#### 4. Consent Agenda

- **Minutes**

- April 16, 2024, Board of Aldermen Work Session Minutes
- April 16, 2024, Board of Aldermen Regular Session Minutes – 1st meeting
- April 16, 2024, Board of Aldermen Regular Session Minutes – 2nd meeting

- **Resolution 1345, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Melissa Pendleton in the amount of \$577.30.

- **Resolution 1346, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Lepe Construction in the amount of \$3,333.56.

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

No discussion.

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

#### REPORTS FROM OFFICERS AND STANDING COMMITTEES

##### 5. Committee Reports

Alderman Shipley reported on the April 23, Parks and Recreation Committee meeting. Their main discussion item will be #14 on the agenda tonight. They made their choice of playground equipment for Emerald Ridge Park.

Alderman Hartman reported on the April 24, Economic Development Committee meeting. They continued discussions of their goals and strategies for the Comprehensive Plan and the Strategic Plan. They also discussed a marketing strategy to help drive patrons from the campgrounds to downtown businesses using a QR code.

##### 6. City Administrator's Report

Cynthia Wagner presented an update on the storm last night. Smithville was under a tornado warning and there was a significant amount of damage to private properties, particularly in the KK Highway area. We did have some additional trees down in northern parts of Rollins Landing and Harborview. These were taken care of quickly by either Police or Fire Departments. There was no damage to city parks or city facilities.

We did have a brief power outage at one of the lift stations on the north end of town. Staff came in and power was restored so we did not have any issues there.

Cynthia noted that the tornado sirens were sounded for brief periods throughout the day today. The Police Department did post information to social media concerning why this was happening. The service company was here troubleshooting and were testing the sirens. She noted that it was an unfortunate timing, but we need to make sure that the sirens are operational. Cynthia explained that we are having some issues with getting replacement parts for the sirens. There are some parts that have been ordered since last fall and staff continues to work through that.

Cynthia noted that last year during budget discussion, one of the items that was included in future needs for capital funds was review of our outdoor warning system. The City's system is approaching 20 years old. A new system is a sizable investment, and we need to continue to maintain our outdoor warning system. Cynthia reminded everyone that the outdoor warning sirens are just that, for outdoor warning. It is a significant bonus that residents can hear them inside their houses but that is not what they were intended for. We want to ensure we have multiple ways to be able to get weather information, including weather radios and phone apps. So bottom line, make sure you are storm aware and have multiple notification methods. Cynthia noted that as we move into budget, we will have additional discussions on our outdoor warning system.

Cynthia noted that the Bridge Street water line replacement work did start today. A lot of that work is weather dependent. We want to make people aware that we will have some closures. Cynthia explained that this is the first step in the improvements for streetscape on Bridge Street.

City Hall meeting schedule is included in the packet:

City Hall will be closed Monday, May 27 in observance of Memorial Day.

City Hall will be closed Monday, June 17 in observance of Founder's Day.

City Hall will be closed Thursday, July 4 and Friday July 5 in observance of Fourth of July.

Mayor Boley has recommended that the July 2 Board of Aldermen meeting be cancelled.

## **ORDINANCES & RESOLUTIONS**

### **7. Bill No. 3032-24, Budget Amendment No. 3 – Emergency Ordinance Sponsored by Mayor Boley – 1<sup>st</sup> and 2<sup>nd</sup> Reading**

Alderman Atkins moved to approve Bill No. 3032-24, amending the FY2024 budget. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes –6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3032-24 approved first reading.

Alderman Atkins moved to approve Bill No. 3032-24, amending the FY2024 budget. 2<sup>nd</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes –6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3032-24 approved.

### **8. Resolution 1347, Final Plat – Mount Olivet**

Alderman Atkins moved to approve Resolution 1347, approving the final plat for Mount Olivet subdivision. Alderman Hartman seconded the motion.

Public comment.

Brent Pfaff, 3405 NE 144<sup>th</sup> Street, noted that on April 1, five people came to the podium and voiced their concerns and asked on this item and none of their questions were answered. He voiced his concerns about the safety and the traffic issues that this subdivision will be adding to Mount Olivet and 144<sup>th</sup> Street. He said that there are no speed limit signs on Mount Olivet in that area. He asked if there would be police presence in that area. He asked who would be responsible for maintaining the roads. He voiced his concern about the surrounding residents not being informed about annexing 189 acres of farmland with signage. He explained that he purchased his home on the corner of Mount Olivet and 144<sup>th</sup> Street in October of 2022 and he was not made aware of the utility easements on his property and wanted to get it on public record that there is a utility easement going through lots 3 through 8 of the new development.

Board discussion.

Alderman Wilson asked how we could look at getting a four-way stop at the intersection of 144<sup>th</sup> Street and Mount Olivet.

Jack Hendrix, Development Director, explained that staff has been in communication with Clay County on the topics of a four-way stop at that intersection and the Shared Road Maintenance Agreement. Jack, Chuck and Cynthia had a meeting with Clay County a couple of weeks ago and Cynthia has had several meetings with the County Administrator. Staff has also had conversations with the county's planning department and their highway department. Jack noted that the current County Administrator has been making things happen a lot quicker than we have experienced with Clay County in the past. No decisions have been made at this point.

Alderman Wilson asked that staff make sure to keep this on their radar.

Jack said that it is still on staff's radar and explained that getting a four-way stop at that intersection would likely involve doing some traffic counts. He explained that since we do not have an updated Shared Road maintenance Agreement we do not know who will be responsible for what.

Alderman Wilson noted that in Jack's staff report he provided triggers for a traffic study. *In the City's new Transportation Master Plan, the Board approved a policy that set forth proposed new standards for TIS's, including the level of traffic that would trigger/require a new TIS. The City's standards are such that, for a new single-family detached housing subdivision, any subdivision that generates more than 50 Peak Hour Trips or 500 daily trips from vehicles must prepare and submit a TIS. Peak Hour Trips are the average number of trips in a one-hour period between 7-9am or 4-6pm. Daily trips are the total average number of trips generated, with both being based upon the number of lots in the subdivision. The Institute of Traffic Engineers (ITE) is the nationally recognized organization to evaluate and calculate the trip generation standards for all types of developments.*

*For a single-family, detached development like this, the ITE has a factor assigned to each type of trip based upon the number of lots. For example, the Peak Hour factor in this case is .79, which means that the number of lots multiplied by this factor gives you the number of average Peak Hour Trips (33 lots X .79 = 26.07, rounded to 27). The daily trip factor is 9.99, multiplied by the same 33 total lots, which generates 330 daily trips. Both are substantially*

*below the standards which would require a TIS. This development is not close to the City's triggers in requiring a TIS. It should be noted that the City's standards are twice as restricted as any adjacent jurisdictions triggers. (50/500 vs. 100/1000)*

Alderman Russell asked since the designated responsibility is not decided yet could a timeline be set for establishing who owns what before they begin this project.

Jack explained that the Shared Road Maintenance Agreement would address who is responsible for plowing the road when it snows, or who is responsible for repairing a road if it collapses, etc. He noted that since we do not have a revised agreement, our biggest concern is the maintenance on the catastrophic road issues. He said until we have the agreement we have to figure out if the City or the county will do the road repairs and so do it quickly.

Mayor Boley asked if the developer has to build the road to the City specs before we can annex it in to the City.

Jack explained that the annexation is complete, the developer has to construct the road improvements in accordance with the agreement which states "*the road improvements shall be completed prior to the issuance of the tenth building permit on any of lots 1-14 of the development*".

Mayor Boley noted that since the annexation is done the Police Department will be patrolling that section.

Jack explained that we have an agreement with Clay and Platte County that our Police Department will respond where they are needed to ensure public safety. He added that any Police Officer in Missouri can write a speeding ticket if they are within their jurisdiction. If they write a ticket on Mount Olivet they have the right to send the ticket to the state instead of the City Municipal Court.

Alderman Russell asked when the Shared Road Maintenance Agreement is projected to be resolved.

Jack explained that it is moving quicker than it has in the past.

Cynthia noted that when she and Jack met in April with the county, they outlined a timeline that they would have internal discussions, then discussions between the County Administrator and Cynthia based on staff discussion, in order to bring something to their governing bodies hopefully this summer. Cynthia pointed out again, it is a Shared Road Maintenance Agreement and that is what it really focuses on. She note that the important thing here though is staff has had good conversation with county planning staff, road maintenance staff and the County Administrator following this process and moving forward. As Jack indicated, the County Administrator is about two years into her job and we have been able to have open communication and discussions on those issues. Everyone wants to move forward in the best interests of those involved.

Alderman Russell noted that Jack referenced the Institute of Transportation Engineers (ITE), which average peak hour generation factor is .79 trips per growing unit is what the computation that you provided is an average generated by city and county rule together for two and four lane. He asked if that was correct.

Jack explained that it is not based upon the road itself, no aspect of the road. It is based on what that type of use generates. In this case, single family detached housing is what this subdivision generated. Single family detached housing is the most intensive residential traffic impact by dwelling unit. Jack explained that attached units are a little bit lower. If it is a multifamily, it is even lower. The average for home that is detached housing, whether it is in unincorporated Clay County or in the city limits, the average is 9.99. Jack explained that is almost ten traffic trips per day per home.

Alderman Russell asked if that was per household and not per driveway.

Jack explained that they use the term dwelling unit.

Alderman Russell asked if this is in addition to the traffic that is already on Mount Olivet right now.

Jack said that was correct.

Alderman Russell asked if it was correct that right now we do not know the current traffic levels on Mount Olivet only that this will be adding to it.

Jack said that was correct, there has been no traffic study done yet, he did not believe the county had and we did not ask the developer to do one either. Jack added that if it is inside the city limits, no county around it, we would do the same thing. We do not base it on existing traffic, we base it upon what they are bringing to the table. If it triggers a traffic study all those numbers occur in those studies. Our Transportation Master Plan says if the ITE is within 50/500 that is when a traffic study is required. If it is less than that, it is basically negligible, and you do not need to do full studies.

Alderman Wilson asked if we should look at putting speed limit signs on our side of the road.

Jack explained that we can, but the MUTCD has recommended locations for them and that would be much farther north than this development. You want it where the road starts so people know, because if they turn south off 92 Highway and have to drive a half a mile to get to a speed limit sign, it does not do much good. He said that adding them would certainly help everyone.

Alderman Wilson asked if we could put one where you turn off of 92 Highway south onto Mount Olivet and maybe at a 144<sup>th</sup> Street where that intersection is on our side of the road.

Jack said that we certainly can, but this will be another item that we talk directly with the County Highway Department and our Public Works Department. Jack noted that he would notify Clay County Public Works and have somebody driving through there to do an inventory.

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Resolution 1347 approved.

**9. Resolution 1348, Support of an Application for the TAP Grant**

Alderman Atkins moved to approve Resolution 1348, acknowledging Board of Aldermen support of an application for the Transportation Alternative Program (TAP) Grant through Mid-America Regional Council (MARC). Alderman Hartman seconded motion.

Alderman Russell said that he thought we would be backing off some of the grant applications until discussion could be had at the Board Retreat.

Mayor Boley noted that this one was probably submitted three years ago and for projects that are already budget for.

Cynthia explained that this is the TAP call for projects, so these projects are many years in the making.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1348 approved.

**10. Resolution 1349, Bid Award No. 24-13, RFQ for IT Support and Services**

Alderman Atkins moved to approve Resolution 1349, authorizing and directing the Mayor to enter into an agreement with ALLO Business for the City's IT Support and Services. Alderman Wilson seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1349 approved.

**11. Resolution 1350, Amendment to the Employee Compensation Plan**

Alderman Atkins moved to approve Resolution 1350, adopting amendments to the Employee Compensation Plan. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1350 approved.

**12. Resolution 1351, Changes to LAGERS Employee Retirement Plan**

Alderman Atkins moved to approve Resolution 1351, approving changes under the Missouri Local Government Employees' Retirement System. Alderman Wilson seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1351 approved.

**13. Resolution 1352, Authorization No. 94, Amendment No. 1**

Alderman Atkins moved to approve Resolution 1352, authorizing Amendment No. 1 of Authorization No. 94 with HDR Engineering, Inc. for the design of an alternate alignment of the Force Main Bypass of 144th Street Pump Station in the amount of \$29,920. Alderman Hartman seconded motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1352 approved.

**14. Resolution 1353, Emerald Ridge Park Playground Equipment**

Alderman Atkins moved to approve Resolution 1353, awarding the Emerald Ridge Park and Playground Project to Athco, LLC. in an amount not to exceed \$450,000. Alderman Hartman seconded motion.

Alderman Wilson noted that in looking at compared the cost of this park versus back when the playground equipment was put in Diamond Crest Park, and it is a little more than double. She said that she understands this is probably a bigger project and the increase of the cost of installing equipment. Alderman Wilson said her concern with this was that there are still items in Diamond Crest Park that have not been completed. She understands staff is trying to work with the current owner of Clay Creek but would really like to see that project complete before we start another one. She asked if there was any update on Diamond Crest Park?

Mayor Boley noted that there was a budget amendment for the additions to Diamond Crest Park couple months ago.

Matt Denton, Parks Director, explained that he had received a text in April from his management contact at the townhomes saying that he would not have an answer for about 30 days. Matt has since followed up and received a text that the owner is out of the country, and we have no additional status information. Matt explained that he has been pushing, he has had multiple texts and emails with them, and meetings with Cynthia as well. Matt said that we want this to get this project completed as soon as possible. Matt noted that the only thing left right now is the parking lot as we have allocated \$90,000 for the restroom and shelter. Matt said that he asked Cynthia if we could just move forward and do it ourselves and as soon as he said that to them he started getting text messages back that they were moving along trying to get answers.

Mayor Boley asked when Matt thought the restrooms would be delivered.

Matt explained that the restroom was ordered in December after the Board approved it on December 19 and it has a five-to-six-month production. Matt has asked for a 30-day lead time notification of when they would be ready and has not received word yet, but it should be soon.

Mayor Boley noted that it is a drop in place prefabricated restroom.

Matt added that staff would do some concrete work to make it accessible from the playground, but that cost is included in the budgeted amount.

Mayor Boley asked if staff was still looking at Memorial Day to open the Splash Park.

Matt said they were, and staff was working there today.

Alderman Wilson explained that she just wanted an update on Diamond Crest Park because with Emerald Ridge Park project coming, it would be nice to see the Diamond Crest Park completed if at all possible.

Matt noted that staff talked with some people who are here at the meeting that live in Clay Creek neighborhood, and they have sent some emails to Clay Creek on this issue, so the community is behind it and want it completed as well. Matt noted that he wants to get this completed especially since it is almost two years since we started the improvements and we have spent just under \$390,000 on it and we still do not have it completed.

Matt noted to answer Alderman Wilson's question on the difference of playgrounds and costs, Emerald Ridge Park has significantly more concrete work and with that comes with labor and that increased the cost significantly. When staff did Diamond Crest Park, it was done with



three separate bids, one for the playground, one for the concrete and one for the fencing. That was how we got the cost reduced. Emerald Ridge Park is all in one, which should be a lot easier than the mistakes with Diamond Crest Park. With Emerald Ridge Park there will only be one contractor, one contact and one project manager.

Alderman Russell asked about the handicapped compliant swing, a swing that a wheelchair can go into.

Matt explained that there would be multiple handicapped accessible equipment within this park. Matt noted that the Parks and Recreation Committee were really adamant about making sure this playground was as inclusive as possible within our budget.

Alderman Russell asked about handicapped parking spaces and the ease of being able to get wheelchairs to and from the street. He asked if the street would be striped and labeled and if there was going to be ramps.

Matt explained that throughout the whole discussion that was a concern that the Parks and Recreation Committee had. They asked that Matt meet with Jack Hendrix, Development Director, and go over what we are allowed to do. It is going to be street parking and we are going to designate one handicapped spot where we would extend the existing concrete to the road where a ramp would be located. Matt explained that the added cost on this is extending a sidewalk down to the existing sidewalk to make it ADA accessible.

Alderman Hartman thanked Matt for his work on this. He said that back in 2021 he was on the Parks and Recreation Committee and that this project was being discussed at that time. He said that he thinks the Parks and Recreation Committee did a good job kind of vetting the whole process and looking through everything. He is excited for the residents there and the public.

Matt noted that the Parks and Recreation Committee did a lot of work on this, and it was kudos to them for spending all the time that they did. They have worked on this since January 2023 trying to find some outside funding, but ultimately did not succeed on that. They did continue to work from July 2023 to now. They took their time. They attended a banquet that was held in Kansas City and that was put on by a playground company that does inclusivity and the importance of that. Matt explained that the Parks and Recreation Committee's goal is to make sure that every park is done correctly and not in pieces and that was the goal for this one.

Mayor Boley noted that Variety KC did a really good project, a presentation on ADA is not a bare minimum. Inclusivity and kids actually being able to play together is a bigger goal. He explained that one of the companies wanted us to have the swing separated off with a fence around it. Variety KC has done a great job in the toddler area, adding things like hot wheel tracks and things like that to the equipment. They also added shade structures, which we learned from Diamond Crest Park, we need shade.

Matt explained that adding shade cost and thanked the Board for the for the money that they allocated so the park could be done correctly.

Alderman Wilson noted that when she was going back and trying to find some of this other information on Diamond Crest Park, she found Emerald Ridge Park discussion started two

almost three years ago. So, it is a very long process for us to get from point A to point B and then point C, so it did not happen overnight.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1353 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **15. Public Comment**

None.

Mayor Boley reminded everyone that people wishing to speak during public comment typically have three minutes unless he grant additional time and if the item is not on the agenda the Board cannot discuss it.

### **16. New Business from the Floor**

None.

Mayor Boley reminded that Board if they want a topic on a future agenda, he needed direction from multiple Board members. One member could ask but we really need a consensus from the Board to put a future agenda.

### **17. Adjourn.**

Alderman Hartman moved to adjourn. Alderman Wilson seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:58 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor