

ITEM I: Call to Order

- The Board of Aldermen of the City of Grain Valley, Missouri, met in Regular Session on March 13, 2023, at 7:00 p.m. in the Board Chambers located at Grain Valley City Hall
- The meeting was called to order by Mayor Mike Todd

ITEM II: Roll Call

- Deputy City Clerk Khalilah Holland called roll
- *Present: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
- *Absent:*

-QUORUM PRESENT-

ITEM III: Invocation

- Invocation was given by Pastor Darryl Jones of Crossroads Church

ITEM IV: Pledge of Allegiance

- The Pledge of Allegiance was led by Alderman Tom Cleaver

ITEM V: Approval of Agenda

- None

ITEM VI: Proclamations

- None

ITEM VII: Public Comment

- None

ITEM VIII: Consent Agenda

- February 27, 2023 – Board of Aldermen Regular Meeting Minutes
- March 13, 2023 – Accounts Payable
- *Alderman Skinner made a Motion to Accept the Consent Agenda*
- *The Motion was Seconded by Alderman Knox*
 - *No discussion*
- *Motion to Approve the Consent Agenda was voted on with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved: 6-0-

ITEM IX: Previous Business

- None

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

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STAFF OFFICIALS PRESENT

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ITEM X: New Business

- The Grain Valley Fair Association requested permission to sell liquor (Beer Garden at the Pavilion) on City property at the Grain Valley Fair September 8-9, 2023
- Mayor Todd introduced the request to the Board of Aldermen to allow the sale of alcohol on city property. MO Country will be vendor who will operate the beer garden. To apply for a liquor license, the vendor must obtain permission from the landowner. The request to approve the liquor license will be at a future meeting. Justin Tyson and Jayci Stratton attended the meeting on behalf of the Grain Valley Fair Association. The operation of the beer garden will include a fenced off area with signage and two off-duty officers paid by the fair association.
 - *Alderman Bass made a Motion to allow liquor sales on City property for the Grain Valley Fair Beer Garden*
 - *The Motion was Seconded by Alderman Knox*
 - *No discussion*
 - *Motion to allow liquor sales on city property (pavilion) for the Grain Valley Fair Beer Garden was voted on with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved: 6-0-
- Discussion and possible action regarding discipline of an Alderman
 - The Board held a discussion related to possible interference of Alderman Arnold related to his phone call to the Jackson County Election Board (JCEB) in connection to a lawsuit filed by the city against the JCEB.
 - Mayor Todd asked Alderman Arnold if he did indeed call the JCEB. Alderman Arnold confirmed he called the JCEB.
 - Mayor Todd asked Alderman Arnold when he called the JCEB. Alderman Arnold stated he called them one or two mornings after the findings of the judgement on the case.
 - Mayor Todd asked Alderman Arnold if that was before the city attorney had updated the elected officials on the status of the case. Alderman Arnold stated he did not think so.
 - Mayor Todd asked Alderman Arnold what items he discussed with the JCEB. Alderman Arnold stated he asked them what their side of the situation was. Alderman Arnold stated he gave them nothing from the city's side. Alderman Arnold stated he explained to his legal representative, Mr. James Bowers what occurred. According to Alderman Arnold, Mr. Bowers, does not see anything he had done was inappropriate.

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- Mayor Todd asked how Alderman Arnold introduced himself to the election board. Alderman Arnold stated he gave full disclosure of who he was and his title.
- Mayor Todd asked Alderman Arnold if he had discussed with anyone the vote that occurred in the (January 9, 2023) executive session. Alderman Arnold stated the vote would be a matter of public information 72 hours after the vote was taken.
- City Attorney Lauber stated the 72-hour rule of a closed session vote only applies to an employee matter.
- Alderman Mills asked Alderman Arnold if he had disclosed the (January 9, 2023) executive session vote. Alderman Arnold said he thought the information was public information. Alderman Mills followed up and asked when the information was disclosed, the estimated time it was disclosed and to whom the information was disclosed to. Alderman Arnold wasn't sure of the time, couldn't give an estimated time, and wasn't sure if he did disclose the information.
- Alderman Knox addressed Alderman Arnold in regard to not being sure if he disclosed the information. Alderman Knox stated Chuck Johnston posted on social media that Alderman Arnold voted against the (January 9, 2023) executive session motion and the only way Mr. Johnston would have known it would have been coming from Alderman Arnold. Alderman Arnold replied that may have been, he had no malice intent, and was told by his legal representation he hadn't violated anything on these topics and the vote. Alderman Arnold stated if the Board takes offense; he apologizes. Alderman Arnold stated it was his job as an Alderman to fact find information to help him make his decisions as the city moves forward.
- Alderman Skinner asked Alderman Arnold if he told Mr. Johnston the vote the Board took during the (January 9, 2023) executive session. Alderman Arnold's response was it may have come up in conversation and the information was available 72 hours after the vote was taken. Alderman Arnold stated it may have been an error in his understanding.
- Alderman Skinner requested Mr. Lauber to clarify the 72-hour window to disclose an executive session vote. Mr. Lauber stated the 72-hour disclosure is strictly related to personnel matters, such as notifying the employee of a matter, and making available to the public a vote within 72 hours. Mr. Lauber explained under the Sunshine Law there are other executive session items that may be disclosed, such as, negotiating terms of a contract, and the actions on that contract are made available to the public after the contract has been signed by both parties. Mr. Lauber stated this matter being discussed was a matter of litigation by the city when Alderman Arnold called the opposing party (JCEB) prior to receiving information from the city attorney firm and at that time the city had the possibility to appeal the decision that had been made. Mr. Lauber stated there is no 72-hour rule in respect to the issue being discussed. To release the details of the (June 9,

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2023) executive session vote regarding the litigation, it would have required the permission by the Board of Aldermen.

- Alderman Arnold declared he didn't state to Mr. Johnston he voted against the motion but that stated he wasn't in favor of the (January 9, 2023) executive session vote and Mr. Johnston may have assumed he voted against, and Alderman Arnold doesn't remember stating it his vote specifically.
- Alderman Cleaver stated it sounds like private information was divulged from the private closed executive session.
- Alderman Mills stated not only was the executive session information released but it was also put on social media. Alderman Mills asked Alderman Arnold if this was the first time he has released information or has anyone ever advised Alderman Arnold about discussing private information from an executive session. Alderman Arnold answered no.
- Alderman Knox ask Alderman Arnold why the phone call to the JCEB was made as opposed to calling staff or the city's legal team. Alderman Arnold replied it was a fact-finding phone call. Alderman Arnold didn't think it would be a problem because the case had been ruled on. Alderman Arnold wasn't aware of a time lag for an appeal. Alderman Arnold stated a phone call had been made to city staff and states he hadn't received a call until two days after.
- Alderman Skinner asked Alderman Arnold if he had talked to anyone else on the Board about it. Alderman Arnold response was no, and it was one of those things he didn't think there was a problem with it. Alderman Arnold was doing what he thought he could do as an Alderman to find information to make the best decision for the citizens who had elected him.
- Mayor Todd asked Mr. Lauber when an email was sent out by his staff regarding the litigation decision. After researching his records during the meeting, Mr. Lauber stated the judge signed the order on February 14, 2023. Mr. Lauber received an email regarding the order on February 14th at 4:41 pm, Mr. Lauber called the evening of the 14th to inform Mr. Murphy, an email was sent from Lauber's firm to the City Administrator and Deputy City Administrator on the 15th at 1:15 pm. Alderman Arnold stated the email was forward to the Board on the 16th at 11:15 am.
- Mr. Lauber clarified a previous question during the discussion by Aldermen Skinner. Mr. Lauber stated in respect to litigation matters – "legal actions, causes of action or litigation involving a public governmental body", the Sunshine law says, "any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body...shall be made public upon final disposition of the matter..." Mr. Lauber stated at the time an email was sent by the city's law firm the city had up to 30 days from the date the order was issued to make a decision about whether or not to appeal it. Mr. Lauber voiced the litigation matter was not final when the information was made public.

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- Alderman Mills asked Alderman Arnold why hadn't talked to the city attorney about the matter. Alderman Arnold answered Mr. Lauber has told Aldermen Arnold he's not lawyer for the Aldermen, he's the city's lawyer and represents the city and doesn't represent the Aldermen; so, Alderman Arnold sought his own lawyer.
- Alderman Skinner asked Alderman Arnold when he had the conversation with Mr. Johnston to express his viewpoint. Alderman Arnold answered he wouldn't be able to tell Alderman Skinner when as they talk on occasion so what day he couldn't say. Alderman Skinner followed up and asked if it was before he called the county and Alderman Arnold stated no it was after he made the call. Alderman Skinner confirmed with Alderman Arnold it was after his call to the JCEB but Alderman Arnold said he couldn't be for sure.
- Alderman Cleaver's stated again his concern was private information was divulged from a private vote and appears on social media. To Alderman Cleaver, it was a bigger concern to him executive session information was made public.
- Alderman Skinner stated the person (Mr. Johnston) being discussed has a proven track record of releasing information so if the information got to him, he would not have had a problem disclosing the information. Alderman Skinner stated what bothers him is the Board is discussing a person who was censured less than a year ago for disclosing executive session information. Alderman Skinner stated he did not have a conversation with Mr. Johnston so he had to get the information for somebody. Alderman Arnold stated it was an assumption on Mr. Johnston's part.
- Alderman Knox stated it was a pretty good assumption on Mr. Johnston's part when he posted on social media that Alderman Arnold was the only one who voted against the litigation matter. Alderman Arnold replied it may have been.
- Alderman Mills stated Alderman Arnold's responses were a simple matter of fact instead of a given fact. Alderman Mills asked if Alderman Arnold was advised to answer in such a way. Alderman Arnold stated he did not want to get into a long debate about the discussion he had with his attorney. Alderman Mills asked if Alderman Arnold thought he had crossed a line. Alderman Arnold had concerns he had crossed a line, so he spoke to his attorney, and he provided advice as a 20-year municipal lawyer. Alderman Mills asked Alderman Arnold if this is the first time, he's crossed the line. Alderman Arnold answered as far as he knew. Alderman Mills reminded Alderman Arnold about blocking people from his Alderman page. Alderman Arnold stated he doesn't have an Alderman page. Alderman Arnold believes the incident Alderman Mills was referring to was an Ward I Alderman page. Alderman Arnold stated he does not administer the page. Alderman Arnold admitted he blocked some people because the conversation went to a negative side. Alderman Arnold said he was not in violation of any political rule because it wasn't his page, and he doesn't manage the page.

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- Alderman Skinner and Alderman Mills disagreed with Alderman Arnold's opinion he was not in violation by turning the comments off. Alderman Skinner stated Alderman Arnold was acting in his capacity as an Alderman and he was commenting as an Alderman and when the comments became negative Alderman Skinner states when Alderman Arnold turned off the comments and did not allow the public to disagree with Alderman Arnold it took a way everyone's first amendment rights and stated Alderman Arnold can't do that. Alderman Skinner asked if people could disagree with Alderman Arnold. Alderman Arnold stated people can disagree with him. Alderman Arnold stated he intended the post to not allow public comments from the very beginning. Alderman Arnold stated it was intended to be an informational post for the people in Ward I. Alderman Skinner stated Alderman Arnold was posting about a vote that was taken and his disagreement with the rest of the Board. Alderman Skinner stated he couldn't even comment or respond because Alderman Arnold turned the comments off and violated his first amendment right by not being able to defend his viewpoint.
- Alderman Mills stated to the Board there's a pattern with Alderman Arnold.
- Alderman Mills reminded Alderman Arnold about a disagreement the two had about how Alderman Arnold treated a registered voter, Mr. Shafer.
- Alderman Bass asked Alderman Arnold questions for clarity of the timeline of the events being discussed. There was a decision made in the JCEB lawsuit and the decision was given at some point to the Board by the city's attorney firm. Alderman Bass asked Alderman Arnold when he made the call to the JCEB; if it was between the decision being made and when the Board found out about the decision officially by the proper channels through the city attorney's firm. Alderman Arnold could not confirm when he made the call. Alderman Arnold said the case findings came out on case.net and states he made a couple of calls to the City Administrator and Deputy City Administrator, left a message and received a message back from Mr. Murphy that they would be sending out some information. Alderman Arnold said the information may have been out, but he hadn't read it at that point. Alderman Bass asked Alderman Arnold when he made the call was he aware there was a possible avenue for the city to appeal. Alderman Arnold didn't know there was an appeal process, and he thought the case was complete. Alderman Arnold followed up and said he was not listed as a litigate on the case and according to Alderman Arnold he could have had a conversation with the JCEB before the case was finalized and Alderman Arnold stated it wouldn't have violated anything as far as attorney client privilege and clients can sometimes settle matters outside of attorneys but it wasn't his intent to settle the matter but a fact finding of some of the information he read on case.net and what was the other side (JCEB) of some of the issues. Alderman Bass asked was there a reason he identified himself as an Alderman. Alderman Arnold stated he was being honest with who he was and not to be sneak to have

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the JCEB give him information. Alderman Arnold thought he was doing everything proper when the call took place. Alderman Bass asked Alderman Arnold if there was any specific information he was seeking, and Alderman Bass expressed he didn't understand the purpose of the phone call. Alderman Arnold responded some of the litigation referred to communication by the JCEB and the city prior to the lawsuit and Alderman Arnold called to clarify what the communication had been. Alderman Bass stated he doesn't agree or believe that Alderman Arnold contacting the JCEB before talking with city staff was in the best interest of the citizens that had elected Alderman Arnold.

- Alderman Mills tried to clarify with Alderman Arnold if his call was before the Board had received an email from staff. Alderman Arnold stated he couldn't answer for sure and Alderman Arnold said the email may have come out before he made the call to the JCEB.
- Alderman Knox stated his concern was Alderman Arnold discussing confidential information from executive session; its not information to be shared.
- Alderman Skinner focused his attention on the conversation Alderman Arnold had with Mr. Johnston about the vote taken in executive session. Alderman Skinner asked Alderman Arnold to explain the conversation he had with Mr. Johnston. Alderman Arnold recollection of the conversation was that he wasn't in favor of the vote. Alderman Arnold said Mr. Johnston may have taken what Alderman Arnold's vote was and most likely the conversation took place after the case was complete.
- Alderman Knox asked Alderman Arnold why he discussed the vote with Mr. Johnston. Alderman Arnold said because it affected Mr. Johnston.
- Alderman Skinner asked Alderman Arnold what's more important the city or Mr. Johnston. Alderman Arnold stated the city. Alderman Skinner asked Aldermen Arnold who took the vote Alderman Arnold wasn't in favor of. Alderman Arnold answered it was the Board. Alderman Skinner reminded Alderman Arnold of a previous conversation they had about moving forward as a Board even if the Alderman lost a vote and before a vote is made the Alderman have an opportunity to agree, disagree or plead a case but once a decision is made the Board moves forward collectively.
- Mayor Todd confirmed with Mr. Lauber what options the Board has for taking action against Alderman Arnold
 - Take no action and the Board could vote on the action during the meeting.
 - Informal verbal censure based on the meeting discussion and the Board could vote on the action during the meeting.
 - Mid-formal written censure document prepared by Mr. Lauber's firm could be presented at a future meeting.
 - Formal discipline of an impeachment hearing. Mr. Lauber explained an elected official would have a property right in retaining their term and

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protect the voter's intent for the elected official to serve their term. To extinguish a term earlier than the full term the Board would go through a full hearing. Mr. Lauber explained to the Board what the process would entail.

- Alderman Arnold stated it was not his intent to do harm to the Board, sought the mercy of the Board and their interpretation of what had occurred, explained he did not have any malice in mind when the phone call was made to the JCEB.
- Alderman Skinner stated he was more concerned about Alderman Arnold's conversation with Mr. Johnston in conjunction with his contact with the JCEB and both of those actions are in disagreement with the Board.
- *Alderman Skinner made a Motion for a written censure of Alderman Arnold be prepared*
- *The Motion was Seconded by Alderman Knox*
 - *Mr. Lauber clarified a motion for written censure would be direction from the Board to Staff to create a document with the facts discussed, the document would be reviewed by the Board, the Board would then consider a vote to adopt the document*
 - *Alderman Knox stated despite his disappointment of Alderman Arnold disclosing executive session information, Alderman Knox would give Alderman Arnold the benefit of the doubt and not call for an impeachment*
- *Motion to approve a written censure of Alderman Arnold be prepared for the next meeting was voted on with the following voice vote:*
 - *Aye: Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay: Arnold*
 - *Abstain:*

-Motion Approved: 5-1-

ITEM XI: Presentations

- Marshall Allen from Confluence presented to the Board an overview of the citizen survey completed for the Comprehensive Plan & the Parks and Recreation Master Plan.
 - Mr. Allen stated the random sampling of surveys produced 432 responses. The goal was 400 responses.
 - The overall takeaways from the survey were:
 - General concern over traffic congestion and roadway capacity
 - Support for improving existing parks and recreation facilities/amenities
 - Need for walking and hiking trails
 - Desire for an indoor aquatic center
 - Need for adult fitness and wellness programs/community events
 - Bicycle infrastructure should be used to connect schools, parks and recreation facilities/trails, north and south sides of the community
 - Residents want safer and more walkable streets

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- Housing diversity not a high-priority item (diversity within neighborhoods/building)
- Mr. Allen explained the next steps:
 - Input review meeting with Steering Committee on April 5th
 - Draft Plan over the summer
 - Final Draft Plan and Adoption by the end of the year
- Alderman Cleaver requested clarification on citizens concern of traffic safety. Mr. Allen stated it was the amount of traffic and the proximity to traffic as it relates to sidewalks being close to traffic. Mayor Todd added traffic safety could be the lack of sidewalks in certain neighborhoods in the city. Alderman Skinner added traffic safety may include crosswalks, signage at intersections.

ITEM XII: Public Hearing

*-Mayor Todd opened the public hearings for **JAC'D LLC requesting an amendment to the City's Comprehensive Future Land Use Map and a change of zoning from District R-1 (Single Family Residential) to District R-1P (Single Family Residential – Planned Overlay District) and from R-1 (Single Family Residential) to M-1P (Light Industrial – Planned Overlay District at 7:55 PM –***

- Mr. Trosen clarified the Amendment to Comprehensive Plan Future Land Use Map – Creekside Village 4th Plat and the Rezoning and Preliminary Development Plan – Creekside Village 4th Plat were advertised as two separate public hearings.
- Mr. Trosen informed the Board the applicants representative Steve Wargar is present representing the property owner JAC'D LLC; Colby Vifquain is representing ICON which is a grading and construction company located in Grain Valley on Harris Street; and David Smith is representing Tandem Paving which is located in Blue Springs.
 - ICON and Tandem have discussed relocating their businesses to this location if the request and comprehensive plan future land use map amendment is approved.
- Mr. Trosen reported the city's comprehensive plan was approved in 2014 and by various ordinance changes the land use map has been amended by property owners and applicants in the past. The comprehensive plan contains the preferred land use plan presenting a vision of how the community will grow in the future. The preferred land use map is in the Board packet.
- Mr. Trosen stated the area being addressed is approximately 16 acres to the north of Creekside Village; the proposed map amendment consists of 12 acres; which is the northern part of the 16 acres; an exhibit was included in the Board packet that distinguishes the 12 acres change in the preferred land use to Business Park
- Mr. Trosen informed the Board that the city's zoning regulations address the process to amend the Comprehensive Plan Future Land Use Map.

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- Whether events after the Comprehensive Plan adoption have change the character and/or condition of the area to make the application acceptable.
 - Since the adoption of the Comprehensive Plan, the Federal Emergency Management Agency (FEMA) has studied this area and issued new FEMA maps in 2017. In the general area of the proposed map amendment, there is an area designated as Floodway which discourages any development within its boundaries. Another area shown is the 100-year flood area or floodway fringe, which permits development as long as the lowest basement floor elevation is one foot above the base flood elevation. Local governments frown on single family development occurring in this area but are encouraged when private investment in retail/office/industrial buildings are proposed.
- Whether the change is consistent with the goals and policies of the plan.
 - The goals and policies of the types of businesses in the Business Park are to create jobs and provide an additional base of property and sales tax revenue. The proposed map amendment to Business Park promotes these goals and policies more than single family residential in the Comprehensive Plan.
- Whether the public services and utilities are adequate to serve the proposed land use in the map amendment.
 - The property owner's development plan illustrates a private asphalt driveway to serve the four commercial buildings. The property owner will also install sanitary sewer and water extensions to serve this property and adjoining proposed lots. The property owner will construct the necessary stormwater management facilities, gas, communication, and electric service extensions required to serve the site.
- The impacts of the potential costs and benefits derived by the community or area by the proposed change.
 - This site has not been developed since the original Creekside Village was platted and constructed in 2007. The benefits outweigh the costs for the city since there will be revenue from property taxes and job creation whereas the new infrastructure will be installed by the developer and there should be little maintenance for several years. Other City services to be provided are snow removal and police protection.
- Mr. Trosen stated public notice was given in the Examiner regarding both public hearings.
- Mr. Trosen stated the Planning and Zoning Commission held a public hearing on February 8, 2023, for the amendment to the Comprehensive Plan Future Land Use Map. The Commission voted unanimously to recommend approval to the Board of Aldermen.
- Mr. Trosen stated staff recommends approval to amend the Preferred Land Use Map in the City's Comprehensive Plan.

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- Mr. Trosen transition to the rezoning and preliminary development plan of Creekside Village 4th Plat and referenced an exhibit in the Board packet; a change of zoning from District R-1 (Single Family Residential) to District R-1p (Single Family Residential District – Planned Overlay District) and change of zoning on approximately 12 acres from District R-1 (Single Family Residential) to District M-1p (light Industrial) planned overlay district and would include the approval of a preliminary development plan for Creek Side Village 4th Plat.
- Mr. Trosen referenced the staff report regarding Creekside Village to the south was platted in 2007 and zoned R-1p (Single Family Residential District-Planned Overlay District). The average dimension of the single family lots in this Creekside Village plat are 32 feet wide and 76 feet deep or 2,432 square feet. This plat also included private alley so that lots could access rear entry garages. The private alleys are the responsibility of the Creekside Homeowner Association.
- Mr. Trosen stated Creekside Village 3rd Plat was recorded on October 12, 2022. This plat covered the 16 acres Mr. Trosen was referencing earlier that created three lots and tract A. The area encompasses the proposed Creekside Village 4th Plat that will contain the proposed 51 single family lots in the R-1p area and the one light industrial lot containing four buildings that would be zoned M-1p (Light Industrial) planned overlay district. Once Creekside Village 4th Plat is recorded, then Creekside Village 3rd Plat will be vacated.
- Mr. Trosen stated the applicant has filed an application as a planned overlay district. The purpose of the planned overlay district is to provide some flexibility and provide latitude and location of buildings, structures, open spaces, parking, roads, drives, and variations in setbacks and yard requirements.
- Mr. Trosen stated in reviewing the proposed preliminary development plan for the R-1p single family residential:
 - The development will consist of 51 single family lots. The dimensions of the lot are 32 feet wide and 80 feet deep and 2,560 square feet. In District R-1, the minimum lot width is 65 feet, the minimum lot depth is 100 feet, and the minimum lot area is 7,000 square feet. The applicant is requesting flexibility in yard requirements. These lots are similar to the lots platted now.
 - The applicant is requesting variation in setback requirements. In District R-1, the front yard setback requirement is 25 feet, the rear yard setback is 30 feet, and the side yard setback is 8 feet. The applicant is requesting that the front and rear yard setbacks be 20 feet and the side yard setbacks be 3 feet.
 - The single-family houses will be 1,350 square feet more or less, which exceeds the city's minimum requirement in district R-1 of 1,100 square feet.
 - The development proposes the extension of NE Wolf Creek Road and NE Deer Creek Road to city standards.
 - The residential area will be developed in phases will consist approximately 32 units in phase one and 19 units in phase two.

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- The development does not propose alleys as the previous Creekside Village does.
- The private pocket park will be maintained by the Homeowners Association and may include an amenity such as a gazebo or benches.
- Mr. Trosen provided in the Board packet an aerial map of the M-1 Light Industrial – Planned Overlay District
 - The site has a floodplain and floodway designation. An application is being made for a CLOMRF (Conditional Letter of Map Revision for Fill) to remove the floodplain designation by placing fill on the site per FEMA regulations. The area will be filled outside the floodway to an elevation 1 foot above the base floodplain elevation.
 - The large existing pond was a borrow area for neighboring development fill. This pond will be filled and eliminated.
 - The existing detention was designed for the entire development including the Creekside Village to the south and will be maintained in place.
 - There are wetlands designated on the site. The wetlands will be preserved or mitigated per Corp of Engineers requirements.
 - The development will consist of four buildings. Each building will be 11,200 square feet.
 - An asphalt driveway will provide access to the buildings from Seymour Road. There will be no access from the residential street.
 - The ordinance requires the Planned District to be permanently screened. The applicant proposes a six (6) feet tall solid fence installed and ornamental screening of landscaping as shown on the development plan.
- Mr. Trosen stated the change of zoning to District R-1p and proposed development plan for single-family residential development would be compatible and very similar to the development of Creekside Village to the south. The change of zoning to M-1p and proposed development plan would be appropriate given this site is in the designated floodplain and significant investment is needed to develop the property. This investment will yield a benefit to the city in property taxes and jobs instead of vacant ground. Staff recommend approval of the zoning request and the preliminary development plan for Creekside Village 4th Plat.
- Mr. Trosen reported the Planning & Zoning Commission on February 8, 2023, and unanimously recommended approval to the Board.
- Alderman Cleaver confirmed with Mr. Trosen there was not going to be any truck traffic through the neighborhood and it would flow through the commercial property.
- Mayor Todd confirmed the paving trucks will be kept on the commercial property.
- Mayor Todd confirmed if noise issues were considered. Mr. Trosen stated the ordinance doesn't define a decimal level for noise but if there was a noise issue it would become a nuisance violation.

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

- The applicant Steve Warger of Warger Associates 6127 NW Pine Ridge Circle Parkville, Missouri addressed the Board.
 - Mr. Warger reported the development was office and warehouse storage of the equipment.
 - Mr. Warger confirmed there will be a six-foot fence. Mr. Wager stated two of the four buildings will be occupied by the excavating and paving companies. There is flexibility of occupancy with the other buildings.
 - Mr. Warger anticipates the housing units will be owner occupied.
 - Mr. Warger stated the houses will match in width and depth with front entry off the street and not use an alley. Mr. Wagner stated he's spoken with the president of the HOA to dedicate the extra footage so they can have their full width alleys.
 - Alderman Skinner asked if the housing development would be an extension of the existing neighborhood and HOA. Mr. Wagner explained it would be a separate HOA. The developers HOA would be part maintenance of the detention area and the pocket park since it would be shared with the existing neighborhood.
 - Alderman Skinner asked if the new neighborhood would be accessed through the existing neighborhood. Mr. Warger explained part of the access would be from the existing neighborhood but there's access to the new neighborhood off of Seymour from Wolf Creek.
 - Alderman Skinner asked if the lots were in a flood zone. Mr. Wagner explained an application has been submitted to FEMA for the wetland determinations and mitigation with the conditional letter of map revision based on the fill of the detention which would move the flood zone/flood plain away and eliminate the existing designation.
 - Mayor Todd asked if Mr. Wagner foresaw the fill being completed before the houses are being constructed. Mr. Wagner stated the pond fill and housing construction being completed simultaneously.
 - Mr. Trosen confirmed for Alderman Skinner the initial plot of land was all zoned single family and the proposed four commercial buildings were initially zoned single family in a flood zone as a possible oversight.
 - Alderman Skinner asked if the city has received any other proposals from other developers to make the land all single family. Mr. Trosen explained the previous property owner submitted for three large housing lots and the rest of the land was in the floodway. The previous property owner was not able to sell the lots.
 - Alderman Skinner asked Mr. Wagner about the pricing of the houses. Mr. Wagner estimates the pricing to be in the mid to upper \$200,000.

- Mayor Todd opened the floor to citizens for comment at 8:19 PM for the Amendment of the Future Land Use Map-

- None

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

- Mayor Todd closed the public hearing for **JAC'D LLC requesting an amendment to the City's Comprehensive Future Land Use Map** at 8:19 PM-

-Mayor Todd opened the public hearing **changing the zoning from District R-1 (Single Family Residential) to District R-1P (Single Family Residential – Planned Overlay District) and from R-1 (Single Family Residential) to M-1P (Light Industrial – Planned Overlay District** at 8:19 PM –

- Mayor Todd opened the floor to citizens for comment at 8:19 PM for the change of zoning from District R-1 (Single Family Residential) to District R-1P (Single Family Residential – Planned Overlay District) and from R-1 (Single Family Residential) to M-1P (Light Industrial – Planned Overlay District-

- None

ITEM XIII: Resolutions

Resolution No. R23-25 A Resolution by the Board of Aldermen of the City of Grain Valley, Missouri Authorizing the City Administrator to Enter Into an Agreement With Utility Service Company, Inc. to Provide Maintenance for City Owned Water Tanks and Tower

- Alderman Mills moved to approve Resolution No. R23-25
- The Motion was Seconded by Alderman Bass
 - Mr. Murphy explained this is the company the city has used for a number of years for the maintenance of the water tanks and tower and staff recommends to continue the relationship with the company.
- Motion to approve Resolution No. R23-25 was voted upon with the following voice vote:
 - Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner
 - Nay:
 - Abstain:

-Resolution No. R23-25 Approved: 6-0-

Resolution No. R23-26 A Resolution by the Board of Aldermen of the City of Grain Valley Authorizing the City Administrator to Enter Into an Agreement With Civic Review

- Alderman Skinner moved to approve Resolution No. R23-26
- The Motion was Seconded by Alderman Cleaver
 - Mr. Murphy explained Civic Review is the platform the city uses for online permitting and occupational license. A goal of the strategic plan is to give citizens and the public more technology options for conducting business with the city. The

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

resolution would be a renewal of the agreement.

- *Motion to approve Resolution No. R23-26 was voted upon with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Resolution No. R23-26 Approved: 6-0-

Resolution No. R23-27 A Resolution by the Board of Aldermen of the City of Grain Valley Authorizing the City Administrator to Execute an Agreement With Jackson County, Missouri for the Distribution of Combat Funds of \$85,867.00 for the 2023 Fiscal Year

- *Alderman Arnold moved to approve Resolution No. R23-27*
- *The Motion was Seconded by Alderman Knox*
 - Mr. Murphy explained this is an annual agreement to accept funds from COMBAT. The proceeds come from the anti-drug sales tax and covers a large amount of the D.A.R.E. expenses at the schools.
- *Motion to approve Resolution No. R23-27 was voted upon with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Resolution No. R23-27 Approved: 6-0-

Resolution No. R23-28 A Resolution by the Board of Aldermen of the City of Grain Valley Authorizing the City Administrator to Execute an Agreement with the Grain Valley School District for School Resource Services

- *Alderman Bass moved to approve Resolution No. R23-28*
- *The Motion was Seconded by Alderman Skinner*
 - Mr. Murphy explained this is an annual agreement with the school district that outlines the School Resource Officer (SRO) responsibilities and duties as well as the financial responsibilities of the city and school. The language of the agreement was approved by the school district board.
 - Alderman Skinner asked if the SRO's were able to carry their issued weapons into the school. Chief Turner confirmed the officers were able to carry their issued weapons in the school.
- *Motion to approve Resolution No. R23-28 was voted upon with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

-Resolution No. R23-28 Approved: 6-0-

ITEM XV: Ordinances

Bill No. B23-06: An Ordinance Approving a Petition to Establish the Creekside Village Community Improvement District; Establishing the Term of Existence of the District; Directing the City Clerk to Report the Creation of the District to the Missouri Department of Economic Development; and Authorizing Certain Actions Related Thereto

Bill No. B23-06 was read by Deputy City Clerk Khalilah Holland for the second reading by title only

- *Alderman Knox moved to accept the second reading of Bill No. B23-06 and approve it as ordinance #2413*
- *The Motion was Seconded by Alderman Skinner*
 - Mr. Murphy stated this is the second read of the ordinance to establish a Community Improvement District (CID) from a previous agenda to allow the applicant more time to schedule a meeting with those who would be impacted by the creation of the CID; however, only the Ward III Aldermen attended the meeting. There were no residents who attended the meeting the applicant scheduled.
 - Mayor Todd asked if the CID is not approved, and the alleys continue to deteriorate would the responsibility return to the city to condemn or fix the alleys and seek reimbursement. Mr. Murphy stated these are private alleys and the city has not had to address this type of situation but would be like a parking lot not meeting code requirements. Mr. Lauber further explained if the alleys were left to such disrepair it would be the owners issue and there would be a civil suit to recover damages. Mr. Lauber stated the city would be responsible for nuisance enforcement.
 - Alderman Skinner stated he doesn't like setting a precedent for other HOA's to establish a CID for a way to improve the community without the homeowner's approval. Alderman Skinner is concerned about the lack of oversight of the CID by not requiring any independent members to be on the CID and in this situation it's the HOA board members who would be the CID board members. Alderman Skinner is bothered by the lack of competitive procurement of services. Alderman Skinner stated the alley condition should be handled by the HOA through private funds and the city should not be involved.
 - Alderman Cleaver infers by no residents showing up to the meeting the residents are neither for nor against the CID.
 - Bill Moore attorney with Rouse Frets White Goss Gentile Rhodes addressed the Board and stated notices were sent to the residents and stated the petition to

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

establish the CID exceeded the state statute requirements.

- Mr. Trosen stated the city stopped receiving complaints on the conditions of the alleyways when it became clear the city was not responsible for maintenance.
- Mr. Moore state the purpose of creating the CID is to allow the HOA to borrow funds to pay for the repairs, a period of time to fix the alleys and establish a maintenance fund instead of a large amount of money being required upfront by the homeowners to cover the cost to repair.
- Mr. Moore stated the length of the CID would be related to the assessment required to repair, maintain the alley and pay the annual debt. The CID is there to be a funding mechanism not a governing body. The HOA board members are the governing body.
- Alderman Bass asked how much advanced notice was given to the residents. Mr. Moore stated the residents were given more than a weeks' notice.
- Alderman Bass requested clarification on the voting restrictions of the homeowners, how many units are in the HOA and how many units are owned by non-local investors. Mr. Moore explained the voting requirements, estimated the number of units to be 63 and the number of non-local owners to be more than 50 percent. Alderman Bass asked if a virtual meeting link was provided for the meeting. Mr. Moore said a virtual meeting link was not provided. Alderman Bass stated it concerned him and alarmed him that no owners showed up to the HOA meeting in support of the CID. Alderman Bass stated he generally agrees with Alderman Skinners concerns and does not think city government should be involved in private matters unless its an extenuating circumstance. Alderman Bass is concerned about the controls of the bidding process through the HOA.
- Alderman Arnold stated concern about the assessment added to the homeowners personal property taxes and if the homeowners aren't able to pay their personal property taxes after a number of the years their house may be foreclosed by non-payment and as a HOA a lien on the property would not be satisfied until the property is sold and there may be a hardship for those who are limited income homeowners.
- *Motion to accept the second reading of Bill No. **B23-06** and approve it as ordinance #2413 was voted upon with the following roll call vote:*
 - *Aye: Cleaver, Mills*
 - *Nay: Bass, Knox, Skinner, Arnold*
 - *Abstain:*

-Bill No. B23-06 FAILED 2-4-0

Bill No. B23-08: An Ordinance of the Board of Aldermen of the City of Grain Valley, Missouri, Amending Chapter 650 of the Municipal Code to Add a New Section 650.020 Regarding the Rates of Gross Receipts Taxes for All Applicable Utilities Operating in the City

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

Bill No. B23-08 was read by Deputy City Clerk Khalilah Holland for the first reading by title only

- *Alderman Arnold moved to accept the first reading of Bill No. **B23-08** and bring it back for a second reading by title only*
- *The Motion was Seconded by Alderman Skinner*
 - Mr. Murphy explained Spire Energy received approval for a greater than 7 percent increase in their rates. Due to state statute, the city needs to pass an ordinance to maintain its current percentage of gross receipts from the utility company.
 - Mr. Lauber credits Mr. Craig for bringing it to his firm's attention, as the cities the firm represents had not seen the notice by Spire Energy. Mr. Lauber apologized for the Board needing to have a 1st and 2nd read on the same evening but there is a statutory 90-day deadline after the approval of the Public Service Commission that expires on March 19, 2023 for the city pass an ordinance to maintain its current percentage.
- *Motion to accept the first reading of Bill No. **B23-08** and bring it back for a second reading was voted upon with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved 6-0-

Bill No. B23-08: An Ordinance of the Board of Aldermen of the City of Grain Valley, Missouri, Amending Chapter 650 of the Municipal Code to Add a New Section 650.020 Regarding the Rates of Gross Receipts Taxes for All Applicable Utilities Operating in the City

Bill No. B23-08 was read by Deputy City Clerk Khalilah Holland for the second reading by title only

- *Alderman Arnold moved to accept the second reading of Bill No. **B23-08** and approve it as ordinance #2414*
- *The Motion was Seconded by Alderman Skinner Cleaver*
 - None
- *Motion to accept the first reading of Bill No. **B23-08** and approve it as ordinance #2414 was voted upon with the following roll call vote:*
 - *Aye: Bass, Bass, Cleaver, Knox, Mills, Skinner, Arnold*
 - *Nay:*
 - *Abstain:*

-Bill No. B23-08 Became Ordinance #2414 6-0-

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

Bill No. B23-09: An Ordinance to Amend the Future Land Use Map in the 2014 Comprehensive Plan

Bill No. B23-09 was read by Deputy City Clerk Khalilah Holland for the first reading by title only

- *Alderman Bass moved to accept the first reading of Bill No. **B23-09** and bring it back for a second reading by title only at the next regular meeting*
- *The Motion was Seconded by Alderman Knox*
 - Mr. Murphy explained this is the change from single family to business park designation of future land use map.
- *Motion to accept the first reading of Bill No. **B23-09** and bring it back for a second reading was voted upon with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved 6-0-

Bill No. B23-10: An Ordinance Changing the Zoning on Approximately 4.83 Acres From District R-1 (Single Family Residential District) to R-1P (Single Family Residential District - Planned Overlay District) and change the Zoning on Approximately 11.44 Acres From District R-1 (Single Family Residential District) to District M-1P (Light Industrial - Planned Overlay District) and Approval of Preliminary Development Plan for Creekside Village 4th Plat

Bill No. B23-10 was read by Deputy City Clerk Khalilah Holland for the first reading by title only

- *Alderman Cleaver moved to accept the first reading of Bill No. **B23-10** and bring it back for a second reading by title only at the next regular meeting*
- *The Motion was Seconded by Alderman Skinner*
 - Mr. Murphy explained this is the zoning change.
 - Alderman Skinner asked who currently maintains Seymour north of Wolf Creek. Mr. Trosen stated the city owns it to the north property line of the track. The city owns Seymour Road because it was annexed when obtaining the ground to the east of Seymour Road. The city owns near Mcquerry Road to the northern portion of the property. Mr. Trosen confirmed maintenance of the road does not change.
- *Motion to accept the first reading of Bill No. **B23-10** and bring it back for a second reading was voted upon with the following voice vote:*
 - *Aye: Arnold, Bass, Cleaver, Knox, Mills, Skinner*
 - *Nay:*
 - *Abstain:*

-Motion Approved 6-0-

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

ITEM XV: City Attorney Report

- Mr. Lauber reported his firm has a new associate joining the firm and an offer has been extended to another associate.

ITEM XVI: City Administrator & Staff Reports

- City Administrator Ken Murphy
 - None
- Deputy City Administrator Theresa Osenbaugh
 - None
- Police Chief Ed Turner
 - None
- Finance Director Steven Craig
 - None
- Parks & Recreation Director Shannon Davies
 - None
- Community Development Director Mark Trosen
 - Mr. Trosen presented an example of a public notice sign to be placed on property designated for public hearings to be posted 15 days prior to the public hearing.
- Deputy City Clerk Khalilah Holland
 - None

ITEM XVIII: Board of Aldermen Reports & Comments

- Alderman Dale Arnold
 - Heartfelt condolence to the City of Hermann for the loss of officer and an injured officer
- Alderman Shea Bass
 - None
- Alderman Tom Cleaver
 - None
- Alderman Rick Knox
 - None
- Alderman Darren Mills
 - none
- Alderman Ryan Skinner
 - Extended condolences to the City of Hermann as well

ITEM XVIII: Mayor Report

- None

ITEM XIX: Executive Session

- None

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber

ITEM XX: Adjournment

- The meeting adjourned at 8:57 P.M.

Minutes submitted by:

Khalilah Holland
Deputy City Clerk

Date

Minutes approved by:

Mike Todd
Mayor

Date

Unofficial

ELECTED OFFICIALS PRESENT

Mayor Mike Todd
Alderman Dale Arnold
Alderman Shea Bass
Alderman Tom Cleaver
Alderman Rick Knox
Alderman Darren Mills
Alderman Ryan Skinner

ELECTED OFFICIALS ABSENT

STAFF OFFICIALS PRESENT

City Administrator Ken Murphy
Deputy City Administrator Theresa Osenbaugh
Chief Ed Turner
Finance Director Steven Craig
Parks and Recreation Director Shannon Davies
Community Development Director Mark Trosen
Deputy City Clerk Khalilah Holland
City Attorney Joe Lauber