



MINUTES

City of Peculiar
Board of Aldermen Regular Meeting
Ray-Pec Innovation Academy – 21001 S. School Road
Monday, October 21, 2024
6:30 p.m.

1. Call to Order

Mayor Doug Stark called the regularly scheduled Board of Aldermen meeting to order at 6:30pm.

2. Pledge of Allegiance

All who were present joined the Mayor in reciting the Pledge of Allegiance.

3. Roll Call

The following Aldermen responded to roll call:

Alderman Smith
Alderman Gallagher
Alderman Poland
Alderman Shatto
Alderman Conrad
Alderman Wells

City Staff present for the meeting:

City Administrator, Mickey Ary
Deputy City Clerk, Cama Suess
Development Services Director, Roger Kroh
Lauber Municipal Law
Police Chief, Don Shepard

4. Agenda Approval

Mr. Ary advised there were no changes to the agenda.

5. Consent Agenda

A. Approval of Draft Minutes for September 16, 2024 BOA Meeting

Alderman Wells thanked the Deputy City Clerk for corrections made to the September 16, 2024 Board of Aldermen meeting minutes.

B. Approval of Draft Minutes for October 7, 2024 BOA Meeting

Alderman Wells motioned to approve both the September 16m, 2024 and the October 7, 2024 consent agendas. Seconded by Alderman Conrad. Motion passed unanimously (6-0).

6. Agenda Requests

None

7. Unfinished Business

None

8. New Business

A. Bill 2024-17 – 1st Reading & 2nd Reading

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE TO AMEND CHAPTER 400 OF THE CODE OF ORDINANCES OF THE CITY OF PECULIAR, MISSOURI, TO REMOVE THE DEFINITION OF DATA CENTER FROM SECTION 400.120 AND TO REMOVE DATA CENTERS AS A PERMITTED USE IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT FROM SECTION 400.502.

Mr. Ary advised this Bill was focused on the removal of data centers from the City code of Ordinances. He stated a directive was given by the Board of Aldermen at the September 16, 2024 meeting to return the matter to the Planning Commission with a 509 vote. It was also requested by the Aldermen that the hearings be expedited resulting in the cancellation of the October 10, 2024 Planning Commission meeting and scheduling of the October 17, 2024 Planning Commission meeting to facilitate proper public notice.

Mr. Ary explained that the Planning Commission had returned a 3-3 vote regarding the removal of data centers from the City code and therefore no recommendation was made to the Board of Aldermen by the Planning Commission. He stated that City staff had no recommendation to the Board of Aldermen.

Mayor Stark stated the meeting would move to Public Hearing and three minutes would be given to each speaker to address the Board.

Cindy Galbraith of 12603 E. Beth Lee Drive spoke in favor of removing data centers from the light industrial zoning district. She stated that Peculiar had the unique quality of being close to the city while maintaining a small town rural feel and that there were many open spaces that would be attractive to potential incoming businesses. She asked the Board to slow the process and consider all needs and costs when approving projects for the protection of the community.

Shannon Walter of 22903 S. Fox's Den spoke in favor of removing data centers from the City code. She stated she had asked questions about how the roads would be affected and was not given any answers by the developer. She stated there had been issues

with the roads in Fox's Den when it was built and felt this project would be even more destructive. She asked that the Board keep their word to follow the desires of the citizens and remove data centers as a permitted use in the City code.

Becky Wiseman of 9407 E. 203rd Street spoke in favor of removing data centers from the City code. She stated she had lived in Peculiar since her address was a route and box number and they got their mail from a neighbor and hauled their water. She said they had chosen not to be annexed by the City and did not receive City services. She said when she originally heard about the data center project and asked the City about it, she was advised there was not an active project. She stated when the project was announced she attended meetings and did research and found things she was not in favor of and she hoped the Board would remove data centers from the ordinances and as a permitted use until a comprehensive plan could be completed and reworded.

Vicki Howe of 9200 E. 201st Street spoke in favor of removing data centers from the City code. She expressed appreciation to the Aldermen for listening to the citizens concerns. She stated her family had moved to Peculiar 8 years prior after several military moves and enjoyed the rest and respite. She stated that due to the health issues she and her daughter had, she did not want the worry associated with living near diesel generators. She asked the Board to remove data centers from the City code to allow time for them to be looked at in depth and decisions to be made accordingly.

Mary Luttrell of 9801 E. 241st Street spoke in favor of removing data centers from the City code. She stated that living near the power plant she saw the line preparation being done to accommodate the potential data center. She stated she understood that data centers were part of the growing technology community but felt that the added noise of the power plant generators running devalued her property. She expressed concern that the added cost of the water needed to cool the data center generators would be passed on to the citizens. She asked the Board to reconsider data centers as a permitted use and remove any tax abatements in future projects.

Patti DePardo of 9104 E. 203rd Street spoke in favor or removing data centers from the City code. She asked the board for 5 minutes to speak instead of the 3 allowed minutes, which was denied by the Mayor.

Alderman Wells motioned to allow Ms. DePardo to speak for 5 minutes. Seconded by Alderman Shatto.

Roll Call:

Alderman Conrad	NAY
Alderman Gallagher	AYE
Alderman Poland	AYE
Alderman Shatto	AYE
Alderman Smith	NAY

Motion passed (4-2).

Ms. DePardo stated she had come to a Board meeting in June and asked the Board members if they wanted a data center at the end of their driveways. She felt the Board had been misled by Staff and only given partial information about data centers and that the developer had assumed the Board would give blanket approval to the project. She thanked the Board for enduring stress and going against the developer. She stated she worked for a Congressman's office and that the City Administrator had called her employer asking for her to be fired because she was speaking at Board meetings. She explained that she had moved to Peculiar in 2017 and her husband had passed away 15 months later. She stated that she had listed her house for sale but it would not sell because of the proposed data center so she had removed it from the market. She asked the Board to consider the effect that data centers would have on peoples lives.

Tim Wiseman of 9407 E. 203rd Street spoke in favor of removing data centers from the City code. He stated that most citizens were not well versed in politics but had to redirect their resources and time to fight against the data center. He felt data centers preyed on small towns. He stated he built his home in 2003 and had invested in both the town and the citizens. He felt data centers should not be within City limits and the code should reflect that.

Brady Shelton of 10009 E. 212th Street spoke in favor of removing data centers from the City code. He stated he lived in the North Pointe Subdivision and he chose Peculiar to live in as his wife and he both were from the Cass County area. He stated that Peculiar had the unique status of being a small town but also being 20 minutes from any large City advantages. He stated he had bought his home in 2019 and built equity that would be needed for his retirement and expressed concern about property being devalued. He felt that data center developers looked for communities like Peculiar with resources and accommodating laws. He felt that after research there were several categories of data centers and felt any data center should be a Special Use Permit on a case by case basis.

Otto Sontheimer of 731 Meadow Lane spoke in favor or removing data centers from the City code. He stated the City did not know enough about data centers to approve them and needed to keep data centers out until further research was completed. He stated the world was watching how Peculiar handled the matter of data centers and had confidence the Board would make the right decision. He felt there were other viable industries that would be interested in Peculiar due to the same infrastructure and work force that had attracted the data center. He stated the citizens needed to forgive and move forward while holding onto the lessons learned.

John Kant of 12307 S. Burr Oak Circle spoke for pursuing data centers for the City. He stated that the current project might not be right for Peculiar but that data centers as a whole were good for the community. He felt that further research and consideration was needed to bring any data center in line with the one he was employed at in Olathe. He stated the City of Olathe had restrictions on the data center that made it a good project for the City and mitigated many of the concerns.

Rick Brattin, Missouri State Senator spoke in favor of removing data centers from the City code. He stated he had attended thousands of public hearings on data center law affecting millions of people in the state of Missouri. He stated that reassessment and reevaluation was needed and asked the Board to listen to the citizens and pause before approving any data center. He felt that data centers were needed for the future but further assessment was needed, possibly at the State level to protect life, liberty and property of the citizenry. He expressed that he was not attacking the Board, but he did encourage them to listen to the citizens.

Chad Buck of PO Box 945 spoke in favor of removing data centers from the City code. He stated the ordinance was passed improperly in April due to improper public notice. He felt the Aldermen had the opportunity to start over with regard to data centers and make decisions that are not tied to a specific developer or moratorium. He felt the community could be respectful and civil going forward and work together on a new comprehensive plan for the City as the current plan was made in 2015 before data centers were even established. He apologized for previous remarks and expressed desire to move forward.

Mike Bayers of 21708 S. Knight Road spoke in favor of removing data centers from the City code. He stated he had moved to Peculiar 3 years prior knowing about the comprehensive plan for future development. He stated he was not against data centers but felt they did not need to have exceptions written for them. He expressed desire for the Board to remove the data center permitted use and start over on their approval.

Alderman Wells spoke stating he had done many hours of research on data centers and felt that data centers needed to be removed from City code and the process started over. He stated data centers had been compared to software computer manufacturing without listing the demands on infrastructure which he had found to be inaccurate. He stated there were many types of data centers that needed to be addressed separately and not under one umbrella ordinance. He felt there must be trust between the Board members and City staff and that City staff must provide accurate and professional recommendations to the Board on projects. He stated that removing data centers from City code would allow the City to reset and update the 2015 Comprehensive Plan for the entire district. He felt this would allow for transparency, open communication and public trust.

Alderman Wells motioned to approve the ordinance to remove data centers from City code and look into a new Comprehensive Plan. Seconded by Alderman Shatto.

Mayor Stark asked for the 1st Reading of Bill 2024-17 by title only.

Deputy City Clerk Cama Suess read Bill 2024-17 by title only.

Alderman Shatto motioned to approve the 1st Reading of Bill 2024-17. Seconded by Alderman Wells.

Roll Call:

Alderman Conrad	AYE
Alderman Gallagher	AYE
Alderman Poland	AYE
Alderman Shatto	AYE
Alderman Smith	AYE
Alderman Wells	AYE

Motion passed unanimously (6-0).

Mayor Stark asked for the 2nd Reading of Bill 2024-17 by title only.

Deputy City Clerk Cama Suess read Bill 2024-17 by title only.

Alderman Shatto motioned to approve the 2nd Reading of Bill 2024-17. Seconded by Alderman Wells.

Roll Call:

Alderman Conrad	AYE
Alderman Gallagher	AYE
Alderman Poland	AYE
Alderman Shatto	AYE
Alderman Smith	AYE
Alderman Wells	AYE

Motion passed unanimously (6-0).

9. Finance Committee Report

A. Finance Committee Report

None was given as the Finance Committee meeting prior was cancelled.
Financial documents included in the City Administrator Report.

10. City Administrator Report

A. City Administrator Report

Mr. Ary stated that the Wastewater Treatment Plant Project had a bid opening on October 17, 2024. Only one bid was received despite 7-8 contractors being at the pre-construction meeting. In accordance with City code, that bid was returned to the contractor unopened and the project will begin the process again. The next pre-construction meeting will be held on October 28, 2024 with the bid opening to be held on November 7, 2024.

Mayor Stark asked if the engineer knew why only one contractor placed a bid for the project and Mr. Ary advised the engineer was researching that.

Mr. Ary advised that the City Administrator Report stated that he had attended the Chamber of Commerce coffee event, but that he had been called away on another matter and did not attend, but had provided the donuts and coffee for the event.

11. Board of Aldermen/Mayor Reports and Comments

None

12. Aldermen Directives

Agenda	Approved
Draft Minutes September 16, 2024	Approved
Draft Minutes October 7, 2024	Approved
Bill 2024-17 1 st Reading & 2 nd Reading	Approved

13. Other

Alderman Shatto apologized to the community for how the data center project was handled. He felt the code needed to be reevaluated and set backs determined for future projects and more questions needed to be asked and answered before approval on projects. He apologized to his family for how they had been treated during the process.

14. Closed Session per RSMo. 610.021 (Subsection 1 Litigation, Subsection 2 Real Estate, Subsection 3 Personnel, Subsection 12 Contract Negotiations)

Alderman Conrad motioned to go into closed session for Subsection 1 Litigation at 7:34pm. Seconded by Alderman Smith.

Roll Call:

Alderman Conrad	AYE
Alderman Gallagher	AYE

Alderman Poland	AYE
Alderman Shatto	AYE
Alderman Smith	AYE
Alderman Wells	AYE

Motion passed unanimously (6-0).

Attendance in Closed Session:

Roll Call:

Alderman Conrad	PRESENT
Alderman Gallagher	PRESENT
Alderman Poland	PRESENT
Alderman Shatto	PRESENT
Alderman Smith	PRESENT
Alderman Wells	PRESENT

Discussion ensued.

Alderman Wells motioned to leave Closed Session at 7:42pm. Seconded by Alderman Gallagher.

Roll Call:

Alderman Conrad	AYE
Alderman Gallagher	AYE
Alderman Poland	AYE
Alderman Shatto	AYE
Alderman Smith	AYE
Alderman Wells	AYE

15. Adjourn

Alderman Shatto motioned to adjourn the Board of Alderman meeting at 7:45pm. Seconded by Alderman Wells. Motion passed unanimously (6-0).

Adjournment at 7:48pm.