



**City of Smithville, Missouri**  
**Board of Aldermen – Regular Session Agenda**  
**7:00 p.m. Tuesday, October 17, 2023**  
**City Hall Council Chambers and Via Videoconference**

Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the City's FaceBook page.

Public Comment can be made in person or via Zoom, if by Zoom please email your request to the City Clerk at [ldrummond@smithvillemo.org](mailto:ldrummond@smithvillemo.org) prior to the meeting to be sent the meeting Zoom link.

1. Call to Order
2. Pledge of Allegiance
3. Public Hearing – Sewer Rates
4. Public Hearing – Fairview Crossing CID
5. Consent Agenda

Join Zoom Meeting

<https://us02web.zoom.us/j/83724526769>

Meeting ID: 837 2452 6769

Passcode: 571494

- Minutes
  - October 3, 2023, Board of Aldermen Regular Session Minutes
- Finance Report for September
- Resolution 1275, Agreement with the Smithville Chamber of Commerce  
A Resolution authorizing and directing the Mayor to execute an agreement with Smithville Chamber of Commerce for the purpose of providing services in the amount of \$10,000.
- Resolution 1276, Emergency Purchase  
A Resolution authorizing an emergency purchase of a new SCADA and PLC System at the water treatment plant.

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

6. Committee Reports  
Planning and Zoning Commission

7. City Administrator's Report

**ORDINANCES & RESOLUTIONS**

8. Bill No. 3008-23, Adopt the FY2024 Operating Budget – 2<sup>nd</sup> Reading  
An Ordinance adopting the FY2023 Annual Operating Budget. 2<sup>nd</sup> reading by title only.
9. Bill No. 3009-23, Creation of a 110 Smithville Tax Increment Fund – 2<sup>nd</sup> Reading  
approving the creation of the 110 Smithville Tax Increment Financing Fund to account for the receipt of and expenditures from that allocation separate from any other monies. 2<sup>nd</sup> reading by title only.
10. Bill No. 3010-23, Amending Utility Rates for Non-Residents – 2<sup>nd</sup> Reading  
An Ordinance amending the utility rates for non-residents. 2<sup>nd</sup> reading by title only.

- 11. Bill No. 3011-23, Amendment to Chapter 520, Sidewalks, Streets and Miscellaneous Public Places – 2<sup>nd</sup> Reading**  
An Ordinance amending Chapter 520, Sidewalks, Streets and Miscellaneous Public Places. 2<sup>nd</sup> reading by title only.
- 12. Bill No. 3012-23, Establishment of the Fairview Crossing North CID – 1<sup>st</sup> Reading**  
An Ordinance approving the petition for establishment of the Fairview Crossing Community Improvement District, establishing the district, and making findings and authorizing actions related to establishment of the district. 1<sup>st</sup> reading by title only.
- 13. Bill No. 3013-23, Short-Term Rentals - 1<sup>st</sup> Reading**  
An Ordinance enacting a new chapter 625 of the Code of Ordinances pertaining to short-term rentals. 1<sup>st</sup> reading by title only.
- 14. Resolution 1277, Amending the Schedule of Fees**  
A Resolution adopting amendments to the Schedule of Fees.
- 15. Resolution 1278, Amending the Employee Compensation Plan**  
A Resolution adopting amendments to the Employee Compensation Plan.
- 16. Resolution 1279, Amending the Employee Handbook**  
A Resolution adopting amendments to the Employee Handbook.
- 17. Resolution 1280, Temporary Liquor License – Wine Walk**  
A Resolution approving a temporary liquor license to Smithville Main Street District for operation of the Wine Walk on November 11, 2023.
- 18. Resolution 1281, Downtown Sidewalk Guidelines**  
A Resolution adopting a new Downtown Sidewalk Guidelines and Use Guidelines for the Central Business District.
- 19. Resolution 1282, Change Order No. 1, Quincy Boulevard**  
A Resolution approving Change Order No. 1 with Amino Brothers in the amount of \$24,504.85 for additional asphalt for Quincy Boulevard improvements.
- 20. Resolution 1283, Liquor License – Donna Marie Shear**  
A Resolution issuing a Liquor License to Donna Marie Shear for the Operations of Sunny's.

#### **OTHER MATTERS BEFORE THE BOARD**

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- 21. Public Comment**  
**Pursuant to the public comment policy, a request must be submitted to the City Clerk prior to the meeting. When recognized, please state your name, address and topic before speaking. Each speaker is limited to three (3) minutes.**
- 22. Appointment**  
The Mayor will make the re-appointments for the Planning and Zoning Commission and the Board will vote.
  - Dennis Kathcart
  - Billy Muessig  
The Mayor will make an appointment for the Economic Development Committee and the Board will vote.
  - Re-appointment – Stephen Langley
  - Pat Luce
- 23. New Business From The Floor**  
Pursuant to the order of business policy, members of the Board of Aldermen may request a new business item appear on a future meeting agenda.
- 24. Adjournment to Executive Session Pursuant to Section 610.021(3) RSMo. Employee Personnel Matters**



## **NOTICE OF MEETING**


Public notice is hereby given that a meeting of the Board of Aldermen of the City of Smithville, Missouri, will be held at the City's Board of Aldermen Room at Smithville City Hall, 107 W Main Street, Smithville, Missouri, on October 17, 2023, at 7:00 P.M., to consider and act upon the matters on the following tentative agenda and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

1. A public hearing regarding the establishment of the Fairview Crossing Community Improvement District.
2. An Ordinance approving the Petition for Establishment of the Fairview Crossing Community Improvement District, establishing the District, and making findings and authorizing actions related to the establishment of the District.
3. Other matters.

The meeting will be open to the public.

DATED: October 10, 2023.

**LINDA DRUMMOND,**  
City Clerk

	<div>STAFF REPORT</div>
<b>Date:</b>	October 17, 2023
<b>Prepared By:</b>	Stephen Larson
<b>Subject:</b>	Utility Rate Increases – Public Hearing

The Board of Aldermen has asserted that it would like to move forward with implementing recommended rate increases from the July 18, 2023, Work Session. These rates would be effective for the November 2023 utility bills (which would be mailed to utility customers in early December 2023). This includes a 15% increase to the monthly water base charge and volumetric charge and a 15% increase to the monthly wastewater base charge and volumetric charge. RSMo 250.233 requires that a Public Hearing be held prior to increasing sewer rates and requires that notification of the Public Hearing be published in a newspaper of general circulation in Smithville at least 30 days prior to the hearing.

## Utility Rate History – Water & Wastewater Charges

The following charts compare the proposed water and sewer structure and rates with water and sewer structure and rate history dating back to **March 1, 2021**. The amounts listed are for both residential and commercial customers, except for those marked with an asterisk (\*), where the first amount listed is for residential customers and the second amount listed is for commercial customers.

Water Meter Service Charge	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
3/4" Meter	\$11.21	\$11.77	\$12.78	\$14.70
1" Meter	\$11.21 / \$17.64*	11.77 / 18.52	\$12.78 / \$20.09*	\$14.70 / \$23.10
2" Meter	\$52.97	\$55.62	\$60.35	\$69.40
3" Meter	\$103.95	\$109.15	\$118.43	\$136.19
4" Meter	\$162.18	\$170.29	\$184.77	\$212.49
6" Meter	\$322.78	\$338.92	\$368.82	\$424.14

Water Usage Rate by Volume	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
Per 1,000 Gallons	\$7.89	\$8.33	\$9.04	\$10.40



Wastewater Service Charge	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
3/4" Meter	\$14.56	\$16.02	\$18.43	\$21.19
1" Meter	\$14.56 / \$23.15*	\$16.02 / \$25.47*	\$18.43 / \$29.29*	\$21.19 / \$33.68
2" Meter	\$70.40	\$77.46	\$89.08	\$102.44
3" Meter	\$149.52	\$164.52	\$189.20	\$217.58
4" Meter	\$216.42	\$238.13	\$273.85	\$314.93
6" Meter	\$431.17	\$474.42	\$545.59	\$627.43

Wastewater Usage Rate by Volume	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
Per 1,000 Gallons	\$5.84	\$6.68	\$7.69	\$8.84

### Rate Adjustments – Impact on 5,000 Gallon Residential User

All residential customers have a ¾" or 1" meter servicing the residence. With the monthly service fees identical for both size meters, below is a projected utility bill for a residential customer with a ¾" meter and **5,000 gallons of usage**. This comparison table shown below does not include the monthly trash charge.

Projected Utility Bill for 5,000 Gallon User (Excludes Monthly Trash Charge)	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
3/4" Meter - Water Service Charge	\$11.21	\$11.77	\$12.78	\$14.70
Water Usage Charge - 5,000 Gallons	\$39.45	\$41.65	\$45.20	\$52.00
Residential Water Sales Tax (1.000%)	\$0.51	\$0.53	\$0.58	\$0.67
DNR Fee For 3/4" Meter	\$0.31	\$0.31	\$0.50	\$0.50
3/4" Meter Wastewater Service Charge	\$14.56	\$16.02	\$18.43	\$18.43
Wastewater Usage Charge - 5,000 Gallons	\$29.20	\$33.40	\$38.45	\$44.20
<b>Grand Total</b>	<b>\$95.24</b>	<b>\$103.68</b>	<b>\$115.94</b>	<b>\$130.50</b>

## Rate Adjustment Impact – Contracted User’s Monthly Bill (PWSD #8)

The City has a contract with PWSD #8 to supply water at a special rate (this is the only special contract the City has for water services). That contract was effective November 2<sup>nd</sup>, 2016, and runs through November 2<sup>nd</sup>, 2031. The current rate is **\$5.40** per 1,000 gallons. Section C-3 of that contracts dictates that “any increase in such rates shall not be greater than the same percentage of increase as [the] City charges its own citizen retail customers” and that “any such change in rate shall become effective at the same time as such change becomes effective to [the] City’s own citizen retail customers.” The proposed percentage increase in water usage charges for citizen retail customers is 8.50%. Therefore, the proposed rate for this contract would increase to **\$6.21** per 1,000 gallons (an increase of 15.00%). A projected bill for PWSD #8 is provided below.

Projected Utility Bill for PWSD #8 (188th Street) - Tax Exempt, Water Only	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
Water Usage Charge - 3,434,395 Gallons*	\$16,210.34	\$17,103.29	\$18,580.08	\$21,327.59
4" Meter (No Sewer) - DNR Fee	\$3.43	\$3.43	\$8.50	\$8.50
<b>Grand Total</b>	<b>\$16,213.77</b>	<b>\$17,106.72</b>	<b>\$18,588.58</b>	<b>\$21,336.09</b>

## Rate Adjustments – Impact on Commercial User’s Monthly Bill

Projected utility bills for several of the City’s largest remaining customers are provided throughout the rest of the staff report. The following tables show the impact of the last three rate adjustments on businesses and includes the most recently proposed increase.

### Clay County Parks – DD Highway Meter

Projected Utility Bill for Clay County Parks DD Hwy - Tax Exempt, Water Only	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
Water Usage Charge - 765,826 Gallons*	\$6,042.37	\$6,379.33	\$6,923.07	\$7,964.59
6" Meter (No Sewer) - DNR Fee	\$6.87	\$6.87	\$16.50	\$16.50
<b>Grand Total</b>	<b>\$6,049.24</b>	<b>\$6,386.20</b>	<b>\$6,939.57</b>	<b>\$7,981.09</b>

### Clay County Parks – F Highway Meter

Projected Utility Bill for Clay County Parks F Hwy (Tax Exempt, Water Only)	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
Water Usage Charge - 202,021 Gallons*	\$1,593.95	\$1,682.84	\$1,826.27	\$2,101.02
4" Meter (No Sewer) - DNR Fee	\$3.43	\$3.43	\$8.50	\$8.50
<b>Grand Total</b>	<b>\$1,597.38</b>	<b>\$1,686.27</b>	<b>\$1,834.77</b>	<b>\$2,109.52</b>

### St. Luke's Northland Hospital

Projected Utility Bill for St. Luke's Northland Hospital - Tax Exempt	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
4" Meter - Water Service Charge	\$162.18	\$170.29	\$184.77	\$212.49
Water Usage Charge - 378,347 Gallons*	\$2,985.16	\$3,151.63	\$3,420.26	\$3,934.81
4" Meter - DNR Fee	\$4.26	\$4.26	\$9.41	\$9.41
4" Meter - Wastewater Service Charge	\$216.42	\$238.13	\$273.85	\$314.93
Wastewater Usage Charge - 378,347 Gallons*	\$2,209.55	\$2,527.36	\$2,909.49	\$3,344.59
<b>Grand Total</b>	<b>\$5,577.57</b>	<b>\$6,091.67</b>	<b>\$6,797.78</b>	<b>\$7,816.23</b>

### Pro Car Wash – Park Drive Location

Projected Utility Bill for Pro Car Wash (Located on Park Drive)	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
3" Meter - Water Service Charge	\$103.95	\$109.15	\$118.43	\$136.19
Water Usage Charge - 215,474 Gallons*	\$1,700.09	\$1,794.90	\$1,947.88	\$2,240.93
Business Water Sales Tax (8.475%)	\$152.89	\$161.37	\$175.12	\$201.46
3" Meter - DNR Fee	\$4.26	\$4.26	\$9.41	\$9.41
3" Meter - Wastewater Service Charge	\$149.52	\$164.52	\$189.20	\$217.58
Wastewater Usage Charge - 215,474 Gallons*	\$1,258.37	\$1,439.36	\$1,656.99	\$1,904.79
<b>Grand Total</b>	<b>\$3,369.08</b>	<b>\$3,673.56</b>	<b>\$4,097.03</b>	<b>\$4,710.35</b>

## Pro Car Wash – W Second Street Location

Projected Utility Bill for Pro Car Wash (Located on W Second Street)	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
2" Meter - Water Service Charge	\$52.97	\$55.62	\$60.35	\$69.40
Water Usage Charge - 146,911 Gallons*	\$1,159.12	\$1,223.76	\$1,328.07	\$1,527.87
Business Water Sales Tax (8.475%)	\$102.72	\$108.43	\$117.67	\$135.37
2" Meter - DNR Fee	\$0.87	\$0.87	\$2.00	\$2.00
2" Meter - Wastewater Service Charge	\$70.40	\$77.46	\$89.08	\$102.44
Wastewater Usage Charge - 146,911 Gallons*	\$857.96	\$981.36	\$1,129.74	\$1,298.69
<b>Grand Total</b>	<b>\$2,244.05</b>	<b>\$2,447.50</b>	<b>\$2,726.91</b>	<b>\$3,135.77</b>

## Smithville Housing Authority

Projected Utility Bill for Smithville Housing Authority - Tax Exempt	Mar 1, 2021	Nov 1, 2021	Nov 1, 2022	Nov 1, 2023
2" Meter - Water Service Charge	\$52.97	\$55.62	\$60.35	\$69.40
Water Usage Charge - 152,831 Gallons*	\$1,205.83	\$1,273.08	\$1,381.59	\$1,589.44
2" Meter - DNR Fee	\$0.87	\$0.87	\$2.00	\$2.00
2" Meter - Wastewater Service Charge	\$70.40	\$77.46	\$89.08	\$102.44
Wastewater Usage Charge - 152,831 Gallons*	\$892.53	\$1,020.91	\$1,175.27	\$1,351.02
<b>Grand Total</b>	<b>\$2,222.60</b>	<b>\$2,427.94</b>	<b>\$2,708.28</b>	<b>\$3,114.30</b>

# AFFIDAVIT OF PUBLICATION

NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502

Reference: 269213  
Ad ID: 6747470

P.O. : DESC :BOA Meeting Oct. 17.Sewer Chrg Revisions

JACK HENDRIX  
CITY OF SMITHVILLE  
107 W. MAIN  
SMITHVILLE, MO 64089

County of Clay  
State of Missouri

I, SANDRA RIDINGS, being duly sworn according to law, state that I am the Legal Advertising Coordinator of THE COURIER TRIBUNE, a weekly newspaper of general circulation in the County of Clay County, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Liberty, Missouri, the city publication; which newspaper had been published regularly and consecutively for a period of four years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agree to pay a state price for a subscription for a definite period of time. Affiant further declares that said newspaper is qualified under and has complied with provision of Section 493.050 to 493.090, Missouri Revised Statutes 1949, as amended. The affixed notice appeared in said newspaper on the following consecutive week(s):

(Published in the Courier-Tribune Thurs. 8/31/23)

## NOTICE OF PUBLIC HEARING

Pursuant to Section 250.233 RSMo., a public hearing will be held during the City of Smithville Board of Aldermen meeting beginning at 7:00 PM Tuesday, October 17, 2023, at Smithville City Hall, 107 W Main Street, Smithville, Missouri, at which time citizens may be heard on proposed revisions to sewer charges for the City of Smithville.

NOTICE: \*Due to concerns for safety, public meetings and public comment during public meetings require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the City's YouTube page.

For Public Comment, please email your request to the City Clerk at [ldrummond@smithvillemo.org](mailto:ldrummond@smithvillemo.org) prior to the meeting to be invited via Zoom to access the meeting via internet or phone.

Run Dates: 08/31/23 to 08/31/23  
Appearances: 1  
AD SPACE: 71  
TOTAL COST: \$36.17

(Signed)

Subscribed and sworn before me this

31 day of August 2023  
Judy B. Moreno Notary Public

JUDY B. MORENO  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Buchanan County  
My Commission Expires: June 23, 2024  
Commission Number: 12544882



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:**

Administration/Finance/Public Works

**AGENDA ITEM:** Consent Agenda

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**REQUESTED BOARD ACTION:**

The Board of Aldermen can review and approve by a single motion. Any item can be removed from the consent agenda by a motion. The following items are included for approval:

- **Minutes**
  - October 3, 2023, Board of Aldermen Regular Session Minutes
- **Finance Report**

Financial Report for September 2023.
- **Resolution 1275, Agreement with the Chamber of Commerce**

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

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

**SUMMARY:**

Voting to approve would approve the Board of Aldermen minutes, finance report and Resolutions.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- |   |   |
|---|---|
| <input type="checkbox"/> Ordinance                        | <input type="checkbox"/> Contract           |
| <input checked="" type="checkbox"/> Resolution            | <input type="checkbox"/> Plans              |
| <input type="checkbox"/> Staff Report                     | <input checked="" type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Finance Report |   |



## **SMITHVILLE BOARD OF ALDERMEN REGULAR SESSION**

October 3, 2023 7:00 p.m.  
City Hall Council Chambers and Via Videoconference

### **1. Call to Order**

Mayor Boley, present, called the meeting to order at 7:00 p.m. following the work session. A quorum of the Board was present: Melissa Wilson, Leeah Shipley, Marv Atkins, Ronald Russell, Dan Ulledahl and Dan Hartman.

Staff present: Cynthia Wagner, Chief Lockridge, Jack Hendrix, Matt Denton and Linda Drummond. Chuck Soules was present via Zoom.

### **2. Pledge of Allegiance lead by Mayor Boley**

### **3. Consent Agenda**

- **Minutes**

- September 19, 2023, Board of Aldermen Work Session Minutes
- September 19, 2023, Board of Aldermen Regular Session Minutes

- **Resolution 1272, Leak Adjustment**

A Resolution approving wastewater adjustment in the amount of \$3,312.61 to commercial utility billing customer Hillside Development Corporation.

- **Resolution 1273, Leak Adjustment**

A Resolution approving water and wastewater adjustment in the amount of \$166.59 to utility billing customer Thomas Bloom.

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

No discussion.

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

## **REPORTS FROM OFFICERS AND STANDING COMMITTEES**

### **4. Committee Reports**

Alderman Hartman reported on the September 26, Economic Development Committee meeting. They had reports from the committee member entity representatives. They discussed the next steps for the Community of Art and partnering with Missouri University Extension and hope to bring information forward for Board of Aldermen discussion in a work session. They had a demonstration of the Comprehensive Plan Dashboard that is now live on the City website. They also discussed updates from various industries and reaching out to them to see if they have any interest in the City.

Mayor Boley reported on the September 27, Parks and Recreation Committee meeting. Their main discussion was on the Emerald Ridge Park design. The Parks and Recreation Department received two proposals and were reaching out for a third. Mayor Boley noted

that Emerald Ridge Park is located behind Victory Chevrolet. The project is in the FY2024 budget for new equipment that focuses on inclusivity and a wheelchair swing.

**5. City Administrator's Report**

Cynthia Wagner noted that included in her report was a lengthy description of the eight-inch waterline break last Wednesday. She thanked the utility staff for their work on the repairs and getting those repairs done as quickly as possible. The break significantly affected our water pressure, our water tower and water availability. The break affected most of the northern part of the City.

Cynthia's report includes other updates on [Public Works](#). She also noted that Mayra Toothman, Assistant to the Public Works Director has been accepted in the American Public Works Association Emerging Leaders Academy. Cynthia explained that there are only a limited number of available spots nationwide and we are excited Mayra will be able to participate in it and network with other public works leaders and create a connection for herself. Mayra will also be able to bring back information on best practices that she will be able to share.

Cynthia reminded the Board that the November 7, Board of Aldermen work session and regular session meetings are being moved to Monday, November 6, due to the election on November 7.

**ORDINANCES & RESOLUTIONS**

**6. Bill No. 3005-23, Stormwater Plan – Illicit Discharge – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approved Bill No. 3005-23, amending Section 520.110 Dumping or Depositing Dirt, Rock or other Material and enacting in its place a new Section 520.110 Dumping or Depositing Dirt, Rock or other Material. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3005-23 approved.

**7. Bill No. 3006-23, Amendment to the Subdivision Ordinance Stormwater Regulations – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approved Bill No. 3006-23, repealing Section 425.180 Subdivision Maintenance Provisions of the subdivision regulations of the Smithville Municipal Code and re-enacting a new section 425.180. 2<sup>nd</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3006-23 approved.

**8. Bill No. 3007-23. City Administrator's Spending Authority – 2<sup>nd</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3007-23, awarding Bid No. 23-10, repealing Sections 150.030 and 150.040 of the Code of Ordinance and enacting in its place a new Section 150.030 and 150.040 for approval and competitive bidding. 2<sup>nd</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 1, motion carries. Mayor Boley declared Bill No. 3007-23 approved.

**9. Bill No. 3008-23, Adopt the FY2024 Operating Budget – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3008-23, adopting the FY2023 Annual Operating Budget. 1<sup>st</sup> reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3008-23 approved first reading.

**10. Bill No. 3009-23, Creation of a 110 Smithville Tax Increment Fund – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3009-23, approving the creation of the 110 Smithville Tax Increment Financing Fund to account for the receipt of and expenditures from that allocation separate from any other monies. 1<sup>st</sup> reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

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

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

**11. Bill No. 3010-23, Amending Utility Rates for Non-Residents – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3010-23, amending the utility rates for non-residents. 1<sup>st</sup> reading by title only. Alderman Wilson seconded the motion.

Alderman Russell asked Cynthia to explain the reason for this amendment of the utility rate for non-residents.

Cynthia explained that in the process of reviewing and auditing utility records, Stephen Larson, Finance Director, found earlier this year that the rate that is outlined and had been previously adopted for residents outside of the City limits who only have sewer service, were not being charged the amount outlined in the Code of Ordinances. That rate is one and a half times that of a City limits resident. This amendment allows us to put into effect that increase. When staff was doing the research on this they found that this mistake goes back as far as 2013. Cynthia noted that for 10 years those living outside the City limits have been under charged for City sewer. She explained that we will not go back to recover any of those revenues. This is just adjusting the rate so they will be paying the correct rate.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3010-23 approved first reading.

**12. Bill No. 3011-23, Amendment to Chapter 520, Sidewalks, Streets and Miscellaneous Public Places – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approved Bill No. 3011-23, amending Chapter 520, Sidewalks, Streets and Miscellaneous Public Places. 1<sup>st</sup> reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

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

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

**13. Resolution 1274, Agreement Renewal for Snow Removal**

Alderman Ulledahl moved to approve Resolution 1274, renewing the agreement for Bid No. 21-19 to R&S Lawn Service for residential snow and ice control services in the amount of \$184 per hour. Alderman Atkins seconded the motion.

Alderman Russell noted that he had a lot of complements with the job that R&S did last winter, and he concurred.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1274 approved.

**OTHER MATTERS BEFORE THE BOARD**

**14. Public Comment**

None

**15. New Business from the Floor**

Alderman Russell proposed that we add a short prayer after the pledge to be lead by a city religious leader.

**16. Adjourn**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7: 12 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor



## FY2023 BUDGET - FINANCIAL UPDATE

9/30/2023

REVENUES BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,542,691.24	5,466,340.00	5,953,961.06	5,466,340.00	108.92%
CAPITAL PROJECTS FUND	289,753.81	40,000.00	-	40,000.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	692,937.19	1,160,435.00	699,744.05	1,160,435.00	60.30%
DEBT SERVICE FUND	351,550.00	354,845.00	354,845.00	354,845.00	100.00%
TRANSPORTATION SALES TAX FUND	623,946.76	589,713.00	612,713.39	589,713.00	103.90%
COMBINED WATER/WASTEWATER SYSTEMS FUND	7,599,377.78	9,340,817.00	5,443,937.51	9,340,817.00	58.28%
SANITATION FUND	813,121.89	915,860.00	796,047.45	915,860.00	86.92%
SPECIAL ALLOCATION FUND	9,285,969.81	705,000.00	764,546.77	705,000.00	108.45%
PARK & STORMWATER SALES TAX FUND	701,959.69	672,435.00	699,138.47	672,435.00	103.97%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	368,778.35	422,100.00	281,731.04	422,100.00	66.75%
COMMONS CID FUND	350,438.80	380,250.00	367,214.74	380,250.00	96.57%
DONATION FUND	3,305.00	10,500.00	21,476.43	10,500.00	204.54%
AMERICAN RESCUE PLAN ACT FUND	1,120,698.48	-	-	-	
	<b>27,744,528.80</b>	<b>20,058,295.00</b>	<b>15,995,355.91</b>	<b>20,058,295.00</b>	<b>79.74%</b>

EXPENDITURES BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,853,698.64	6,465,310.00	5,606,537.01	6,465,310.00	86.72%
CAPITAL PROJECTS FUND	127,000.00	84,000.00	83,729.34	84,000.00	
CAPITAL IMPROVEMENT SALES TAX FUND	536,192.40	1,355,370.00	473,319.75	1,355,370.00	34.92%
DEBT SERVICE FUND	339,212.50	343,040.00	343,040.00	343,040.00	100.00%
TRANSPORTATION SALES TAX FUND	656,800.23	992,246.00	491,947.41	992,246.00	49.58%
COMBINED WATER/WASTEWATER SYSTEMS FUND	3,630,014.60	13,121,615.00	5,307,053.15	13,121,615.00	40.45%
SANITATION FUND	818,525.83	900,600.00	785,746.55	900,600.00	87.25%
SPECIAL ALLOCATION FUND	7,244,891.86	1,656,902.00	823,371.49	1,656,902.00	49.69%
PARK & STORMWATER SALES TAX FUND	329,898.48	647,750.00	70,525.80	647,750.00	10.89%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	210,127.57	381,750.00	311,047.35	381,750.00	81.48%
COMMONS CID FUND	554,816.41	335,618.00	187,983.95	335,618.00	56.01%
DONATION FUND	-	20,000.00	15,972.30	20,000.00	
AMERICAN RESCUE PLAN ACT FUND	1,330,033.49	953,270.00	711,473.97	953,270.00	74.64%
	<b>21,631,212.01</b>	<b>27,257,471.00</b>	<b>15,211,748.07</b>	<b>27,257,471.00</b>	<b>55.81%</b>



## GENERAL FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	1,007,610.30	1,043,745.00	1,115,328.37	1,043,745.00	106.86%
SALES AND USE TAXES	2,122,572.19	2,068,284.00	2,152,270.10	2,068,284.00	104.06%
FRANCHISE TAXES	742,590.12	674,690.00	726,240.24	674,690.00	107.64%
OTHER TAXES	371,802.62	385,402.00	447,064.59	385,402.00	116.00%
LICENSES, FEES, AND PERMITS	402,259.69	408,964.00	319,855.65	408,964.00	78.21%
INTERGOVERNMENTAL REVENUES	48,263.29	53,210.00	60,136.28	53,210.00	113.02%
CHARGES FOR SERVICES	327,865.38	359,230.00	356,574.33	359,230.00	99.26%
FINES AND FORFEITS	123,682.24	117,775.00	110,765.39	117,775.00	94.05%
INTEREST	126,203.05	65,000.00	495,703.04	65,000.00	762.62%
DONATIONS	-	-	-	-	#DIV/0!
OTHER REVENUE	39,976.90	5,400.00	36,510.63	5,400.00	676.12%
DEBT ISSUED	1,807.91	3,300.00	-	3,300.00	
TRANSFERS IN	225,340.00	277,560.00	127,614.00	277,560.00	45.98%
	<b>5,539,973.69</b>	<b>5,462,560.00</b>	<b>5,948,062.62</b>	<b>5,462,560.00</b>	108.89%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	676,792.05	700,930.00	657,266.01	700,930.00	93.77%
STREET	1,086,191.52	1,607,960.00	1,068,139.03	1,607,960.00	66.43%
POLICE	2,304,749.38	2,227,070.00	2,163,761.28	2,227,070.00	97.16%
DEVELOPMENT	467,272.31	514,820.00	430,586.22	514,820.00	83.64%
FINANCE	443,700.30	466,260.00	419,714.18	466,260.00	90.02%
COURT	-	-	-	-	
PARKS & REC	786,066.42	859,000.00	797,766.04	859,000.00	92.87%
SENIOR CENTER	27,391.10	36,890.00	28,545.07	36,890.00	77.38%
ELECTED OFFICIALS	51,777.91	43,280.00	30,288.80	43,280.00	69.98%
ANIMAL SHELTER	9,757.65	9,100.00	10,470.38	9,100.00	115.06%
EMERGENCY	-	-	-	-	
	<b>5,853,698.64</b>	<b>6,465,310.00</b>	<b>5,606,537.01</b>	<b>6,465,310.00</b>	86.72%

## ADMINISTRATION

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,981.84	317,640.00	298,410.56	317,640.00	93.95%
PART-TIME WAGES	33,442.35	37,500.00	50,771.00	37,500.00	135.39%
OVERTIME WAGES	-	-	-	-	
FICA EXPENSE	24,516.20	27,170.00	25,902.89	27,170.00	95.34%
EMPLOYEE BENEFITS	19,898.78	23,080.00	32,418.65	23,080.00	140.46%
WORKER'S COMPENSATION	564.31	760.00	636.57	760.00	83.76%
RETIREMENT EXPENSE	25,680.89	33,390.00	28,287.08	33,390.00	84.72%
UNEMPLOYMENT BENEFITS	3,728.56	-	-	-	
<b>Personnel</b>	<b>401,812.93</b>	<b>439,540.00</b>	<b>436,426.75</b>	<b>439,540.00</b>	<b>99.29%</b>
REPAIRS & MAINTENANCE - BLDG	6,680.97	9,170.00	17,898.07	9,170.00	195.18%
REPAIRS & MAINTENANCE - EQUIP	6,693.10	8,840.00	8,389.41	8,840.00	94.90%
REPAIRS & MAINT - VEHICLES	-	-	-	-	
REPAIRS & MAINTENANCE - SFTWRE	18,115.03	19,400.00	21,498.86	19,400.00	110.82%
ELECTRICITY	1,305.28	2,050.00	1,125.30	2,050.00	54.89%
TELEPHONE/INTERNET	2,824.71	2,770.00	2,633.41	2,770.00	95.07%
MOBILE COMMUNICATIONS	2,410.07	2,490.00	2,270.03	2,490.00	91.17%
CAPITAL EXPENDITURES - EQUIP	-	19,000.00	22,394.40	19,000.00	117.87%
CAPITAL EXPENDITURES - SOFTWRE	-	60,000.00	11,600.00	60,000.00	19.33%
TOOLS & SUPPLIES	602.86	430.00	1,997.08	430.00	464.44%
<b>Operation and Maintenance</b>	<b>38,632.02</b>	<b>124,150.00</b>	<b>89,806.56</b>	<b>124,150.00</b>	<b>72.34%</b>
FUEL	-	-	-	-	
<b>Contractual Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Insurance</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
INSURANCE EXPENSE	5,343.67	6,650.00	15,921.26	6,650.00	239.42%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
TRAINING & TRAVEL EXPENSE	13,145.37	11,410.00	13,134.16	11,410.00	115.11%
OFFICE SUPPLIES	8,201.09	7,170.00	7,496.31	7,170.00	104.55%
<b>Office and Administrative</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
EMPLOYEE WELLNESS	-	-	112.97	-	11297.00%
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>112.97</b>	<b>-</b>	<b>11297.00%</b>
<b>Transfers Out</b>					
<b>TOTAL GENERAL FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#VALUE!</b>

# PUBLIC WORKS (STREET)

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	429,174.71	497,450.00	463,708.24	497,450.00	93.22%
PART-TIME WAGES	20,971.42	22,360.00	19,730.30	22,360.00	88.24%
OVERTIME WAGES	8,795.94	8,000.00	4,368.50	8,000.00	54.61%
FICA EXPENSE	32,153.05	40,380.00	34,310.25	40,380.00	84.97%
EMPLOYEE BENEFITS	67,071.29	88,190.00	86,352.10	88,190.00	97.92%
WORKER'S COMPENSATION	32,136.78	42,610.00	35,689.55	42,610.00	83.76%
RETIREMENT EXPENSE	37,250.46	47,520.00	39,855.83	47,520.00	83.87%
UNIFORM EXPENSE	1,956.61	3,000.00	3,439.71	3,000.00	114.66%
<b>Personnel</b>	<b>629,510.26</b>	<b>749,510.00</b>	<b>687,454.48</b>	<b>749,510.00</b>	<b>91.72%</b>
REPAIRS & MAINTENANCE - BLDG	38.66	1,000.00	52,346.44	1,000.00	5234.64%
REPAIRS & MAINTENANCE - EQUIP	1,620.45	1,490.00	503.54	1,490.00	33.79%
REPAIRS & MAINT - VEHICLES	2,626.95	1,500.00	1,613.62	1,500.00	107.57%
REPAIRS & MAINTENANCE - SFWRE	103,135.53	9,940.00	6,106.60	9,940.00	61.43%
ELECTRICITY	85,999.58	94,300.00	89,422.84	94,300.00	94.83%
PROPANE	5,058.39	10,000.00	6,049.80	10,000.00	60.50%
TELEPHONE/INTERNET	5,838.69	4,630.00	4,673.48	4,630.00	100.94%
MOBILE COMMUNICATIONS	4,848.98	5,200.00	6,348.72	5,200.00	122.09%
CAPITAL EXPENDITURES - EQUIP	2,076.77	-	95.25	-	9525.00%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
TOOLS & SUPPLIES	748.42	1,500.00	1,080.87	1,500.00	72.06%
FUEL	-	-	101.91	-	10191.00%
<b>Operation and Maintenance</b>	<b>211,992.42</b>	<b>129,560.00</b>	<b>168,343.07</b>	<b>129,560.00</b>	<b>129.93%</b>
PROFESSIONAL SERVICES	161,454.97	237,070.00	49,163.89	237,070.00	20.74%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Contractual Services</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
<b>Insurance</b>	<b>-</b>	<b>1,000.00</b>	<b>-</b>	<b>1,000.00</b>	<b>0.00%</b>
INSURANCE EXPENSE	13,806.82	19,370.00	20,634.24	19,370.00	106.53%
TRAINING & TRAVEL EXPENSE	4,287.44	3,000.00	6,678.17	3,000.00	222.61%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Office and Administrative</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
MEMBERSHIPS & SUBSCRIPTIONS	1,354.52	950.00	132.00	950.00	13.89%
<b>Capital Improvement Projects</b>	<b>1,354.52</b>	<b>950.00</b>	<b>132.00</b>	<b>950.00</b>	<b>13.89%</b>
CAPITAL IMPROVEMENT PROJECTS	42,183.00	430,000.00	98,917.39	430,000.00	23.00%
<b>Other Expenses</b>	<b>42,183.00</b>	<b>430,000.00</b>	<b>98,917.39</b>	<b>430,000.00</b>	<b>23.00%</b>
MISCELLANEOUS EXPENSE	-	-	-	-	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	

# POLICE DEPARTMENT

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	1,085,225.89	1,189,510.00	1,164,739.54	1,189,510.00	97.92%
PART-TIME WAGES	16,026.31	19,900.00	14,079.84	19,900.00	70.75%
OVERTIME WAGES	100,484.98	67,600.00	64,823.50	67,600.00	95.89%
FICA EXPENSE	87,449.84	92,520.00	90,158.76	92,520.00	97.45%
EMPLOYEE BENEFITS	151,300.84	174,780.00	193,078.92	174,780.00	110.47%
WORKER'S COMPENSATION	49,832.93	62,840.00	52,633.92	62,840.00	83.76%
RETIREMENT EXPENSE	94,651.97	155,890.00	121,559.66	155,890.00	77.98%
UNIFORM EXPENSE	25,246.73	24,970.00	14,404.65	24,970.00	57.69%
<b>Personnel</b>	<b>1,610,219.49</b>	<b>1,788,010.00</b>	<b>1,715,478.79</b>	<b>1,788,010.00</b>	<b>95.94%</b>
REPAIRS & MAINT - BLDG	13,959.99	9,910.00	11,866.55	9,910.00	119.74%
REPAIRS & MAINTENANCE - EQUIP	10,139.37	9,110.00	11,378.00	9,110.00	124.90%
REPAIRS & MAINT - VEHICLES	46,768.94	23,960.00	36,124.44	23,960.00	150.77%
REPAIRS & MAINT - SOFTWARE	28,493.70	41,860.00	38,340.60	41,860.00	91.59%
ELECTRICITY	7,190.88	7,160.00	7,180.19	7,160.00	100.28%
TELEPHONE/INTERNET	5,636.02	7,730.00	3,974.21	7,730.00	51.41%
MOBILE COMMUNICATIONS	7,292.03	9,390.00	10,702.37	9,390.00	113.98%
CAPITAL EXPENDITURES - EQUIP	90,751.88	26,700.00	32,499.24	26,700.00	121.72%
CAPITAL EXPENDITURES - VEHICLE	415.38	-	1,200.00	-	120000.00%
CAPITAL EXPENDITURES - SFTWARE	20,200.87	2,500.00	1,519.20	2,500.00	60.77%
TOOLS & SUPPLIES	16,096.56	19,470.00	12,157.95	19,470.00	62.44%
FUEL	48,347.33	48,750.00	39,660.93	48,750.00	81.36%
ANIMAL CONTROL	-	500.00	45.12	500.00	9.02%
<b>Operation and Maintenance</b>	<b>295,292.95</b>	<b>207,040.00</b>	<b>206,648.80</b>	<b>207,040.00</b>	<b>99.81%</b>
PROFESSIONAL SERVICES	74,066.54	36,760.00	39,229.27	36,760.00	106.72%
LEGAL FEES	-	-	2,024.00	-	202400.00%
DISPATCHING	71,104.49	72,560.00	71,104.49	72,560.00	97.99%
CONFINEMENT	3,425.21	6,000.00	3,406.17	6,000.00	56.77%
<b>Contractual Services</b>	<b>148,596.24</b>	<b>115,320.00</b>	<b>115,763.93</b>	<b>115,320.00</b>	<b>100.38%</b>
COURT APPOINTED FEES	-	-	7,164.59	-	716459.00%
<b>Insurance</b>	<b>-</b>	<b>-</b>	<b>7,164.59</b>	<b>-</b>	<b>716459.00%</b>
INSURANCE DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
INSURANCE EXPENSE	51,193.79	56,120.00	54,031.64	56,120.00	96.28%
TRAINING & TRAVEL EXPENSE	33,971.78	28,810.00	30,659.26	28,810.00	106.42%
ACADEMY TRAINING	5,239.18	10,000.00	10,478.36	10,000.00	104.78%
<b>Office and Administrative</b>	<b>90,404.75</b>	<b>95,930.00</b>	<b>95,169.26</b>	<b>95,930.00</b>	<b>99.21%</b>
ADVERTISING	335.90	250.00	-	250.00	0.00%
<b>Capital Improvement Projects</b>	<b>335.90</b>	<b>250.00</b>	<b>-</b>	<b>250.00</b>	<b>0.00%</b>
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
MEMBERSHIPS & SUBSCRIPTIONS	20,912.65	17,190.00	18,340.65	17,190.00	
<b>Other Expenses</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	

## DEVELOPMENT

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,553.34	311,210.00	271,895.34	311,210.00	87.37%
OVERTIME WAGES	432.03	750.00	1,129.31	750.00	150.57%
FICA EXPENSE	21,349.44	23,870.00	19,592.89	23,870.00	82.08%
EMPLOYEE BENEFITS	31,549.52	36,050.00	38,878.92	36,050.00	107.85%
WORKER'S COMPENSATION	10,171.88	12,880.00	10,788.11	12,880.00	83.76%
RETIREMENT EXPENSE	25,870.89	29,330.00	23,280.57	29,330.00	79.37%
UNIFORM EXPENSE	764.20	1,800.00	274.68	1,800.00	15.26%
<b>Personnel</b>	<b>383,691.30</b>	<b>415,890.00</b>	<b>365,839.82</b>	<b>415,890.00</b>	<b>87.97%</b>
REPAIRS & MAINTENANCE - BLDG	1,449.52	1,320.00	1,884.60	1,320.00	142.77%
REPAIRS & MAINTENANCE - EQUIP	890.01	1,630.00	1,186.49	1,630.00	72.79%
REPAIRS & MAINT - VEHICLES	2,866.09	1,640.00	86.13	1,640.00	5.25%
REPAIRS & MAINT - SFTWRE/MAPS	25,097.94	23,560.00	25,342.13	23,560.00	107.56%
ELECTRICITY	1,083.19	1,410.00	1,073.34	1,410.00	76.12%
TELEPHONE/INTERNET	1,708.71	1,950.00	1,304.61	1,950.00	66.90%
MOBILE COMMUNICATIONS	1,867.06	2,200.00	1,945.04	2,200.00	88.41%
CAPITAL EXPENDITURES - EQUIP	3,166.99	1,600.00	2,055.98	1,600.00	128.50%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - HARDWARE	-	-	-	-	
TOOLS & SUPPLIES	184.32	1,020.00	164.58	1,020.00	16.14%
FUEL	4,094.86	6,570.00	2,187.21	6,570.00	33.29%
<b>Operation and Maintenance</b>	<b>42,408.69</b>	<b>42,900.00</b>	<b>37,230.11</b>	<b>42,900.00</b>	<b>86.78%</b>
PROFESSIONAL SERVICES	27,640.88	36,190.00	14,694.12	36,190.00	40.60%
<b>Contractual Services</b>	<b>27,640.88</b>	<b>36,190.00</b>	<b>14,694.12</b>	<b>36,190.00</b>	<b>40.60%</b>
INSURANCE EXPENSE	6,537.74	7,210.00	6,456.46	7,210.00	89.55%
<b>Insurance</b>	<b>6,537.74</b>	<b>7,210.00</b>	<b>6,456.46</b>	<b>7,210.00</b>	<b>89.55%</b>
TRAINING & TRAVEL EXPENSE	2,612.28	3,000.00	1,780.57	3,000.00	59.35%
OFFICE SUPPLIES EXPENSE	1,046.45	1,000.00	883.49	1,000.00	88.35%
POSTAGE	1,140.27	1,800.00	889.54	1,800.00	49.42%
ADVERTISING	2,154.70	5,400.00	2,572.11	5,400.00	47.63%
MEMBERSHIPS & SUBSCRIPTIONS	40.00	1,430.00	240.00	1,430.00	16.78%
<b>Office and Administrative</b>	<b>6,993.70</b>	<b>12,630.00</b>	<b>6,365.71</b>	<b>12,630.00</b>	<b>50.40%</b>
<b>Capital Improvement Projects</b>	-	-	-	-	
MISCELLANEOUS EXPENSE	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>467,272.31</b>	<b>514,820.00</b>	<b>430,586.22</b>	<b>514,820.00</b>	<b>83.64%</b>

# FINANCE DEPARTMENT

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
MISCELLANEOUS EXPENSE	-	-	-	-	
SALARIES & WAGES	230,587.77	247,930.00	215,075.42	247,930.00	86.75%
PART-TIME WAGES	-	-	-	-	
OVERTIME WAGES	94.94	750.00	610.38	750.00	81.38%
FICA EXPENSE	16,960.54	19,030.00	16,173.51	19,030.00	84.99%
EMPLOYEE BENEFITS	40,531.98	50,450.00	29,009.49	50,450.00	57.50%
WORKER'S COMPENSATION	414.64	520.00	435.54	520.00	83.76%
<b>Personnel</b>	<b>288,589.87</b>	<b>318,680.00</b>	<b>261,304.34</b>	<b>318,680.00</b>	<b>82.00%</b>
RETIREMENT EXPENSE	19,653.90	23,380.00	18,010.30	23,380.00	77.03%
REPAIRS & MAINTENANCE - BLDG	915.24	880.00	878.40	880.00	99.82%
REPAIRS & MAINTENANCE - EQUIP	1,727.73	740.00	768.11	740.00	103.80%
REPAIRS & MAINTENANCE - SFTWRE	22,087.72	22,160.00	20,324.18	22,160.00	91.72%
ELECTRICITY	787.79	1,030.00	780.61	1,030.00	75.79%
TELEPHONE/INTERNET	1,132.32	1,380.00	910.74	1,380.00	66.00%
MOBILE COMMUNICATIONS	445.99	490.00	444.90	490.00	90.80%
CAPITAL EXPENDITURES - EQUIP	-	-	-	-	
<b>Operation and Maintenance</b>	<b>46,750.69</b>	<b>50,060.00</b>	<b>42,117.24</b>	<b>50,060.00</b>	<b>84.13%</b>
TOOLS & SUPPLIES	302.71	1,340.00	1,425.45	1,340.00	106.38%
<b>Contractual Services</b>	<b>302.71</b>	<b>1,340.00</b>	<b>1,425.45</b>	<b>1,340.00</b>	<b>106.38%</b>
PROFESSIONAL SERVICES	41,242.56	37,850.00	43,350.94	37,850.00	114.53%
<b>Insurance</b>	<b>41,242.56</b>	<b>37,850.00</b>	<b>43,350.94</b>	<b>37,850.00</b>	<b>114.53%</b>
INSURANCE EXPENSE	3,428.00	3,690.00	3,192.42	3,690.00	86.52%
TRAINING & TRAVEL EXPENSE	769.10	1,200.00	1,821.29	1,200.00	151.77%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
ADVERTISING	-	260.00	-	260.00	0.00%
BANK CHARGES	61,033.01	52,010.00	64,331.37	52,010.00	123.69%
<b>Office and Administrative</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>







PARKS & RECREATION					9/30/2023
GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	263,511.32	321,350.00	290,336.09	321,350.00	90.35%
PART-TIME WAGES	17,576.48	21,840.00	19,661.76	21,840.00	90.03%
PART-TIME RECREATION WAGES	4,647.46	4,100.00	567.13	4,100.00	13.83%
OVERTIME WAGES	3,625.49	2,000.00	4,529.86	2,000.00	226.49%
FICA EXPENSE	21,503.89	26,730.00	23,932.50	26,730.00	89.53%
EMPLOYEE BENEFITS	30,541.75	56,220.00	32,042.23	56,220.00	56.99%
WORKER'S COMPENSATION	11,738.41	15,730.00	13,175.23	15,730.00	83.76%
RETIREMENT EXPENSE	18,556.94	30,400.00	23,041.72	30,400.00	75.80%
UNIFORM EXPENSE	2,428.34	3,250.00	3,740.30	3,250.00	115.09%
Personnel	374,130.08	481,620.00	411,026.82	481,620.00	85.34%
REPAIRS & MAINTENANCE - BLDG	2,568.07	1,000.00	1,438.43	1,000.00	143.84%
REPAIRS & MAINTENANCE - EQUIP	34,033.23	11,500.00	15,317.76	11,500.00	133.20%
REPAIRS & MAINT - VEHICLES	295.81	750.00	489.31	750.00	65.24%
REPAIRS & MAINT - INFRASTRUCTR	7,694.71	21,000.00	27,612.78	21,000.00	131.49%
REPAIRS & MAINT - PARKS	13,920.35	19,000.00	24,474.77	19,000.00	128.81%
REPAIRS & MAINT - SOFTWARE	14,468.59	15,420.00	6,728.27	15,420.00	43.63%
REPAIRS & MAINT - SMITH'S FORK	109,752.67	10,000.00	20,129.12	10,000.00	201.29%
ELECTRICITY	28,060.96	32,400.00	26,727.43	32,400.00	82.49%
PROPANE	5,387.10	9,000.00	5,512.50	9,000.00	61.25%
TELEPHONE/INTERNET	6,392.63	7,250.00	5,705.45	7,250.00	78.70%
MOBILE COMMUNICATIONS	2,989.98	3,260.00	2,387.78	3,260.00	73.24%
CAPITAL EXPENDITURES - EQUIP	-	-	49,939.40	-	4993940.00%
CAPITAL EXPENDITURES - VEHICLE	-	47,850.00	-	47,850.00	0.00%
CAPITAL EXPENDITURES - HRDWARE	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	-	-	-	-	
TOOLS & SUPPLIES	8,017.12	6,000.00	5,648.19	6,000.00	94.14%
FUEL	16,849.31	12,380.00	10,792.22	12,380.00	87.17%
recreation	-	-	-	-	
YOUTH REC LEAGUE UNIFORMS	19,920.45	20,010.00	17,518.81	20,010.00	87.55%
YOUTH REC LEAGUE UMPIRES	18,003.93	12,320.00	19,324.95	12,320.00	156.86%
ADULT REC LEAGUE UNIFORMS	-	1,000.00	40.71	1,000.00	4.07%
ADULT REC LEAGUE OFFICIALS	-	1,000.00	-	1,000.00	0.00%
REC LEAGUE BACKGROUND CHECKS	400.42	720.00	-	720.00	0.00%
REC LEAGUE SUPPLIES/AWARDS	15,035.30	27,010.00	23,236.71	27,010.00	86.03%
REC LEAGUE ADVERTISING	1,195.37	1,000.00	951.80	1,000.00	95.18%
Operation and Maintenance	304,986.00	259,870.00	263,976.39	259,870.00	101.58%
BIKE RACE	1,488.67	11,550.00	7,075.64	11,550.00	61.26%
PROFESSIONAL SERVICES	14,672.45	5,310.00	11,817.53	5,310.00	222.55%
MOWING SERVICES	-	-	-	-	
RENTAL SERVICES	-	-	-	-	
LEASE PAYMENTS	38,701.20	40,640.00	40,636.26	40,640.00	99.99%
Contractual Services	54,862.32	57,500.00	59,529.43	57,500.00	103.53%
CAMP HOST SERVICES	14,700.00	14,700.00	15,000.00	14,700.00	102.04%
Insurance	14,700.00	14,700.00	15,000.00	14,700.00	102.04%
FIREWORKS DISPLAY	16,000.00	16,000.00	16,000.00	16,000.00	100.00%
MOVIE NIGHTS	2,062.07	2,400.00	56.75	2,400.00	2.36%
INSURANCE EXPENSE	12,701.27	15,500.00	16,738.80	15,500.00	107.99%
TRAINING & TRAVEL EXPENSE	3,639.83	7,890.00	9,071.05	7,890.00	114.97%
OFFICE SUPPLIES	534.52	750.00	2,775.34	750.00	370.05%
ADVERTISING	2,125.33	1,000.00	2,459.96	1,000.00	246.00%
Office and Administrative	37,063.02	43,540.00	47,101.90	43,540.00	108.18%
OUTSIDE SPONSORSHIPS	-	1,000.00	-	1,000.00	0.00%
Capital Improvement Projects	-	1,000.00	-	1,000.00	0.00%
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	785,741.42	858,230.00	796,634.54	858,230.00	

## SENIOR CENTER

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	10,663.97	8,180.00	4,594.42	8,180.00	56.17%
ELECTRICITY	2,206.69	1,740.00	1,840.20	1,740.00	105.76%
NATURAL GAS	1,134.35	1,560.00	1,237.54	1,560.00	79.33%
TELEPHONE/INTERNET	1,641.89	1,970.00	1,891.59	1,970.00	96.02%
TOOLS & SUPPLIES	99.85	2,750.00	545.67	2,750.00	19.84%
<b>Operation and Maintenance</b>	<b>15,746.75</b>	<b>16,200.00</b>	<b>10,109.42</b>	<b>16,200.00</b>	<b>62.40%</b>
PROFESSIONAL SERVICES	7,855.25	16,900.00	16,967.75	16,900.00	100.40%
<b>Contractual Services</b>	<b>7,855.25</b>	<b>16,900.00</b>	<b>16,967.75</b>	<b>16,900.00</b>	<b>100.40%</b>
INSURANCE	3,789.10	3,790.00	1,467.90	3,790.00	38.73%
<b>Insurance</b>	<b>3,789.10</b>	<b>3,790.00</b>	<b>1,467.90</b>	<b>3,790.00</b>	<b>38.73%</b>
<b>Office and Administrative</b>	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>27,391.10</b>	<b>36,890.00</b>	<b>28,545.07</b>	<b>36,890.00</b>	<b>77.38%</b>

## ELECTED OFFICIALS

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
PART-TIME WAGES	14,550.00	15,150.00	13,350.00	15,150.00	88.12%
FICA EXPENSE	1,113.44	1,160.00	1,021.61	1,160.00	88.07%
WORKER'S COMPENSATION	30.34	40.00	33.50	40.00	83.75%
<b>Personnel</b>	<b>15,693.78</b>	<b>16,350.00</b>	<b>14,405.11</b>	<b>16,350.00</b>	<b>88.10%</b>
WORKER'S COMPENSATION	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	1,163.55	1,320.00	1,171.20	1,320.00	88.73%
REPAIRS & MAINT - SOFTWARE	1,067.08	2,140.00	1,381.38	2,140.00	64.55%
ELECTRICITY	1,378.63	1,160.00	1,366.09	1,160.00	117.77%
TELEPHONE/INTERNET	1,383.91	1,590.00	640.09	1,590.00	40.26%
MOBILE COMMUNICATIONS	-	-	-	-	
TOOLS & SUPPLIES	7.50	220.00	45.00	220.00	20.45%
<b>Operation and Maintenance</b>	<b>5,000.67</b>	<b>6,430.00</b>	<b>4,603.76</b>	<b>6,430.00</b>	<b>71.60%</b>
COMMUNITY RELATIONS ALLOWANCE	-	-	-	-	
<b>Contractual Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
PROFESSIONAL SERVICES	14,266.46	5,160.00	298.79	5,160.00	5.79%
<b>Insurance</b>	<b>14,266.46</b>	<b>5,160.00</b>	<b>298.79</b>	<b>5,160.00</b>	<b>5.79%</b>
INSURANCE EXPENSE	1,363.42	1,660.00	1,571.77	1,660.00	94.68%
TRAINING & TRAVEL EXPENSE	1,905.72	2,750.00	3,767.66	2,750.00	137.01%
OFFICE SUPPLIES	563.61	1,000.00	497.32	1,000.00	49.73%
ADVERTISING	12,199.25	8,350.00	3,959.39	8,350.00	47.42%
MEMBERSHIPS & SUBSCRIPTIONS	785.00	1,580.00	1,185.00	1,580.00	75.00%
<b>Office and Administrative</b>	<b>16,817.00</b>	<b>15,340.00</b>	<b>10,981.14</b>	<b>15,340.00</b>	<b>71.59%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>51,777.91</b>	<b>43,280.00</b>	<b>30,288.80</b>	<b>43,280.00</b>	<b>69.98%</b>

## ANIMAL SHELTER

9/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINT - BLDG	853.46	600.00	2,561.85	600.00	426.98%
TOOLS & SUPPLIES	1,584.57	1,500.00	2,232.54	1,500.00	148.84%
<b>Operation and Maintenance</b>	<b>2,438.03</b>	<b>2,100.00</b>	<b>4,794.39</b>	<b>2,100.00</b>	<b>228.30%</b>
PROFESSIONAL SERVICES	7,141.62	6,000.00	5,675.99	6,000.00	94.60%
<b>Contractual Services</b>	<b>7,141.62</b>	<b>6,000.00</b>	<b>5,675.99</b>	<b>6,000.00</b>	<b>94.60%</b>
<b>Insurance</b>	-	-	-	-	
ADVERTISING	-	-	-	-	
<b>Office and Administrative</b>	-	-	-	-	
TRAINING & TRAVEL	178.00	1,000.00	-	1,000.00	0.00%
<b>Capital Improvement Projects</b>	<b>178.00</b>	<b>1,000.00</b>	<b>-</b>	<b>1,000.00</b>	<b>0.00%</b>
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>9,757.65</b>	<b>9,100.00</b>	<b>10,470.38</b>	<b>9,100.00</b>	<b>115.06%</b>



## SPECIAL ALLOCATION FUND (MARKETPLACE TIF)

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	189,504.87	195,000.00	209,948.14	195,000.00	107.67%
SALES AND USE TAXES	9,096,464.94	510,000.00	554,598.63	510,000.00	108.74%
	<b>9,285,969.81</b>	<b>705,000.00</b>	<b>764,546.77</b>	<b>705,000.00</b>	108.45%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	7,244,891.86	1,656,902.00	823,371.49	1,656,902.00	49.69%
	<b>7,244,891.86</b>	<b>1,656,902.00</b>	<b>823,371.49</b>	<b>1,656,902.00</b>	49.69%





## CAPITAL PROJECTS FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
INTERGOVERNMENTAL REVENUES	-	-	-	-
DEBT ISSUED	-	-	-	-
TRANSFERS IN	112,274.47	-	-	-
PARK IMPROVEMENT REVENUE	77,479.34	40,000.00	-	40,000.00
	<b>112,274.47</b>	-	-	-

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
STREET	127,000.00	-	-	-
	<b>127,000.00</b>	-	-	-



## TRANSPORTATION SALES TAX FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES TAXES	608,120.52	589,713.00	608,283.39	589,713.00	103.15%
STREET & CURB CUT FEES	-	-	4,430.00	-	
MISCELLANEOUS REVENUE	15,826.24	-	-	-	
PROCEEDS FROM DEBT ISSUED	-	-	-	-	
TRANSFERS IN	-	-	-	-	
	<b>623,946.76</b>	<b>589,713.00</b>	<b>612,713.39</b>	<b>589,713.00</b>	103.90%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	656,800.23	992,246.00	491,947.41	992,246.00	49.58%
	<b>656,800.23</b>	<b>992,246.00</b>	<b>491,947.41</b>	<b>992,246.00</b>	49.58%

# TRANSPORTATION SALES TAX FUND

9/30/2023

TRANSPORTATION SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
TRANSFERS OUT	20,000.00	35,000.00	35,000.00	35,000.00	100.00%
REPAIRS & MAINTENANCE - BLDG	1,753.72	1,000.00	244.57	1,000.00	24.46%
REPAIRS & MAINTENANCE - EQUIP	15,897.09	15,000.00	17,151.71	15,000.00	114.34%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
CAPITAL EXPENDITURES - EQUIP	18,500.00	6,960.00	11,692.00	6,960.00	167.99%
SUPPLIES - STREET SIGNS	-	-	49.80	-	4980.00%
<b>Operation and Maintenance</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
FUEL	18,948.76	17,820.00	21,155.65	17,820.00	
<b>Contractual Services</b>	<b>18,948.76</b>	<b>17,820.00</b>	<b>21,155.65</b>	<b>17,820.00</b>	
PROFESSIONAL SERVICES	3,721.47	105,000.00	58,000.00	105,000.00	55.24%
<b>Insurance</b>	<b>3,721.47</b>	<b>105,000.00</b>	<b>58,000.00</b>	<b>105,000.00</b>	<b>55.24%</b>
DEBT PRINCIPAL PAYMENTS	38,969.28	35,010.00	41,969.28	35,010.00	119.88%
<b>Office and Administrative</b>	<b>38,969.28</b>	<b>35,010.00</b>	<b>41,969.28</b>	<b>35,010.00</b>	<b>119.88%</b>
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
FUEL	18,948.76	17,820.00	21,155.65	17,820.00	118.72%
<b>Debt - Principal</b>	<b>18,948.76</b>	<b>17,820.00</b>	<b>21,155.65</b>	<b>17,820.00</b>	<b>118.72%</b>
INSURANCE EXPENSE	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TRANSPORTATION SALES TAX FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>



## CAPITAL IMPROVEMENT SALES TAX FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES TAXES	692,937.19	672,435.00	699,744.05	672,435.00	104.06%
TRANSFERS IN	-	-	-	-	
	<b>692,937.19</b>	<b>672,435.00</b>	<b>699,744.05</b>	<b>672,435.00</b>	104.06%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	536,192.40	1,355,370.00	473,319.75	1,355,370.00	34.92%
	<b>536,192.40</b>	<b>1,355,370.00</b>	<b>473,319.75</b>	<b>1,355,370.00</b>	34.92%

## CAPITAL IMPROVEMENT SALES TAX FUND

9/30/2023

CAPITAL IMPROVE SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Office and Administrative	-	-	-	-	
TRANSFERS OUT	-	-	-	-	
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
PROFESSIONAL SERVICES	72,367.93	109,000.00	118,474.75	109,000.00	108.69%
Transfers Out	72,367.93	109,000.00	118,474.75	109,000.00	108.69%
<b>TOTAL CAPITAL IMPROVE SALES TAX FUND</b>	<b>72,367.93</b>	<b>109,000.00</b>	<b>118,474.75</b>	<b>109,000.00</b>	



## DEBT SERVICE FUND

9/30/2023

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	PROPERTY TAXES	-	-	-	-	
	TRANSFERS IN	351,550.00	354,845.00	354,845.00	354,845.00	100.00%
		<b>351,550.00</b>	<b>354,845.00</b>	<b>354,845.00</b>	<b>354,845.00</b>	100.00%

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	STREET	339,212.50	343,040.00	343,040.00	343,040.00	100.00%
		<b>339,212.50</b>	<b>343,040.00</b>	<b>343,040.00</b>	<b>343,040.00</b>	100.00%

## DEBT SERVICE FUND

9/30/2023

DEBT SERVICE FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Debt - Principal	#N/A	#N/A	#N/A	#N/A	#N/A
LEASE PAYMENTS	145,000.00	155,000.00	155,000.00	155,000.00	100.00%
Debt - Interest	145,000.00	155,000.00	155,000.00	155,000.00	100.00%
Transfers Out	-	-	-	-	
TOTAL DEBT SERVICE FUND	#N/A	#N/A	#N/A	#N/A	



## WATER & WASTEWATER SYSTEMS FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
LICENSES, FEES, AND PERMITS	-	-	-	-	
CHARGES FOR SERVICES	5,857,400.49	5,070,817.00	5,156,839.75	5,070,817.00	101.70%
IMPACT FEES	283,906.00	330,000.00	231,392.00	330,000.00	70.12%
OTHER REVENUE	84,494.81	-	19,099.41	-	
DEBT ISSUED	1,373,576.48	3,940,000.00	35,656.35	3,940,000.00	0.90%
TRANSFERS IN	-	-	-	-	
	<b>7,599,377.78</b>	<b>9,340,817.00</b>	<b>5,442,987.51</b>	<b>9,340,817.00</b>	58.27%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
UTILITIES	3,630,014.60	13,121,615.00	5,307,053.15	13,121,615.00	40.45%
	<b>3,630,014.60</b>	<b>13,121,615.00</b>	<b>5,307,053.15</b>	<b>13,121,615.00</b>	40.45%





PUBLIC WORKS (UTILITIES)

9/30/2023

CWWS FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	777,255.74	912,150.00	841,422.00	912,150.00	92.25%
OVERTIME WAGES	28,068.48	20,000.00	40,020.32	20,000.00	200.10%
FICA EXPENSE	59,721.82	71,310.00	64,754.45	71,310.00	90.81%
EMPLOYEE BENEFITS	94,132.53	123,760.00	116,535.54	123,760.00	94.16%
WORKER'S COMPENSATION	35,672.44	47,920.00	40,137.15	47,920.00	83.76%
RETIREMENT EXPENSE	68,589.85	87,630.00	80,920.66	87,630.00	92.34%
UNIFORM EXPENSE	6,201.53	9,000.00	7,300.34	9,000.00	81.11%
Personnel	1,069,642.39	1,271,770.00	1,191,090.46	1,271,770.00	93.66%
REPAIRS & MAINTENANCE - EQUIP	5,040.58	6,990.00	17,096.71	6,990.00	244.59%
REPAIRS & MAINT - VEHICLES	2,968.05	3,000.00	2,538.35	3,000.00	84.61%
REPAIRS & MAINT - WATER LINES	47,485.59	88,500.00	87,014.05	88,500.00	98.32%
REPAIRS & MAINT - SEWER LINES	38,355.80	300,000.00	304,553.28	300,000.00	101.52%
REPAIRS & MAINT - WATER PLANT	28,414.75	294,000.00	67,423.11	294,000.00	22.93%
REPAIRS & MAINT - WW PLANT	64,975.00	180,000.00	254,202.45	180,000.00	141.22%
REPAIRS & MAINT - SOFTWARE	13,409.27	25,730.00	16,738.34	25,730.00	65.05%
REPAIRS & MAINT - WATER TOWERS	110,294.84	126,270.00	140,901.46	126,270.00	111.59%
ELECTRICITY	242,199.15	243,490.00	235,147.65	243,490.00	96.57%
PROPANE	5,814.00	15,000.00	6,089.40	15,000.00	40.60%
TELEPHONE/INTERNET	15,161.57	12,250.00	15,155.00	12,250.00	123.71%
MOBILE COMMUNICATIONS	10,041.33	10,850.00	11,346.25	10,850.00	104.57%
CAPITAL EXPENDITURES - EQUIP	299.55	66,500.00	85,528.89	66,500.00	128.61%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - SOFTWRE	-	1,500.00	3,145.00	1,500.00	209.67%
CAPITAL EXPENDITURES - HRDWRE	-	-	-	-	
CAPITAL EXPENDITURES - TOWERS	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	-	-	-	-	
CAPITAL EXPENDITURES - WATER P	-	-	-	-	
CAPITAL EXPENDITURES - WW PLAN	-	-	-	-	
CAPITAL EXPENDITURES - LINES	-	-	-	-	
TOOLS & SUPPLIES	26,644.02	25,000.00	37,463.49	25,000.00	149.85%
SUPPLIES - CONNECTIONS	61,119.45	90,000.00	95,568.71	90,000.00	106.19%
SUPPLIES - LAB	20,728.64	30,000.00	32,965.01	30,000.00	109.88%
SUPPLIES - WATER CHEMICALS	157,562.11	150,000.00	159,375.43	150,000.00	106.25%
SUPPLIES - WW CHEMICALS	10,264.38	15,000.00	15,364.85	15,000.00	102.43%
FUEL	19,503.91	18,600.00	14,014.02	18,600.00	75.34%
Operation and Maintenance	880,281.99	1,702,680.00	1,601,631.45	1,702,680.00	94.07%
PROFESSIONAL SERVICES	124,722.49	1,060,330.00	527,692.77	1,060,330.00	49.77%
EASEMENT ACQUISITION	-	75,000.00	50,290.00	75,000.00	67.05%
DEBT PRINCIPAL PAYMENTS	15,853.81	355,000.00	314.83	355,000.00	0.09%
Contractual Services	140,576.30	1,490,330.00	578,297.60	1,490,330.00	38.80%
WASTEWATER TREATMENT SERVICE	127,167.30	136,850.00	123,245.85	136,850.00	90.06%
Insurance	127,167.30	136,850.00	123,245.85	136,850.00	90.06%
INSURANCE EXPENSE	79,220.49	71,720.00	90,926.96	71,720.00	126.78%
OTHER LEASE EXPENSE	-	17,147.00	12,646.99	17,147.00	73.76%
TRAINING & TRAVEL EXPENSE	3,461.10	7,500.00	6,838.24	7,500.00	91.18%
OFFICE SUPPLIES	1,514.25	6,000.00	2,892.14	6,000.00	48.20%
POSTAGE	2,040.34	1,500.00	2,888.66	1,500.00	192.58%
ADVERTISING	-	250.00	194.25	250.00	77.70%
Office and Administrative	86,236.18	104,117.00	116,387.24	104,117.00	111.79%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
CAPITAL IMPROVEMENT PROJECTS	4,419.85	6,841,900.00	1,397,750.44	6,841,900.00	20.43%
Capital Improvement Projects	#N/A	#N/A	#N/A	#N/A	#N/A
WATER IMPACT PROJECTS	-	200,000.00	-	200,000.00	0.00%
WASTEWATER IMPACT PROJECTS	-	700,000.00	-	700,000.00	0.00%
AMORTIZATION EXPENSE	-	-	-	-	
Other Expenses	-	900,000.00	-	900,000.00	0.00%
Debt - Principal	-	-	-	-	
MEMBERSHIPS & SUBSCRIPTIONS	1,040.99	380.00	75.95	380.00	19.99%
Debt - Interest	1,040.99	380.00	75.95	380.00	19.99%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Transfers Out	#N/A	#N/A	#N/A	#N/A	#N/A
TOTAL CWWS FUND	#N/A	#N/A	#N/A	#N/A	#N/A

## SANITATION FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
CHARGES FOR SERVICES	813,121.89	915,860.00	796,047.45	915,860.00	86.92%
TRANSFERS IN	-	-	-	-	
	<b>813,121.89</b>	<b>915,860.00</b>	<b>796,047.45</b>	<b>915,860.00</b>	86.92%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	818,525.83	900,600.00	785,746.55	900,600.00	87.25%
	<b>818,525.83</b>	<b>900,600.00</b>	<b>785,746.55</b>	<b>900,600.00</b>	87.25%

## SANITATION FUND

9/30/2023

SANITATION FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
HOUSEHOLD HAZARDOUS WASTE	11,342.54	12,630.00	11,987.20	12,630.00	94.91%
RECYCLING SERVICES	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
SOLID WASTE SERVICES	807,183.29	887,970.00	773,759.35	887,970.00	87.14%
<b>Operation and Maintenance</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
<b>Contractual Services</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Transfers Out</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
<b>TOTAL SANITATION FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	



## PARK AND STORMWATER SALES TAX FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARK & STORMWATER SALES TAX	690,959.69	672,435.00	699,138.47	672,435.00
MISCELLANEOUS REVENUE	11,000.00	-	-	-
	<b>701,959.69</b>	<b>672,435.00</b>	<b>699,138.47</b>	<b>672,435.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARKS & RECREATION	282,573.48	120,000.00	11,830.00	120,000.00
UTILITIES	47,325.00	527,750.00	58,695.80	527,750.00
	<b>47,325.00</b>	<b>647,750.00</b>	<b>58,695.80</b>	<b>527,750.00</b>



## VEHICLE AND EQUIPMENT REPLACEMENT FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
SALE OF PERSONAL PROPERTY	146,713.35	352,100.00	211,731.04	352,100.00
TRANSFERS IN	146,713.35	70,000.00	70,000.00	70,000.00
	<b>293,426.70</b>	<b>422,100.00</b>	<b>281,731.04</b>	<b>422,100.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
ADMINISTRATION	104,036.17	-	-	-
STREETS	48,486.42	105,000.00	75,344.34	105,000.00
POLICE	8,859.46	97,500.00	67,773.95	97,500.00
DEVELOPMENT	8,870.13	36,750.00	22,457.48	36,750.00
PARKS & RECREATION	28,109.05	77,500.00	78,475.64	77,500.00
UTILITIES	11,766.34	65,000.00	66,995.94	65,000.00
	<b>210,127.57</b>	<b>381,750.00</b>	<b>311,047.35</b>	<b>381,750.00</b>



## COMMONS CID FUND

9/30/2023

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
	SALES TAXES	345,227.10	373,750.00	360,695.98	373,750.00
	USE TAXES	5,211.70	6,500.00	6,518.76	6,500.00
		<b>350,438.80</b>	<b>380,250.00</b>	<b>367,214.74</b>	<b>380,250.00</b>

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
	CONTRACTED SERVICES	554,816.41	335,618.00	187,983.95	335,618.00
		<b>554,816.41</b>	<b>335,618.00</b>	<b>187,983.95</b>	<b>335,618.00</b>



## DONATION FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
OTHER REVENUE - POLICE DONATIONS	3,305.00	10,500.00	21,476.43	10,500.00
OTHER REVENUE - PARK DONATIONS	-	-	-	-
	<b>3,305.00</b>	<b>10,500.00</b>	<b>21,476.43</b>	<b>10,500.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
CAPITAL OUTLAY - ADMINISTRATION	-	-	300.00	-
CAPITAL OUTLAY - POLICE	-	20,000.00	15,672.30	20,000.00
	-	<b>20,000.00</b>	<b>15,972.30</b>	<b>20,000.00</b>



## AMERICAN RESCUE PLAN ACT FUND

9/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
INTERGOVERNMENTAL REVENUES	1,110,127.76	-	-	-
INTEREST INCOME	10,570.72	-	-	-
	<b>1,120,698.48</b>	-	-	-

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
UTILITIES	1,330,033.49	953,270.00	711,473.97	953,270.00
	<b>1,330,033.49</b>	<b>953,270.00</b>	<b>711,473.97</b>	<b>953,270.00</b>





## Board of Alderman Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution No. 1275 - agreement with the Smithville Chamber of Commerce

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1275, authorizing and directing the Mayor to enter into an agreement with the Smithville Chamber of Commerce.

**SUMMARY:**

Staff has worked with the Smithville Chamber of Commerce to identify services that the chamber can perform to assist in communication, tourism and economic development efforts of the City. Throughout the budget development process, this funding has been under consideration and \$10,000 is included in the FY2024 Budget.

Contractual services to be provided by the Chamber and outlined in the agreement include:

- Maintenance of a Community Calendar
- Coordination of business retention visits
- Revision of a Business Startup Checklist document
- Partnering with other organizations to promote tourism and special events
- Working with businesses to analyze trip information generated from the Replica platform (the City, Clay County and other Clay County communities have previously entered into an agreement with Replace for this data platform)
- Providing space in the weekly Chamber newsletter for city updates

These items will be completed on an ongoing basis by the Chamber for a payment of \$10,000 annually. The initial contract is for one year beginning November 1, 2023 and includes three additional annual renewal periods. Renewal discussions will occur as the budget is developed annually.

**PREVIOUS ACTION:**

Expenditure discussed budget development meetings. The Chamber Board has approved this agreement.

**POLICY OBJECTIVE:**

Enhance communications. Promote tourism and economic development

**FINANCIAL CONSIDERATIONS:**

Initial year funds are budgeted within the FY2024 budget.

**ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance                   | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution       | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Agreement |                                   |

## **RESOLUTION 1275**

### **A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH SMITHVILLE CHAMBER OF COMMERCE FOR THE PURPOSE OF PROVIDING SERVICES IN THE AMOUNT OF \$10,000**

**WHEREAS**, the City has identified services which can be performed through a partnership with the Smithville Chamber of Commerce; and

**WHEREAS**, the Board of Alderman has allocated funds in the FY2024 Budget for the Smithville Chamber of Commerce to use for the completion of these services; and

**WHEREAS**, the Smithville Chamber of Commerce has approved proposed Agreement and us willing to perform services as outlined in the agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:**

**THE MAYOR IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AN AGREEMENT WITH SMITHVILLE CHAMBER OF COMMERCE FOR THE PURPOSE OF PROVIDING SERVICES IN THE AMOUNT OF \$10,000.**

**PASSED AND ADOPTED** by the Mayor and Board of Aldermen this 17<sup>th</sup> day of October, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

## **SERVICES CONTRACT**

THIS AGREEMENT entered into this 17 day of October, 2023 by and between the City of Smithville, Missouri, a political subdivision in the State of Missouri (hereinafter referred to as "City") and Smithville Chamber of Commerce, a Non- Profit Corporation doing business in Missouri (hereinafter referred to as "Chamber").

WITNESSETH:

WHEREAS, The Smithville Area Chamber of Commerce is organized for the following purposes:

- To advance the economic, industrial, professional and civic welfare of the Smithville, Missouri area.
- To promote business, community growth and development by promoting economic programs designed to strengthen and expand the income potential of all businesses within the trade area.
- Promoting programs of a civic, social and cultural nature which are designed to increase the functional and aesthetic values for the community and discovering and correcting problems which prevent the promotion of business expansion and community growth.
- To create a more intelligent and informed business and public opinion regarding city, county, state and national legislative and political affairs.
- To support all activities believed to be beneficial to the community and area, to oppose those which might be detrimental and to promote the welfare of all area citizens, always following those policies intended to accomplish the greatest good for the greatest number.

WHEREAS, the City has authority to promote the general economic development of the City and believes that it serves a Public Purpose to use public funds to provide assistance to an entity assisting in promotion of economic vitality and communication in furtherance of comprehensive and strategic planning goals; and

WHEREAS, the City has determined that it is in the best interests of the City, and important to the promotion of the general economic welfare of the City, to allocate a designated amount to Smithville Chamber of Commerce as compensation of the performance of services pursuant to this agreement; and

NOW THEREFORE, in consideration of mutual covenants and promises contained herein the parties agree as follows:

- 1. SCOPE OF WORK:** Chamber will provide the following services ("Services"):
  - a. Community Calendar – the Chamber will continue to maintain a calendar of events for all events in the community. City staff will ensure the Chamber Executive Director has information regarding city events and

events reserved for city facilities to include in this calendar. In exchange for this work, the City of Smithville will promote this calendar as the unified source of events in the Smithville community.

- b. Business Retention Visits – the Chamber Executive Director, along with City representatives will schedule visits with current businesses in the community in an effort to understand ways the Chamber and City may provide assistance to local businesses. The City will identify twelve businesses locally and coordinate with the Chamber to schedule monthly visits.
- c. Business Startup Checklist – the Chamber Executive Director will work with City staff to update the existing document, coordinate distribution as necessary and provide technical assistance as possible to prospective business owners.
- d. Tourism and Events – partner with other community organizations to promote tourism and special events that bring community members together.
- e. Replica – the Chamber Executive Director will serve as a liaison for businesses and work with City staff to provide information mined from the Replica platform.
- f. Communication – the Chamber will provide space in the weekly newsletter for city updates. Further, the Chamber will ensure the city newsletter is available for Chamber members and included in welcome packets.

**2. TERM AND TIME OF PERFORMANCE:** The original term of this Agreement shall be from November 1, 2023, to October 31, 2024, and shall automatically renew for three (3) additional one (1) year terms, unless the Agreement is terminated as provided herein. Prior to each renewal, there shall be a review of performance by the City. To facilitate the review, the Chamber shall submit a copy of its current budget by October 15 annually and provide a report of all activity to the City. The City shall inform Chamber by November 1 annually of the results of the City review. All compensation for the Services is subject to annual appropriation by the City of Smithville.

**3. COMPENSATION AND METHOD OF PAYMENT:** Following the date of signing of this agreement, the City agrees to pay \$10,000 annually for “Services” during the fiscal year in a one-time payment. All compensation for the Services is subject to the provision of Section II above.

**4. AUDIT, INSPECTION OF RECORDS AND ANNUAL REVIEW:** Chamber shall permit an authorized representative of the City to inspect and audit all data and records of Chamber related to their performance under this Agreement.

**5. SUBCONTRACT:** Chamber and the City hereby agree that this Agreement shall not be assigned, transferred, conveyed, or otherwise disposed of without the prior consent of the other party to the Agreement.

**6. NON-DISCRIMINATION PROVISIONS:** Chamber and its subcontractors will not discriminate against any employee or applicant for employment because of race, color, disability, age, religion, sex or national origin. Chamber will ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination on the basis of race, color, or national origin under any programs provided, administered by SMSA (as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987).

Every effort will be made to ensure nondiscrimination in all of Chamber's programs and activities, whether those programs and activities are federally funded or not. When Chamber distributes funds or aid it will include Title VI language in all written agreements and will monitor for compliance.

**7. COMPLIANCE WITH THE LAW:** All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.

**8. INDEPENDENT CONTRACTOR:** This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that Chamber will be an independent contractor and not the City's employee for all purposes. Chamber shall retain sole and absolute discretion in the judgment of the manner and means of carrying out its activities and responsibilities hereunder. Further, the City shall not have any ability to dictate the management of Chamber as a Missouri non-profit corporation, nor shall the City have any ownership interest in Chamber.

**9. INDEMNIFICATION:** Chamber shall indemnify, release, defend, become responsible for and forever hold harmless the City, its officers, agents, employees, elected officials and attorneys, each in their official and individual capacities, subject to the provisions set forth in the Missouri Sovereign Immunity Statute, from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney's fees and other defense costs or liabilities, of any character and from any cause whatsoever arising out of or resulting from any act, error, omission or intentional act of Chamber or its agents, employees or subcontractors, arising out of or in any way connected with the operations expressly authorized herein; provided,

however, that Chamber need not save harmless the City from claims, demands, losses and expenses arising out of the sole negligence of the City, its employees or agents.

**10. CANCEL, TERMINATION, OR SUSPENSION:** This Agreement may be cancelled, terminated, or suspended at any time by written, mutual agreement of all parties, provided all applicable laws and regulations are complied with. The City may terminate this Agreement at any time, with or without cause, by giving thirty (30) days written notice to Chamber. If either party is in default of this Agreement, the defaulting party shall be given notice in writing.

In the event of default, the defaulting party shall have thirty (30) calendar days to cure/remedy the default. The defaulting party will be sent the violation by certified mail a Notice Demand to Cure Default explaining the specific nature and extent of the default violation. Said violation or default will be cured or remedied within fifteen (15) working days after receipt of said Notice unless a longer time is agreed upon by both parties in writing. In the case that the default is not cured or remedied within the agreed upon time, the Agreement may be terminated with five (5) days written notice.

**11. NOTICE:** Any notice required by this contract is deemed to be given if it is mailed by United States certified mail, postage prepaid, and addressed as hereinafter specified.

Notice to the City shall be addressed to:

City Administrator, City of Smithville 107 W Main St. Smithville, MO 64089

Notice to Smithville Chamber of Commerce shall be addressed to:

Executive Director, Smithville Chamber of Commerce 105 W Main St. Smithville, MO 64089

**12. AMENDMENTS:** This Agreement, if necessary, may be modified by mutual agreement of the City of Smithville and Chamber. Changes to be affected by written form and incorporated into this Agreement as an amendment.

**13. SEVERABILITY:** It is mutually agreed that in case any provision of this Agreement is determined by a court of law to be unconstitutional, illegal, or unenforceable, it is the intention of all parties that the remaining provisions of this Agreement shall remain in full force and effect.

**14. ENTIRE AGREEMENT:** This Agreement constitutes the entire agreement between the parties with respect to its subject matter and any prior agreements, understanding or other matters, whether oral or written are hereby merged into and made a part hereof and are of no further force or affect.

**IN WITNESS WHEREOF**, the parties have set their hands and seals the date and year first above written. The parties represent that the signatories below have full authority and authorization to sign on behalf of the respective parties.

**THE CITY OF SMITHVILLE:**

By: \_\_\_\_\_

Name: Damien Boley, Mayor

**SMITHVILLE CHAMBER OF COMMERCE:**

By: Rebecca L. Pendleton-Hesk

Title President, Smithville Area Chamber of Commerce





## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1276, authorize an emergency purchase of a new SCADA and PLC system at the water treatment plant.

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1276, authorizing the emergency purchase of a new SCADA (Supervisory Control and Data Acquisition) and PLC (public logic control) system at the water treatment plant in the amount of \$20,750.

**SUMMARY:**

The water treatment facility uses real-time radio technology, SCADA, to monitor distribution system assets and to remotely control distribution system pumps and isolation valves. This allows operators to turn pumps on and off and fill towers from the water treatment facility without having to do so manually in the distribution system.

With the addition of the new raw water pump station, the SCADA network is now a mixed system of cellular technology and the original radio technology. Under normal circumstances, this would not be an issue, but the outdated PLC equipment that was installed in 2006 cannot handle the additional information load placed on it. This has resulted in the failure of the SCADA system with communication errors and the inability to run the raw water pump or the chemical feed system at the raw water pump station and will require replacement. Additionally, the system alarms are not responding, and we are having to manually go to the raw water pump station to regulate chemicals and control pumps. This system controls the pumps that feed the water towers and provides water levels of the towers.

The upcoming water treatment facility improvements that are currently being engineered would call for an upgrade and expansion of the SCADA / PLC putting further demands on the system. The new system will take into account this additional load, so we are prepared for the expansion.

**PREVIOUS ACTION:** none

**POLICY ISSUE:**

Infrastructure maintenance

**FINANCIAL CONSIDERATIONS:**

There is funding in the combined water and waste water budget for this replacement of the SCADA/ PLC system in the water plant maintenance budget.

**ATTACHMENTS:**

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: Quote

☐ Contract

☐ Plans

☐ Minutes

## **RESOLUTION 1276**

### **A RESOLUTION AUTHORIZING AN EMERGENCY PURCHASE OF A NEW SCADA AND PLC SYSTEM AT THE WATER TREATMENT PLANT**

**WHEREAS**, the SCADA (Supervisory Control and Data Acquisition) and PLC (Public Logic Control) System at the water treatment plant was installed in 2006; and

**WHEREAS**, with the addition the new raw water pump station, the SCADA network is now a mixed system of cellular and the original dial up technologies; and

**WHEREAS**, the outdated PLC cannot handle the additional information and the SCADA system is failing to communicate with the systems necessary to run the water treatment and distribution system; and

**WHEREAS**, R.W. Vaught has provided the City with a proposal to replace the existing SCADA and PLC system in an amount of \$20,750.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT** the Board authorizes the emergency purchase of a new SCADA and PLC system at the water treatment plant with R.W. Vaught in the amount of \$20,750.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October, 2023.

---

Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

Friday, October 6, 2023

To: Bob Lemley, Jennifer Garner; City of Smithville  
From: RW Vaught; R.W. Vaught Technical Services  
Subject: Price Quote for Scada/Controls for WTP

Dear Bob and Jennifer

As we have discussed, the Scada system hardware at the WTP has a major problem with the PLC system. A component in the PLC system is malfunctioning, keeping the WTP from running in automatic. This system is 18 years old, and some of the components are not available new any longer. The alternative is to replace the existing PLC system, with a modern version of the same. However, it not only requires all new wiring, it also requires all new programming for the Scada computer, and the touch screen. I anticipate a minimum of 2 weeks of programming time (most of which can be done off site).

We will need to do a change over of the system, to allow for installation and wiring of the new PLC system. I figure that will take most of one day, which will require running the WTP in hand.

Price for the above is \$20,750.

Call if you have questions.

Sincerely,



RW Vaught  
R.W. Vaught Technical Services  
870-656-2030

*R.W. Vaught Technical Services*

Controls / Scada Systems for the  
Water and Wastewater Industry



3681 MC 5036  
Yellville, AR 72687



## City Administrator's Report

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October 12, 2023

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### **Streetscape Phase III Update**

Bids were opened for the project on October 3. The low bid is significantly higher than the amount budgeted. Staff has been working with HDR to determine scope changes to the project to fit the budget. These changes would have to be reviewed and approved by both MODOT and MARC as grant funding is involved. Staff should have an update for Tuesday evening.

### **Fairview Crossing - MODOT Traffic Concerns**

Following execution of the original Development Agreement, MODOT raised concerns regarding traffic issues at the new 147<sup>th</sup> Street. In an effort to address these concerns, City staff met on October 10 with the Fairview Crossing Development Team and MODOT. As a result of numerous staffing changes at MODOT throughout the duration of the entire Fairview Crossing project, several of the issues that were purportedly decided by past MODOT representatives, were questioned again. The new staff at MODOT would not issue the permit to connect 147<sup>th</sup> Street to 169 Highway without a new traffic study that included several items outside of the previously performed study. After multiple meetings with the developer, city staff and MODOT, the developer agreed to reperform the traffic analysis for the new staff requests. The meeting on October 10 was to review the new study and was very productive for all involved. MODOT is preparing a new list of improvements it will require before issuing permits, including a phasing plan for the new improvements. Once this list is created, city staff will draft a new development agreement that covers all of the new work required by MODOT. After the developer and MODOT agree to the terms of the new document, staff will present it to the Board of Aldermen in an ordinance for review and approval.

### **Raw Water Pump Station Progress Update**

Earlier this month, HDR and staff met to address some minor outstanding tasks at the Raw Water Pump Station. These tasks have been completed. Staff will coordinate a meeting with HDR for a final walkthrough, marking the last step before project closure!

### **Water & Wastewater Treatment Plant Tours**

City staff from all departments and the Board of Aldermen will have the opportunity to tour the water and wastewater treatment plant. Tours will be available on two separate

days to accommodate employees from the same department. These tours are planned for the month of November, with specific dates yet to be confirmed.

This is a great chance for employees and the Board to gain additional insights into City services and interact with staff from various departments.

Please contact Mayra Toothman if you are interested in attending.

**Board Meeting Schedule**

Because November 7 is election day, that meeting will be moved to Monday, November 6.



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration/Finance

**AGENDA ITEM:** Approve Bill No. 3008-23 Adopt FY2024 Annual Operating Budget – 2nd Reading.

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3008-23, Adopt FY2024 Annual Operating Budget. Second reading by title only.

**SUMMARY:**

City staff have worked collectively since January 2023 to determine the needs, and eventually propose recommendations, for the FY2024 Budget. In May of 2023, the Board of Aldermen, Department Directors, and other key department staff met in a retreat/financial summit to review organizational workplans and priorities identified through recent processes to outline community goals. Various goals were outlined in the retreat. The FY2024 proposed budget:

- Ensures adequate performance in employee recruitment and retention.
- Continues to focus on investment in infrastructure.
- Creates and sustains new public education and communications.
- Assures the maintenance and acquisition of appropriate work equipment.
- Includes \$90,000 for a shelter/restroom combination at the Diamond Crest Splashpad.

The FY2024 Budget Document is included in the agenda packet.

**FY2023 Budget “Rollovers”**

Each year, the Finance Department adjusts the upcoming budget based upon the remaining amounts in current engineering and construction contracts. These amounts are rolled over as a part of the newly proposed budget. This year, Public Works and Finance staff have worked together to determine the budget rollovers needed for FY2024. This includes projects that have not yet been completed. These rollovers will be noted in the FY2024 – FY2028 Proposed Five Year Capital Improvement Plan. The rollover amounts included in the FY2024 budget are as follows:

*General Fund Rollovers*

- The City has contracted with Amino Brothers to complete waterline improvements, sidewalk improvements and road reconstruction on Quincy Boulevard. The total contract amount for this project was established at \$1,470,000. Waterline improvements are expected to be completed and billed to

the City before the end of the fiscal year. However, the sidewalk improvements will not be completed until FY2024, at an expected cost of \$205,000. This \$205,000 will be rolled into the FY2024 General Fund Budget. In addition, the road will not be reconstructed until FY2024. Staff have allocated \$175,000 to the General Fund as a source of funds to pay for road reconstruction and \$95,000 to the Capital Improvement Sales Tax Fund as a source of funds to pay for road reconstruction. Therefore, this amount of \$175,000 will be rolled into the FY2024 General Fund Budget and this amount of \$95,000 will be rolled in the FY2024 Capital Improvement Sales Tax Fund Budget.

- The City has contracted With Menke Excavating to complete improvements on 4<sup>th</sup> Street & 4<sup>th</sup> Terrace. On August 28, 2023, staff presented information regarding a change order for mailbox improvements on 4<sup>th</sup> Street & 4<sup>th</sup> Terrace, at an approximate cost of \$89,000. Therefore, based upon approval from the Board of Aldermen, a rounded amount of \$100,000 will be budgeted in the FY2024 General Fund Budget for the mailbox improvements. Also, there is \$315,000 remaining to be paid for road reconstruction costs. Therefore, \$315,000 will be budgeted in the Transportation Sales Tax Fund in FY2024.
- The City has contracted with BG Consultants for the completion of Commercial Street Sidewalk engineering in the amount of \$105,000. To date, \$58,000 has been paid to BG Consultants for the engineering expenses. The CWWS Fund FY2024 Budget will include \$40,000 to complete this engineering.
- The City has contracted with HDR Engineering for the completion of engineering for the West Bypass of 144<sup>th</sup> Street Lift Station in the amount of \$346,050. As of September, the City has \$95,025 left on the contract. Some contract expenses are expected to be spent in October, and therefore, the FY2024 CWWS Fund Budget includes an amount of \$85,000 for the remainder of the contract.
- The City has contracted with HDR Engineering for the completion of engineering for the Smith's Fork Pump Station in the amount of \$285,800. As of September, the City has \$71,063 left on the contract. Some contract expenses are expected to be spent in October, and therefore, the FY2024 CWWS Fund Budget includes an amount of \$50,000 for the remainder of the contract.
- The City has contracted with HDR Engineering for the completion of engineering for the Water Treatment Plant Improvements & Residuals in the amount of \$255,730. As of September, the City has \$173,980 left on the contract. Some contract expenses are expected to be spent in October, and therefore, the FY2024 CWWS Fund Budget includes an amount of \$150,000 for the remainder of the contract.
- The City has contracted with HDR Engineering for the completion of engineering for the River Crossing & Maple Lane Waterline Improvements in the amount of \$178,560. As of September, the City has \$75,890 left on the contract. Some



contract expenses are expected to be spent in October, and therefore, the FY2024 CWWWS Fund Budget includes an amount of \$60,000 for the remainder of the contract.

- The City has contracted with HDR Engineering for the completion of engineering for the Owens Branch Sanitary Sewer, Line #1, Phase #1 in the amount of \$321,950. As of September, the City has \$254,355 left on the contract. Some contract expenses are expected to be spent in October, and therefore, the FY2024 CWWWS Fund Budget includes an amount of \$230,000 for the remainder of the contract.
- The City has contracted with HDR Engineering for the completion of engineering for Streetscape Phase III in the amount of \$246,600. As of September, the City has \$59,380 left on the contract. Some contract expenses are expected to be spent in October, and therefore, the FY2024 Capital Improvement Sales Tax Fund Budget includes an amount of \$50,000 for the remainder of the contract.

The Budget Rollovers influence the FY2023 *projected ending fund balance* for the General Fund and the proposed FY2024 total budget. This is explained in the next section below.

### Updated Total Budget Summary – For October 17, 2023 Approval

	2024 Projected Beginning Balance	2024 Proposed Revenues	2024 Proposed Expenditures	2024 Projected Ending Balance
General Fund	3,530,984	6,266,986	7,100,790	2,697,180
Capital Improvement Sales Tax Fund	668,200	1,240,750	1,906,340	2,610
Capital Projects Fund	100,000	40,000	-	140,000
Combined Water/Wastewater Fund	6,455,383	10,683,600	15,704,620	1,434,363
Debt Service Fund	267,739	357,830	351,333	274,236
Park and Stormwater Sales Tax Fund	983,800	933,750	1,021,000	896,550
Sanitation Fund	57,974	938,757	931,805	64,926
Marketplace TIF (Allocation) Fund	1,635,910	868,446	1,179,800	1,324,556
Commons CID Fund	137,351	396,592	413,916	120,027
Transportation Sales Tax Fund	537,204	1,168,950	1,699,140	7,014
Vehicle And Equipment Replacement Fund	210,780	374,398	423,547	161,631
Donation Fund	9,109	21,000	15,000	15,109
Judicial Education Fund	3,447	-	3,447	-
Technology Upgrade Fund	632	-	632	-
DWI Recovery Fund	6,612	4,000	5,000	5,612
Police Training Fund	4,538	3,000	5,000	2,538
<b>Grand Total</b>	<b>\$ 14,609,661</b>	<b>\$ 23,298,059</b>	<b>\$ 30,761,370</b>	<b>\$ 7,146,350</b>

The Total Proposed FY2024 Budget includes the aggregate use of fund balance across sixteen budgeted funds. The use in fund balance can be attributed to several high-profile capital improvement projects within the General Fund, CWWWS (Combined Water & Wastewater) Fund, Transportation Sales Tax Fund, and Capital Improvement Sales Tax Fund. This includes completion of the following projects:

- Quincy Boulevard (Sidewalks and Road Reconstruction)
- 144<sup>th</sup> Street Lift Station and West Interceptor - Construction
- Downtown Streetscape Phase III - Construction
- Stonebridge Lift Station – Engineering & Construction
- Water Treatment Plant Improvements & Residuals – Engineering & Construction
- Commercial Street Sidewalks – Construction
- Wastewater Treatment Plan Expansion – Engineering

**PREVIOUS ACTION:**

As a part of the budget process, the Board of Aldermen first reviewed and discussed upcoming City Department goals on May 16, 2023. Next, the Board held a Financial Retreat on May 17, 2023. Following the retreat, the Board review the Five-Year Capital Improvement plan on June 20, 2023. On August 28, 2023, the Board formally reviewed the FY2024 Proposed Operating Budget.

**POLICY OBJECTIVE:**

Approval of operating and capital budget to achieve Board of Aldermen goals in FY2024

**FINANCIAL CONSIDERATIONS:**

Adopting expenditure and revenue budget for FY2024 which establishes spending and receipting authority for the City in FY2024.

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance                         | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution                                   | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                                 | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other: FY2024 City of Smithville Budget Book |                                   |

**BILL NO. 3008-23**

**ORDINANCE NO. 320X-23**

**AN ORDINANCE ADOPTING THE FY2024 ANNUAL OPERATING BUDGET  
FOR THE CITY OF SMITHVILLE, MISSOURI, AND AUTHORIZING THE  
EXPENDITURES OF FUNDS FOR MUNICIPAL SERVICES.**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE,  
MISSOURI, AS FOLLOWS:**

**THAT**, for the purpose of financing the conduct of affairs of the City of Smithville, Missouri during the fiscal year from November 1, 2023, and ending October 31, 2024 inclusive, the budget of the City's revenue and expenses for such period prepared and submitted to the Smithville Board of Aldermen by the City Administrator is hereby approved and adopted as the Official Budget of the City of Smithville, Missouri; and

**THAT**, the amounts set forth in the various funds are hereby appropriated to such uses, and authority is hereby given to the City Administrator of the City of Smithville to expend the amounts shown for the purposes indicated; and

**THAT**, the amounts for each fund, as shown in the Annual Budget shall not be increased or decreased except by the Board of Aldermen approval, but the various objects of expenses comprising the total appropriation for any fund may be increased or decreased at the discretion of the City Administrator, providing the adjustments shall not increase the total amount appropriated for that fund.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN  
OF THE CITY OF SMITHVILLE THIS 17<sup>th</sup> DAY OF OCTOBER 2023.**

---

Damien Boley, Mayor

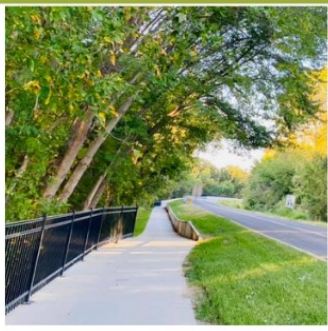
ATTEST:

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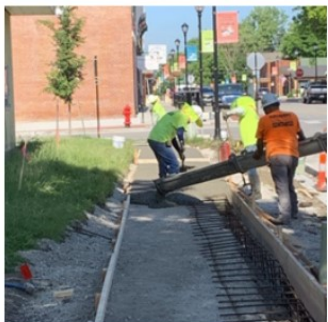
Linda Drummond, City Clerk

First Reading: 10/03/2023

Second Reading: 10/17/2023



# Proposed FY2024 Operating Budget & Five Year Capital Improvement Plan City of Smithville, Missouri





GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished  
Budget Presentation  
Award*

PRESENTED TO

**City of Smithville  
Missouri**

For the Fiscal Year Beginning

**November 01, 2022**

*Christopher P. Morill*

Executive Director

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# Proposed FY2024 Budget Message

August 28, 2023

Honorable Mayor and Board of Aldermen:

I am pleased to present the City of Smithville Annual Operating and Capital Budget for Fiscal Year 2024. This budget reflects the collaboration and dedicated work of staff, Mayor Boley and the Board of Aldermen in achieving the goals and needs of our community.

I believe the FY2024 Budget reflects an appropriate allocation of resources allowing for the continuation of all City services while implementing priorities identified by the citizens of Smithville and the Board of Aldermen.

In May 2023, the Board and staff met in a retreat/financial summit to review organizational workplans and priorities identified through recent processes to outline community goals. During this day-long session, ongoing organizational needs were presented, along with their relationship to community goals outlined in the strategic planning and visioning, comprehensive planning and other planning processes completed over the last several years.

The budget as presented reflects staff's understanding of Board of Aldermen goals outlined at the retreat. In addition to supporting current service levels, the proposed budget provides funding that:

- Ensures adequate performance in employee recruitment and retention.
- Continues to focus on investment in infrastructure.
- Creates and sustains new public education and communications.
- Assures the maintenance and acquisition of appropriate work equipment.

The FY2024 budget reallocates previously approved, but unspent funds for projects or programs approved in the FY2023 Budget. This provides staff the opportunity to complete projects initiated in FY2023, but not yet completed without having to seek amendment in the FY2024 budget. Not included in the proposed budget are funds to address facility needs, most notably a new police station, maintenance facilities, and a community center. Discussions of these needs and associated funding requirements for these needs are ongoing.

On August 28, 2023, the Board of Aldermen approved language for a Public Safety Sales Tax question to appear on the ballot of the November 7, 2023 general election. If approved, the budget would need to be amended. Revenues from the Public Safety Sales Tax would be in held a segregated budgeted fund which would support:

# Proposed FY2024 Budget Message

- Addition of Two Police Officers
- Addition of One Animal Control Officer
- Vehicle leasing costs associated with Police Department fleet
- Equipment upgrades and replacement

Any changes to the budget necessitated by decisions in these areas will be addressed through amendments to the FY2024 Budget or through discussion in future budgets.

The Expenditure Budget for all funds for FY2024 is \$30,781,370 and is supported by \$23,298,059 in revenues.

	2024 Projected Beginning Balance	2024 Proposed Revenues	2024 Proposed Expenditures	2024 Projected Ending Balance
<b>General Fund</b>	3,530,984	6,266,986	7,100,790	2,697,180
<b>Capital Improvement Sales Tax Fund</b>	668,200	1,240,750	1,906,340	2,610
<b>Capital Projects Fund</b>	100,000	40,000	-	140,000
<b>Combined Water/Wastewater Fund</b>	6,455,383	10,683,600	15,704,620	1,434,363
<b>Debt Service Fund</b>	267,739	357,830	351,333	274,236
<b>Park and Stormwater Sales Tax Fund</b>	983,800	933,750	1,021,000	896,550
<b>Sanitation Fund</b>	57,974	938,757	931,805	64,926
<b>Marketplace TIF (Allocation) Fund</b>	1,635,910	868,446	1,179,800	1,324,556
<b>Commons CID Fund</b>	137,351	396,592	413,916	120,027
<b>Transportation Sales Tax Fund</b>	537,204	1,168,950	1,699,140	7,014
<b>Vehicle And Equipment Replacement Fund</b>	210,780	374,398	423,547	161,631
<b>Donation Fund</b>	9,109	21,000	15,000	15,109
<b>Judicial Education Fund</b>	3,447	-	3,447	-
<b>Technology Upgrade Fund</b>	632	-	632	-
<b>DWI Recovery Fund</b>	6,612	4,000	5,000	5,612
<b>Police Training Fund</b>	4,538	3,000	5,000	2,538
<b>Grand Total</b>	<b>\$ 14,609,661</b>	<b>\$ 23,298,059</b>	<b>\$ 30,761,370</b>	<b>\$ 7,146,350</b>

The Total Proposed FY2024 Budget includes the aggregate use of fund balance across sixteen budget funds. FY2024 projected beginning fund balance is approximately \$14.6 million and FY2024 projected ending fund balance is approximately \$7.1 million. In FY2024, the total amount of fund balance expected to be used equals \$7,463,311.



# Proposed FY2024 Budget Message

## ***Revenues Overview***

The Proposed FY2024 Total General Fund revenue budget includes a projected 9% increase in City sales tax revenues. This increase in City sales tax is supported by the additional collection of recreational marijuana sales tax, which will start October 1, 2023. In addition, the General Fund revenue budget includes a projected 2% increase in use tax revenues, and a projected 4.5% increase in property tax revenues.

Last year, the City worked with Raftelis Financial Consultants to conduct an update to the Utility Rate Study. Utility rate increases are necessary in order to continue funding water and sewer line replacement projects, ongoing system maintenance projects, and system capacity upgrades, in addition to providing for daily staffing and operational needs. The FY2024 Budget includes a 15% increase in the water volume and fixed charge and a 15% increase in the wastewater volume and fixed charge. In addition to the increases in these rates, the FY2024 Budget includes estimated COP proceeds of \$3,900,000 to fund the 144<sup>th</sup> Street Lift Station and West Bypass of 144<sup>th</sup> Street (West Interceptor).

The revenue budgets for the Transportation Sales Tax Fund, Capital Improvement Sales Tax Fund, and Park and Stormwater Sales Tax fund includes a projected 3% increase in sales tax revenue. Each of these funds have as their only source designated voter-approved half-cent sales taxes.

## ***Expenditures Overview***

As previously mentioned, the FY2024 Budget totals \$30,761,370 in expenditures across 16 budgeted funds. This includes \$14,468,340 in capital improvement project expenses to improve water, wastewater, stormwater, and street infrastructure as well as the additions of park amenities throughout the City. The Five Year CIP totals \$50,634,975 across all funds. The General Fund accounts for the majority of personnel, programs and services in the City and totals \$7,100,790 in expenditures, a 15.38% increase from projected FY2023 expenditures (once the project budget rollovers are accounted for).

The proposed budget includes a 3% Consumer Price Index (CPI) adjustment to the employee compensation plan (effective November 1, 2023); a 15% increase in medical insurance; increases to property & liability insurance and worker's compensation; and increases to contractual services such as police dispatching, annual audit services.

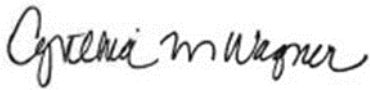
In addition to providing for infrastructure needs and continuation of service provision, the FY2024 Budget prepares the City of Smithville for future growth and expanded tourism, provides opportunities for personal connection with our citizenry and the provision of education on the City's core functions. To achieve this, additional budget has been proposed for allocation to several program and service enhancements. These enhancements are reflected in:

# Proposed FY2024 Budget Message

- Funding a Continued Partnership with Smithville Main Street District
- Funding an Agreement With the Chamber of Commerce Agreement to Provide Additional Services
- Website Enhancements
- Transfer of Funds into the VEF (Vehicle & Equipment Replacement Fund)
- Continue to Fund Neighborhood Beautification Grants
- Adding a Wastewater Treatment Plant Operator
- Creation of a Citizens Academy Program
- Implementation of Downtown Wayfinding & Signage
- Creation of South Employment Overlay District

Additionally, the FY2024 Budget prioritizes managing aging assets which have reached the end of their lifecycle through fiscally responsible purchasing methods.

This proposed budget reflects the combined efforts of all department directors. I wish to extend special thanks to Finance Director Stephen Larson his effort in providing budgetary information in a transparent and informative format. I look forward to working with staff, citizens of Smithville and the Board of Aldermen to accomplish the goals funded through this proposed budget.



Cynthia M. Wagner  
City Administrator

# Community History

The City of Smithville is located in Clay and Platte Counties in Missouri, just to the north of Kansas City, Missouri. Smithville is a 16.25 square-mile community that is home to over 11,000 residents who enjoy living in a peaceful, yet growing community. Operating separately from the City, the Smithville R-II School District operates three elementary schools, one middle school, and one high school. Smithville has a branch of the Mid-Continent Public Library.



Smithville was named for Humphrey and Nancy Smith, who came west with their six sons and daughter from New York state in 1822 to find land and build a home. They settled alongside the Little Platte River. In 1824, the Smith's established Smith's Mill, the first water-powered flour mill in Clay County. By the 1830s, a town site was laid out and Smith's Mill became Smithville.

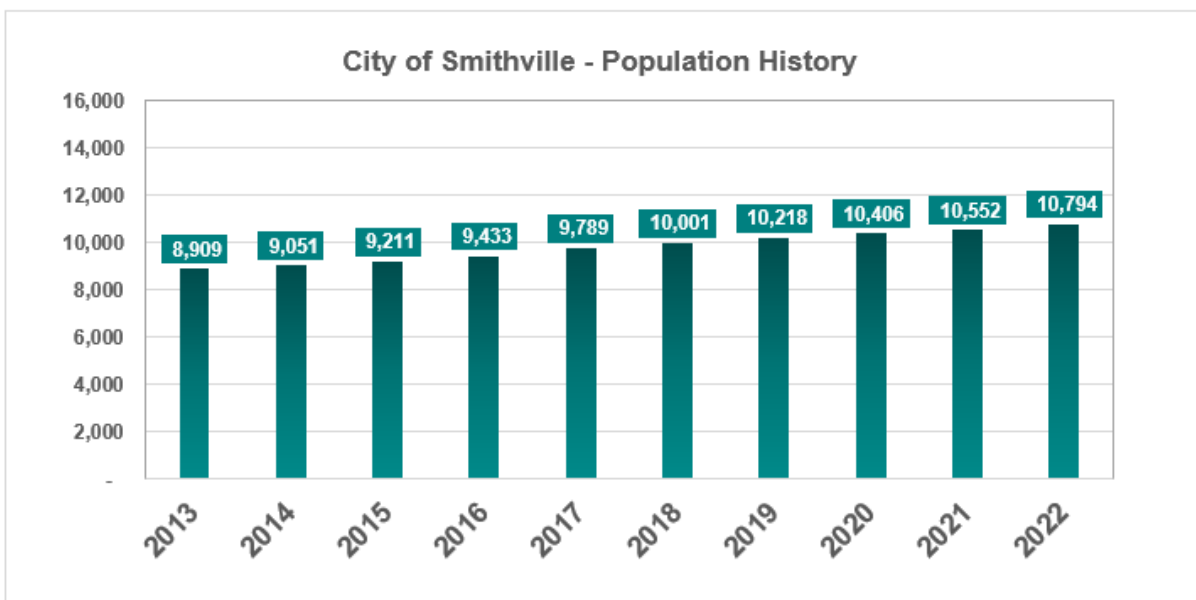
On July 6, 1868, the town of Smithville was incorporated. The City currently operates as a council/administrator form of government. The governing body of the City is the Board of Alderman, which is comprised of six members elected by ward (two alderman per ward), and a Mayor elected at large. The Mayor and each Alderman are elected for two-year terms.

# Community History (Continued)

In October 1979, the U.S. Army Corps of Engineers began impounding Smithville Lake, creating what is today a roughly 7,200-acre lake with more than 175 miles of shoreline. Smithville Lake, provides flood damage reduction, recreational opportunities, and water supply and storage capabilities for the City.



Smithville's population has gone through a significant increase over the last twenty years. The population more than doubled from 1990 to 2000, and since 2000, the population has increased by an annual growth rate of about 3.95%. The population growth has been driven by a high performing school district, popular recreational amenities, and proximity to Kansas City, while maintaining a rural feel.



Almost 40% of the population is comprised of students. Young families continue to move to the City to enroll their children in the schools. This school-age-family subgroup drives the family-friendly nature of the community and the common desire for a safe and secure community. It is expected that Smithville's population will continue to grow.

# Community History (Continued)

## City of Smithville Demographic Profile

Demographic Indicators (Data from 2030 Comprehensive Plan)				
Households	Average Household Size	Median Age	Median Household Income	Median Home Value
3,773	2.69	40.2	\$87,826	\$222,510

Demographic indicators, sourced from the 2030 Comprehensive Plan, are shown above.

The City's largest employers are the Smithville School District, Saint Luke's Hospital, and Cosentino's Price Chopper. The City's economy is strong, with the top taxpayers being the Price Chopper, Evergy, Heritage Tractor, Coleman Equipment, and Major Lumber. The Kansas City Metropolitan area is considered broad and diverse, and the City's recent growth will likely lead to future commercial development.

In 2014, the Downtown Smithville Historic District was included in the National Register of Historic Places. In 2019, the City was accepted into the Missouri Main Street Connection program with thanks to additional funding from the Smithville Chamber of Commerce and the Smithville Heritage Business District Association, provides on-site visits from Missouri Main Street Staff, work plan development, regional training, reference materials, and networking to revitalize downtown Smithville.

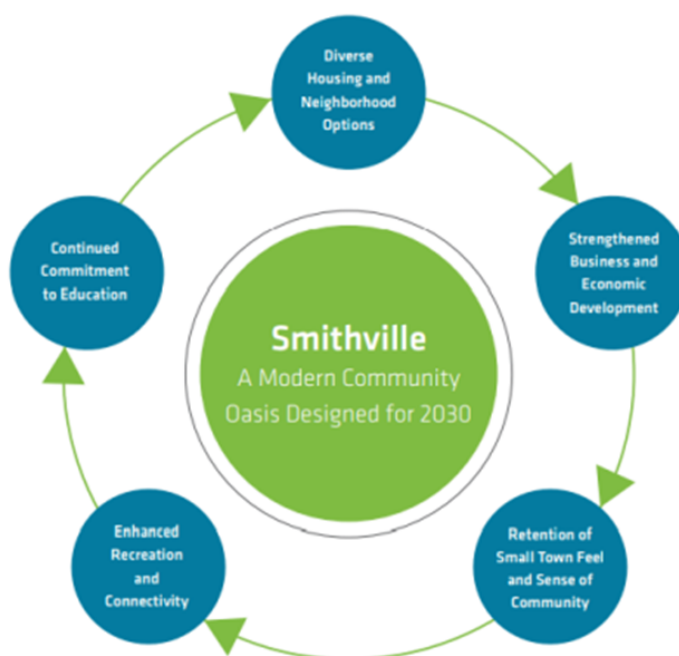


# Citizen Engagement / Strategic Planning

## 2019 Citizen Based Strategic Plan

In 2019, the City of Smithville embarked upon a visioning and strategic planning process to shape its future. The community came together to develop a vision for the future of Smithville that was inclusive, innovative, and forward thinking. The resulting Community Vision and Strategic Action Plan provided a roadmap for the City to achieve its goals and aspirations.

The process identified the following vision for the future of Smithville to create with the support of five strategic pillars:



The Strategic Plan's vision and pillars formed the foundation for the City's Comprehensive Plan (2020), Parks & Recreation Master Plan (2021), and the Transportation Master Plan (2022). These plans involved a significant amount of community input.

The Comprehensive Plan is a foundational document that guides land-use and planning decisions over the next ten years. It also helps guide the evolution of the community, and how it looks and feels. The Plan is a thoughtful, achievable, and sustainable roadmap for community aspirations for the future. The City's Comprehensive Plan has made considerable progress since 2020, and the City created a new [Comprehensive Plan Dashboard](#) on the City's Website.

# Citizen Engagement / Strategic Planning

The City of Smithville's Parks and Recreation Master Plan provides a ten-year vision for parks, recreation, open space, and trails in the City of Smithville. This work builds on the community visioning and Comprehensive Plan work conducted through 2019 and 2020.

The Transportation Master Plan sets the course for transportation in Smithville for the next ten to twenty years. It outlines a future vision for community mobility and infrastructure, establishes guiding principles for network planning and investment, and provides recommendations for achieving this vision.

The Strategic Plan, Comprehensive Plan, Parks & Recreation Master Plan, and Transportation Master Plan all support one another to ensure that the plans are well-positioned to support future growth and investment throughout the City.



## Diverse Housing and Neighborhood Options Pillar

Goal	Update
Initiate the Comprehensive Planning Process	Completed in 2020.
Facilitate the Availability of More Diverse Housing Options	In progress, the comprehensive plan outlines future land-use.
Define and Develop Neighborhood Nodes	Completed in 2020 in the comprehensive planning process.
Preserve Green Space and Rural Feel	Identified in the Comprehensive Plan, Parks Master Plan, and Transportation Master Plan.



## Strengthened Business and Economic Development Pillar

Goal	Update
Focus on Technology and Bioscience Companies	Ongoing, CPC of Missouri Development, an 82,500-square-foot manufacturing and cultivation facility in opened in 2022.
Leverage off Airport Redevelopment	In progress.
Pursue Tourism Related Business Potential	In progress, continued partnership with Smithville Main Street District.
Create Dedicated Industrial Zones	Completed, identified in the Comprehensive Plan.



# Citizen Engagement / Strategic Planning



## Retention of Small-Town Feel and Sense of Community Pillar

Goal	Update
<b>Create “Smithville Community Oasis” Area</b>	In progress, grant funding secured for Riverwalk Phase I. Downtown Community Oasis Character Areas identified in 2030 Comprehensive Plan, Parks Master Plan, and Transportation Master Plan.
<b>Utilize Unique Signage and Promotions</b>	In progress, Wayfinding Signage and Design Guidelines was completed in March 2023. Funds identified in FY2024 Budget for Downtown signage installation.
<b>Pursue Tourism Related Business Potential</b>	Ongoing, continued partnership with Smithville Main Street District.
<b>Create Dedicated Industrial Zones</b>	Completed, identified in the 2030 Comprehensive Plan.



## Enhanced Recreation and Connectivity Pillar

Goal	Update
<b>Create a Recreation and Connectivity Master Plan</b>	Completed in June 2021.
<b>Study Community Desires for Recreation Facilities</b>	In progress, facilities identified in Parks Master Plan, and continue community discussions.
<b>Build Recreation as an Economic Driver</b>	In progress, identified in the Parks Master Plan, City partnership in recreation events.
<b>Build Regional Trail Connectivity</b>	In progress, identified in Parks Master Plan and Transportation Master Plan.



## Continued Commitment to Education Pillar

Goal	Update
<b>Create Educational Cluster</b>	In progress, planning goals identified in Comprehensive Plan.
<b>Forge Strong Partnership between School and City</b>	Ongoing, City and School representatives participate in multiple community groups, City participates in School District’s Real World Learning Program, City Administrator and School District Superintendent meet monthly.
<b>Create Industry Responsive Educational Pathways</b>	Ongoing, City participates in Real World Learning Program.
<b>Build a Lifelong Learning Culture</b>	Ongoing, City offers programming for all ages, Citizens Academy included in FY2024 budget.



# Citizen Engagement / Strategic Planning

## DirectionFinder Survey

The City of Smithville Citizen Survey continues to serve as a guidepost for evaluating current levels of service the City provides to residents, as well as allowing staff to better understand the needs of the community. The survey specific provides City leadership with clearly defined priorities, objective performance measurements and benchmarks, and meaningful citizen involvement responses. The DirectionFinder survey has been conducted two times in the last five years (once in 2019 and once in 2021).

Following the conclusion of the second survey, staff are continuing to see *major customer satisfaction strides* in the following areas:

- Satisfaction With City Services
- Satisfaction with Parks & Recreation Amenities & Programs
- Image, Appearance, and Quality of Life in the City of Smithville
- Value Received for your City Tax Dollars & Fees
- Feelings of Safety in the City

During the development of the FY2024 Budget, the Board of Aldermen directed staff to engage in a citizen survey every three years.



# Mission, Vision, and Values

## City Vision Statement

The City of Smithville Board of Aldermen has a strong history of strategic planning. The Board has proactively identified a vision for the community, established key performance areas, and set priority goals. The Board uses this process to allocate resources, track progress, and evaluate how emerging issues will affect the success of the City and organization.

In 2019, Smithville citizens participated in a community visioning process, augmenting and complementing the work of the governing body. In 2021, the Governing Body once again gathered to not only identify its priorities but also to ensure those priorities were aligned with the feedback generated by the community visioning process. This vision continues to inform the work of the governing body and organization.

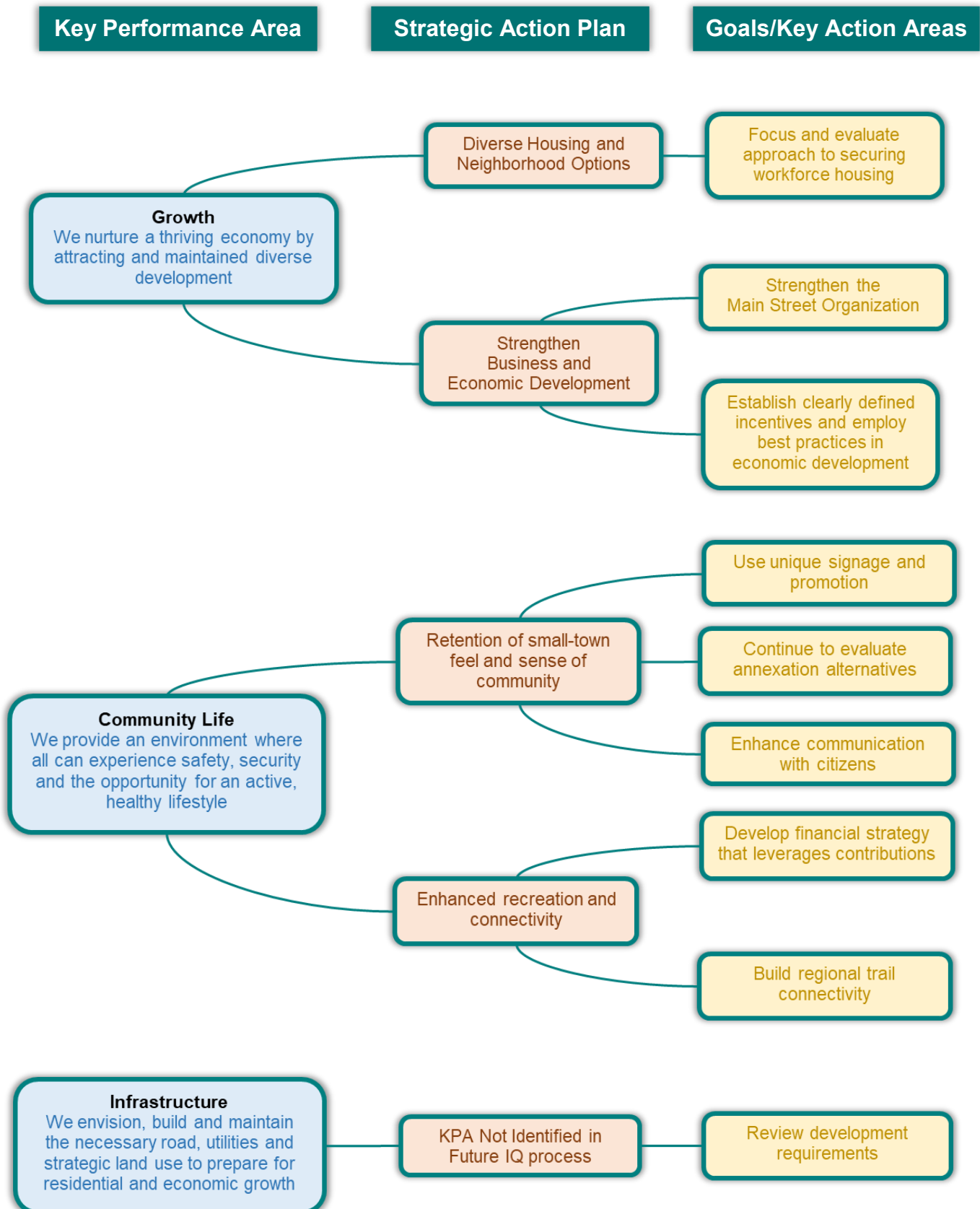
**Smithville builds its future  
by embracing growth, encouraging commerce  
and cultivating its natural surroundings**

## Key Performance Areas

The Governing Body has identified five key performance areas (KPAs) those areas in which the community must have success to move forward. Growth, community life, and infrastructure are the three key performance areas with governance and finance as the two remaining key areas as values on which the board achieves its work. As a vision, these KPA's inform the daily work of its staff and serve as the basis in forming the priority goals for the organization.

	<b>Growth</b>	We nurture a thriving economy by attracting and maintaining diverse development
	<b>Community Life</b>	We provide an environment where all can experience safety, security, and opportunity for an active, healthy lifestyle.
	<b>Infrastructure</b>	We envision, build, and maintain the necessary road, utilities, and strategic land use to prepare for residential and economic growth.
	<b>Governance</b>	We act as a cohesive team, providing the human and physical resources to advance the goals and betterment of the community
	<b>Finance</b>	We maintain public trust through fiscally sound investment of public revenues and resources.

# Priority Goals



# City of Smithville - Governing Body

## Form of Government

The City of Smithville operates as a council/administrator form of government. The Governing Body of the City is the Board of Aldermen, which is comprised of six members elected by ward (two Aldermen per ward), and a Mayor elected at large. The Mayor and each Alderman are elected to four-year terms, which was extended from two-year terms via a ballot question in November 2022.

To be eligible to qualify for the office of Mayor or Alderman, a candidate must be at least 21 years of age, a citizen of the United States, a resident and inhabitant of the City of Smithville for at least one year prior to the election date, a registered voter, and not owe any outstanding debts to the City of Smithville. Residents who desire to be a candidate must file with the City Clerk annually in December.

A ward map is depicted on the following page. Ward boundaries were recently redrawn as is the case every ten years with the Population and Housing Census.

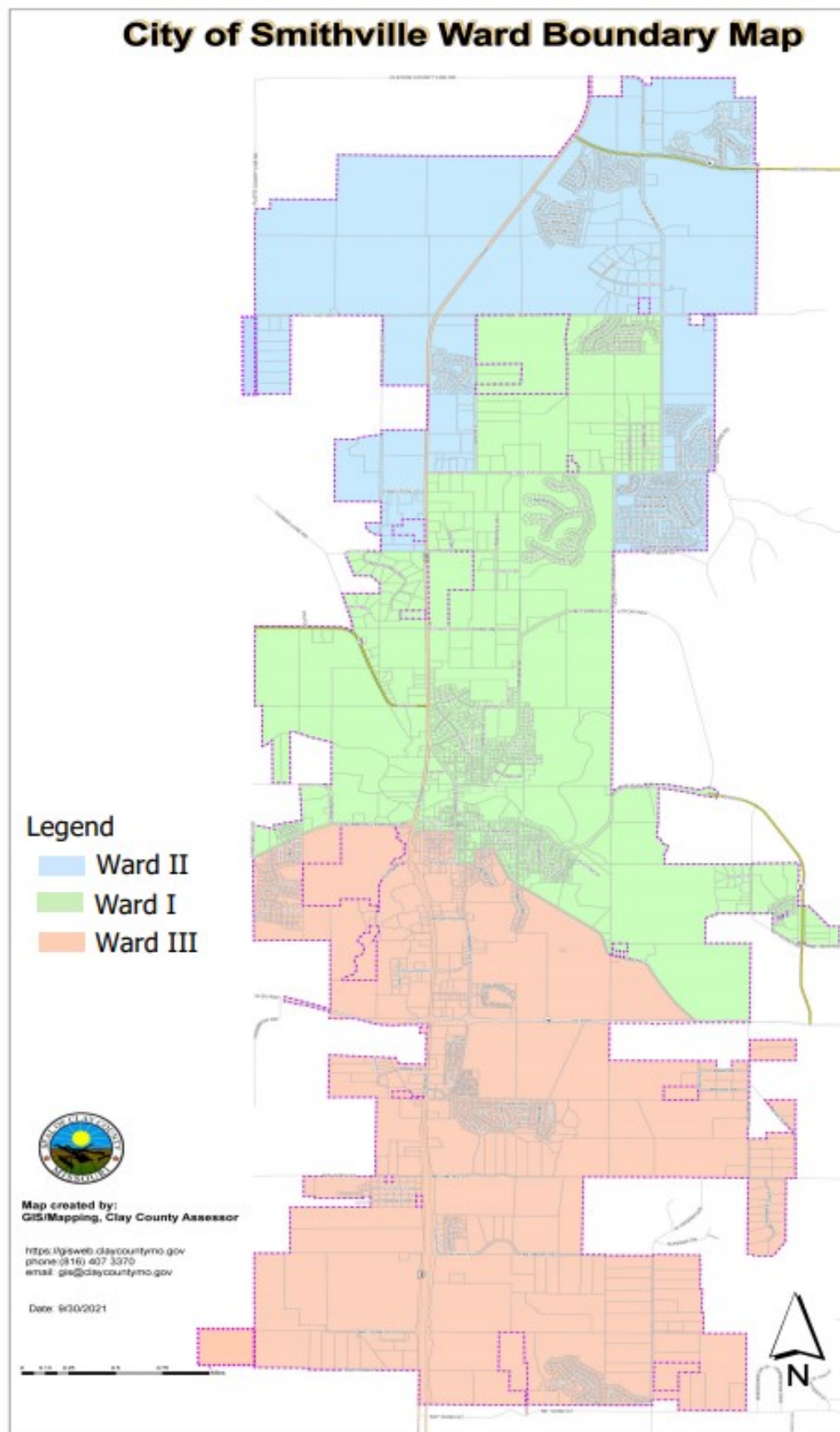
## City of Smithville Mayor and Board of Alderman

Representation	Elected Official	Term Length
Mayor	Damien Boley	Term Expires April 2024
Alderman - Ward 1	Dan Ulledahl	Term Expires April 2024
Alderman - Ward 2	Ronald Russell	Term Expires April 2024
Alderman - Ward 3	Marvin Atkins	Term Expires April 2024
Alderman - Ward 1	Dan Hartman	Term Expires April 2027
Alderman - Ward 2	Melissa Wilson	Term Expires April 2027
Alderman - Ward 3	Leeah Shipley	Term Expires April 2027

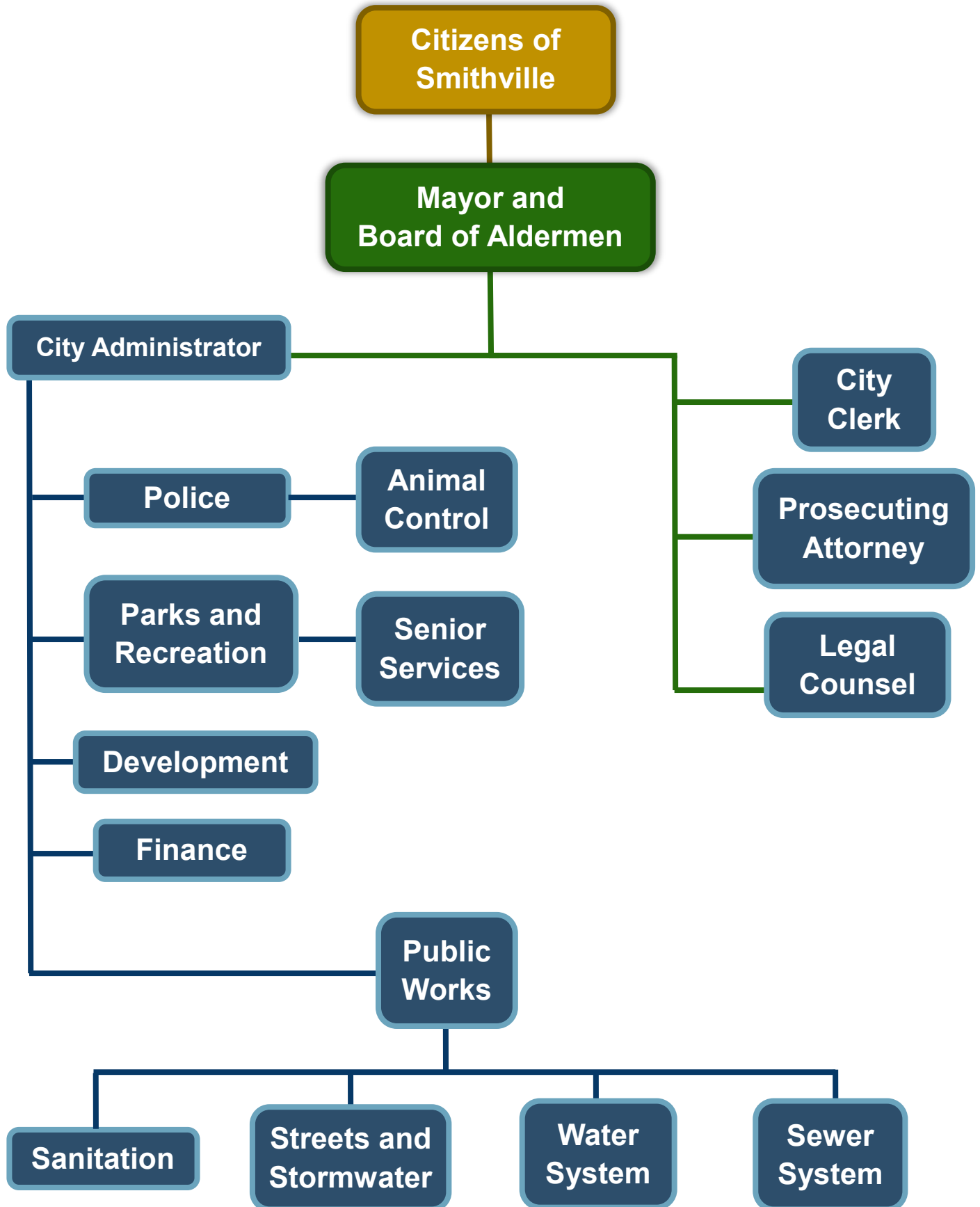


City of Smithville - Board of Aldermen Chamber

# City Ward Boundary Map



# City Organizational Chart



# Management/Leadership Team

## **City Administrator**

Cynthia Wagner

## **Assistant City Administrator**

Gina Pate

## **City Clerk**

Linda Drummond

## **Chief of Police**

Jason Lockridge

## **Parks and Recreation Director**

Matthew Denton

## **Development Director**

Jack Hendrix

## **Finance Director**

Stephen Larson

## **Public Works Director**

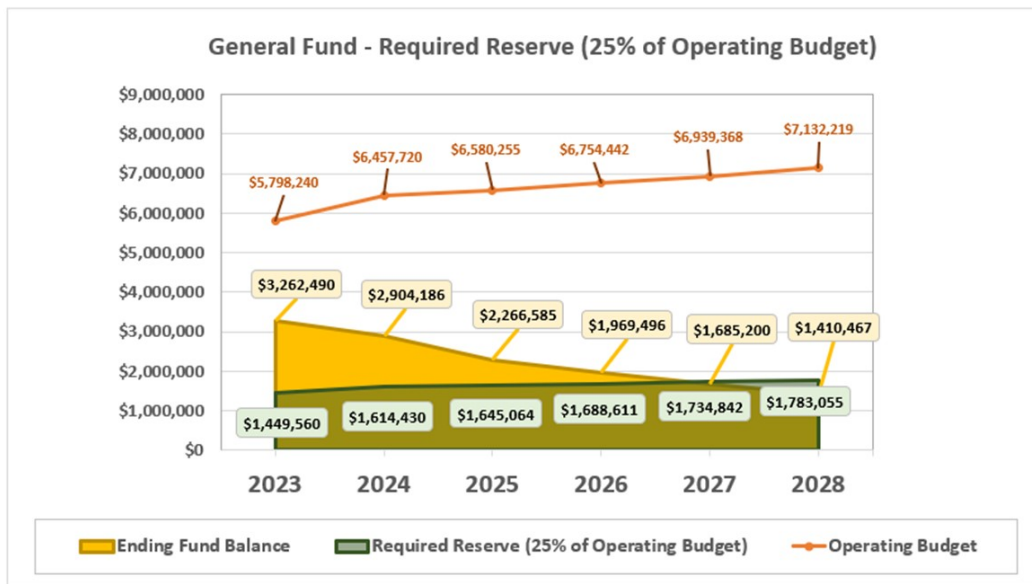
Chuck Soules



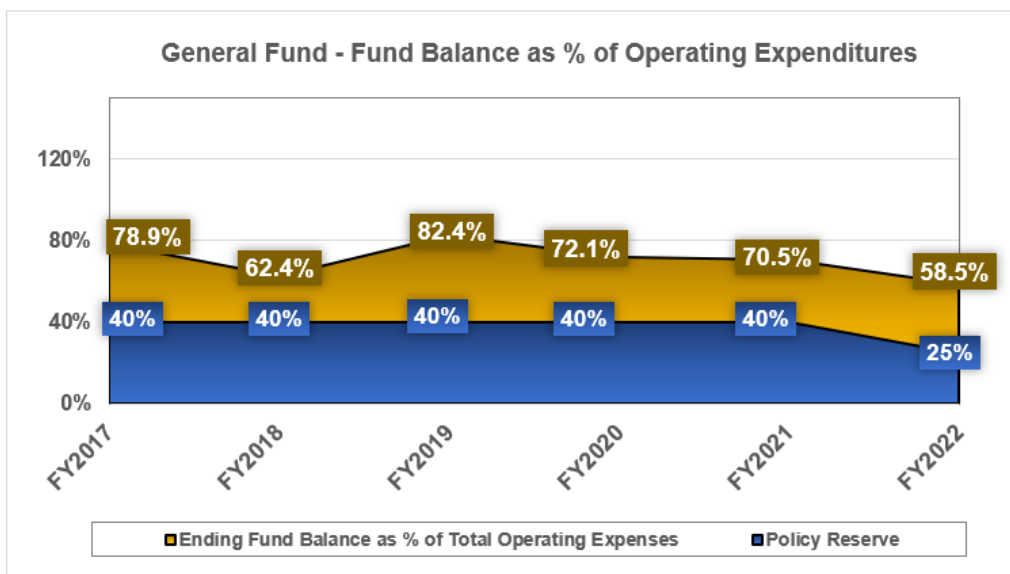
# Long Range Financial Planning

The City actively forecasts, reviews and adjusts long term financial plans via a five year forecast which is updated on a monthly basis. Staff continually monitor the amount of projected excess cash (the difference between the projected fund balance and the minimum reserve requirement). This forecast is crucial for staffing, operational budget, and capital improvement planning.

Below is the General Fund Required Reserve and Excess Cash Analysis which is reviewed multiple times by the Board of Alderman during the budget process. There is a **25%** of operating budget reserve requirement for the General Fund. The graph below reflects the five-year cashflow for the Proposed FY2024 budget:



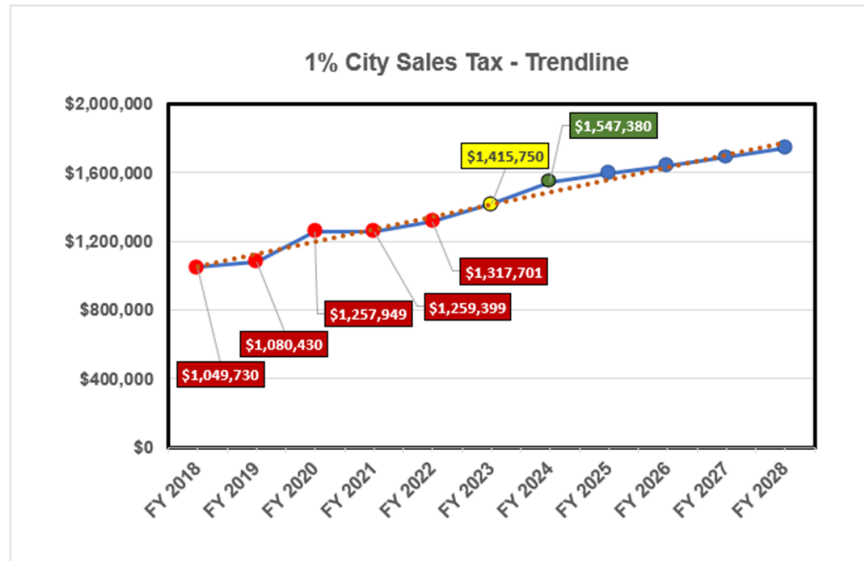
Below is a five year history of the General Fund ending cash balance as a percentage of actual operating expenditures.





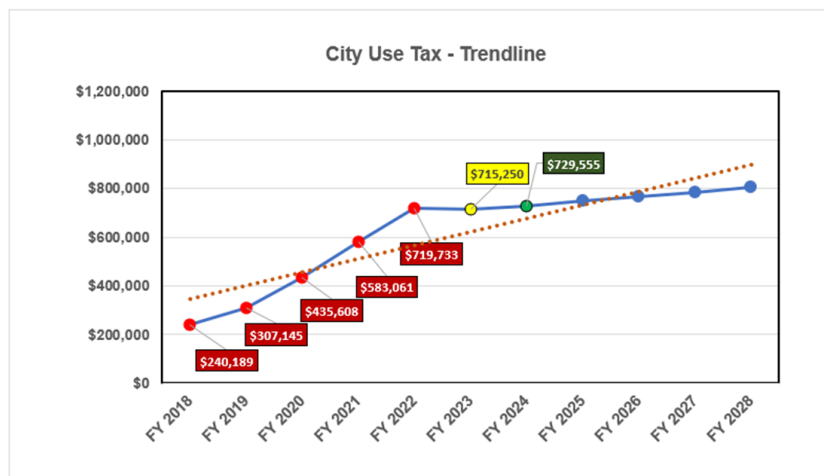
# Long Range Financial Planning (Continued)

Long term forecasts for sales tax, franchise fees, building permits, and other major revenues are reviewed monthly. Below is snapshot of the 1% City Sales Tax long range forecast:



Red	Actuals
Yellow	FY2023 Projected
Green	FY2024 Proposed
Blue	Projected Out Years

Use taxes, collected for online purchases and deliveries, have also continued to grow. The consumer market has changed, with at-home purchasing becoming a more and more popular way to acquire goods and services. In addition, the City's use tax rate increased to 2.500% after the addition of the Park and Stormwater Sales Tax (2020) and Capital Improvement Sales Tax (2018). Below is snapshot of City use tax long range forecast:



Red	Actuals
Yellow	FY2023 Projected
Green	FY2024 Proposed
Blue	Projected Out Years

Long term expenditure forecasts for full time and part time salaries, health insurance benefits, commodities (such as fuel, automotive parts, repairs and maintenance, natural gas, and electricity), and contractual services (such as professional agreements) are also monitored on a five year basis.

# Annual Budget Calendar

The City of Smithville budget and fiscal year runs from **November 1** to **October 31**. The Budget is adopted by Ordinance, which requires two readings. Typically, each reading is done at a separate Board of Aldermen meeting. Each winter, a budget calendar is presented to staff and the Board of Aldermen, laying out a timeline for budget preparation, review, and approval. The timeline includes budgetary items such as the Capital Improvement Plan and Schedule of Fees. The FY2023 budget calendar was presented as follows:

In April, the Finance Director, City Administrator, and Assistant City Administrator met with department heads to review each departments FY2023 budget priorities, including recommendations for changes to the schedule of fees, anticipated changes to revenues, revisions to expenditure estimates for department line items, capital improvement and outlay requests, and the capital improvements project listing and timeline.

FY2024 Proposed Budget Timeline	
<b>April 2023</b>	<ul style="list-style-type: none"> <li>▪ Hold Departmental Budget Meetings</li> </ul>
<b>May 2023</b>	<ul style="list-style-type: none"> <li>▪ FY2023 EOY Revenue Projections Completed</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Five Year Capital Improvement Plan (FY2024 - FY2028) Prioritized &amp; Updated</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Board of Aldermen - Financial Retreat</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Draft FY2024 Budget Assembled</li> </ul>
<b>June 2023</b>	<ul style="list-style-type: none"> <li>▪ Departmental Review of Draft FY2024 Budget</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Board Discussion &amp; Review of Five Year Capital Improvement Plan</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Board Discussion &amp; Review of Comprehensive Listing of Schedule of Fees</li> </ul>
<b>August 2023</b>	<ul style="list-style-type: none"> <li>▪ First Review of Recommended DRAFT FY2024 Operating Budget and Five Year Capital Improvement Plan</li> </ul>
<b>September 2023</b>	<ul style="list-style-type: none"> <li>▪ Board of Aldermen sets the 2023 Property Tax Levy</li> </ul>
<b>October 2023</b>	<ul style="list-style-type: none"> <li>▪ Public Hearing is held for Water and Sewer Utility Rates</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Board of Aldermen approves the FY2024 Budget</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Board Approves Changes to the Schedule of Fees via Resolution</li> </ul>

## Financial Policies And Basis of Accounting and Budgeting

### **City of Smithville Code of Ordinances - Chapter 140 - Finance and Taxation**

The City of Smithville Code of Ordinances establishes the City's fiscal year, identifies the City Administrator as the Budget Officer, and provides an outline of the process for compilation of, revision of, adoption of, and amendments to the budget. Chapter 140 also guides the setting of the property tax levy and imposition of sales and use taxes.

### **City of Smithville Code of Ordinances - Chapter 150 - Purchasing Policy**

The City of Smithville Code of Ordinances establishes the City's purchasing policy, identifies the Purchasing Agent, and provides an outline for the purchase of goods and services. Numerical limits are identified for formal bid purchases (if the purchase is **\$7,500** or greater, formal written contract and Board of Alderman approval required), semi-formal bid purchase (equal to or greater than **\$3,500**, but less than **\$7,500**), and purchases made with the discretion of department heads (less than **\$3,500**).

The Policy Manual outlines several City policies, including the donation and purchasing card policy, and identifies the desired level of various Fund reserves.

### **Basis of Accounting & Budgeting**

The financial statements and City budget are both prepared on a modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America established by the Governmental Accounting Standards Board (GASB). GASB is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The City's policy is to include the following components in the financial statements: all funds, departments, agencies, boards, commissions, and other units for which the City is considered to be financially accountable.

The accounts of the City are organized on the basis of funds. Each fund is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, deferred outflows of resources, liabilities, deferred inflows of resources, net position, fund balances, and revenues and expenditures. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled.

The next set of pages in the Budget Book include information regarding debt management and General Obligation debt limitations.

# Debt Management

## Debt Policies

In the financial statements, long-term debt and other long-term obligations are reported as liabilities. Bond premiums and discounts are amortized over the life of the bonds using the straight-line method. Bonds payable are amortized over the life of the bonds using the straight-line method and are reported net of the applicable bond premiums or discounts. Bond issuance costs are expensed when incurred. In the financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources, while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

## Bond Rating

A bond rating provides a general credit risk evaluation. The City's bond rating is the single most important factor that affects the interest rate on the debt issuance.

There are three major agencies which assign credit ratings for municipal bonds: Moody's Investors Service, S&P (Standard and Poor's) Global, and Fitch Ratings. In assigning a rating for general obligation bonds, rating agencies assess the following factors:

- ◇ **Economy**
- ◇ **Debt Structure**
- ◇ **Financial Condition**
- ◇ **Demographic Factors**
- ◇ **Management Practices of Governing Body and Administration**

The following table shows comparable investment grade ratings for the three major rating agencies:

# Debt Management (Continued)

Bond Rating	Moody's Investors Service	S&P Global and Fitch Ratings
Extremely Strong	Aaa	AAA
Very Strong	Aa1, Aa2, Aa3	AA+, AA, AA-
Strong	A1, A2, A3	A+, A, A-
Adequate	Baa1, Baa2, Baa3	BBB+, BBB, BBB-

The City received a “AA-” long-term rating in February 2019 from S&P Global for its most recent debt issuance, the 2019 General Obligation (GO) bonds. “AA-” is considered a “very strong” rating as indicated by the table above. This 2019 rating also affirmed the City’s “AA-” long-term rating on the 2018 GO Bonds and its “A+” long-term rating on the 2018 Certificates of Participation (COPs), which is considered a “strong” rating.

COPs are typically rated one level lower than the City’s general creditworthiness because COPs are secured through the City’s operating budget, meaning the City has pledged to seek annual appropriations from the Combined Water & Wastewater Systems (CWWS) Fund and has considered the affordability of the lease payments in its long-term plans. However, since the CWWS Fund is support by water and wastewater revenue, some risk is associated with that annual appropriation, leading to the lower credit rating. GO bonds are secured by the full faith and credit and taxing power of the municipality, meaning they are generally payable through a debt service property tax levy without limitation as to the taxing rate on all taxable tangible property, real and personal.

# Debt Management (Continued)

The S&P Global rating reflects the following assessments of the City:

- The City has a strong economy with access to the broad and diverse Kansas City metropolitan statistical area.
- The City is adequately managed with standard financial policies and practices under S&P Global Financial Management Assessment methodology.
- The City showcases strong budgetary performance with slight operating surpluses in the General Fund and at the total governmental fund level in FY2018.
- The City has very strong budgetary flexibility with an available cash reserve in FY2018 of approximately 72% of operating expenditures.
- The City has very strong liquidity with total government available cash at 102.6% of total governmental fund expenditures, 43 times governmental debt service, and access to external liquidity.
- Very weak debt and contingent liability profile, with debt service carrying charges at 2.4% of expenditures and net direct debt that is 238% of total governmental fund revenue.
- Adequate institutional framework.

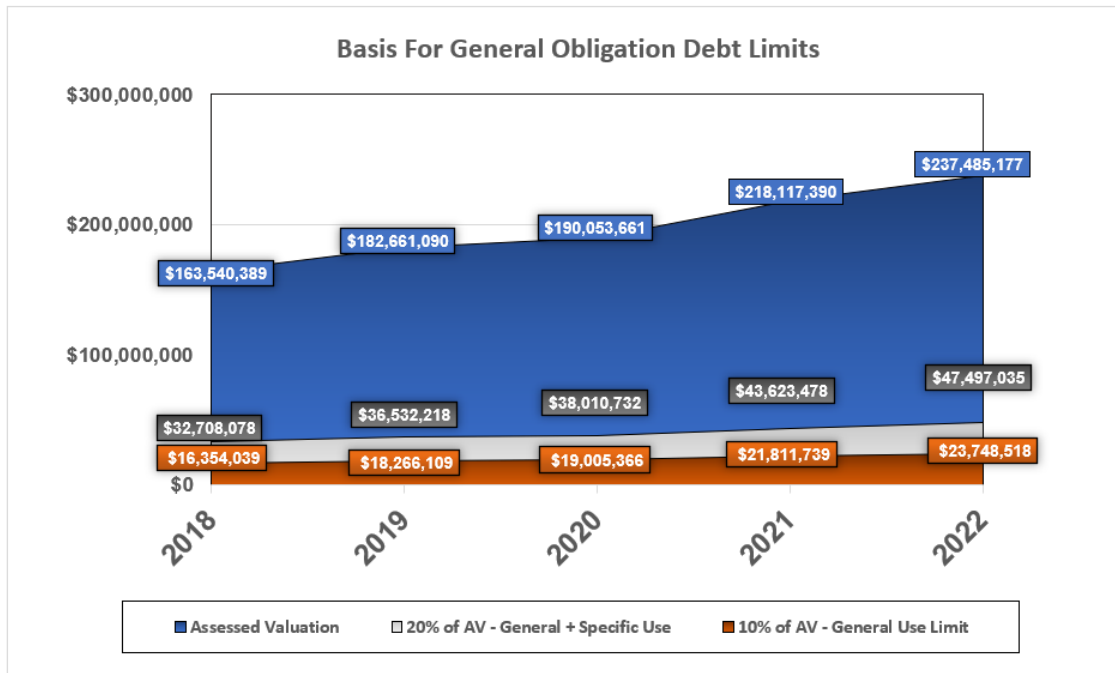
## General Obligation Debt Limits

All General Obligation (GO) bonds must be voter-approved. Article VI, Section 26 of the Missouri Constitution limits the amount of GO bonds that may be issued by a municipality for general needs at 10% of the City's assessed valuation (AV). The debt limit is tested at the time of the election to authorize the issuance of the bonds. The maturity date of a GO bond issuance must not be later than 20 years from the date of its issuance. The Missouri Constitution does permit the City to incur GO debt for an additional 10% of the City's AV for the specific purpose of water or electric plant improvements, but the City's total GO debt across all three available platforms cannot exceed 20% of the City's AV. The City's 2022 Assessed Valuation is **\$237,485,177**, meaning the City's GO debt ceiling is **\$47,497,035** (20% of AV) and **\$23,748,518** (10%) may be used for general purposes.

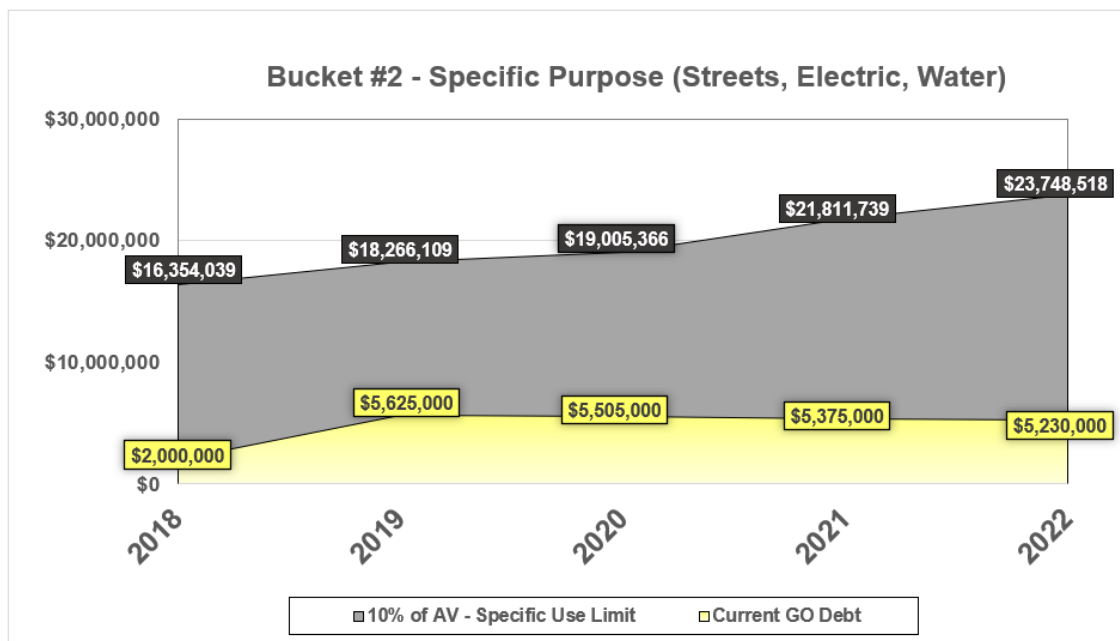
In 2018, voters approved the issuance of \$5,625,000 in GO debt for the City. As of November 1, 2022, the City's GO balance is \$5,230,000, and there is no additional GO debt for specific purposes. See the next page for graphs illustrating the general obligation debt limits.

# Debt Management (Continued)

Below is a graph illustrating the determination of the General Obligation Debt Limits:



Below is a graph illustrating the 10% debt limit compared to actual issued general obligation debt. At this time, the limit greatly exceeds actual issued debt.



# Debt Management (Continued)

Certificates of Participation (COPs), on the other hand, do not need to be voter-approved, and do not have a debt ceiling. In terms of outstanding COPs, the City issued COPs in 2018 for water and wastewater improvements and as of November 1, 2022, the City has \$7,550,000 in COP debt remaining.

Current general obligations and certificates of participation debt amortization schedules are provided in Appendix I near the end of the Budget Book. Please reference the Table of Contents for the exact page number.

## Future Debt Planning

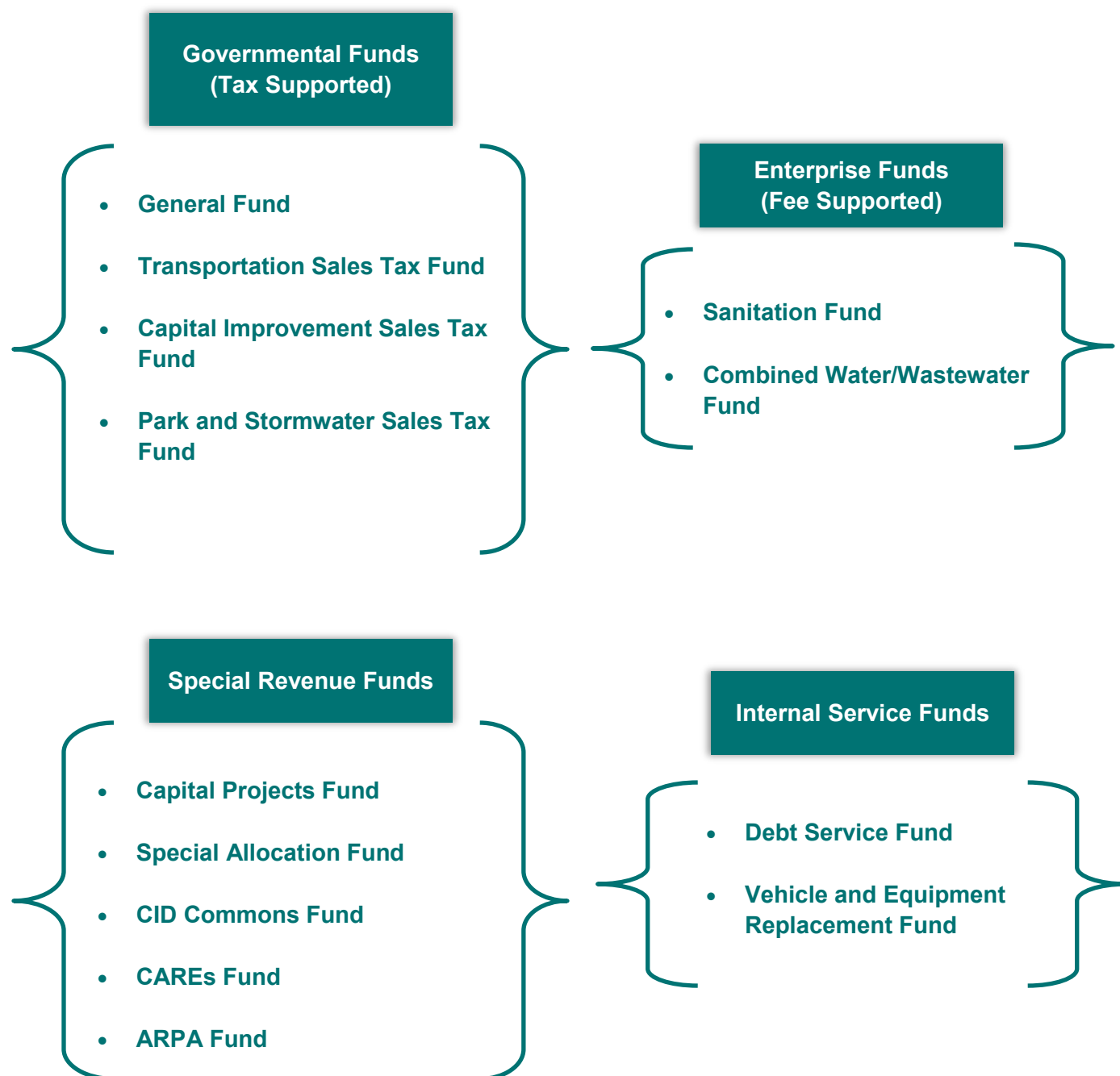
The City continues to proactively identify future infrastructure needs and improvements. Future capital improvement projects which may required funding via debt issuance are outlined below:

Capital Improvement Project	Estimated Cost	Timeline	Financing Instrument	Fund
144th Lift Station and West Bypass (Construction)	\$3,900,000	FY2024	COP	CWWS
Owens Branch Gravity Line <b>Phase #1, Line #1</b> (Construction)	\$2,200,000	FY2025	COP	CWWS
Owens Branch Gravity Line <b>Phase #1, Line #2</b> (Construction)	\$2,500,000	FY2026	COP	CWWS
Wastewater Treatment Plant Expansion (Construction)	\$6,000,000	FY2026 & FY2027	COP	CWWS
Water Treatment Plant Expansion, Phase I (Construction)	\$7,500,000	FY2028	COP	CWWS
Owens Branch Gravity Line <b>Phase #1, Line #3</b> (Construction)	\$2,500,000	Pending Project	COP	CWWS
144 <sup>th</sup> Street to Forest Oaks Gravity Line (Construction)	\$3,000,000	Pending Project	COP	CWWS



# Categories of Funds

The City operates using a 12 different budgeted funds. The only “dormant” (unused) fund is the CAREs fund which featured special revenues for COVID-19 relief. Tax supported funds receive revenue through sales, property taxes, motor fuel taxes, and intergovernmental revenues. Enterprise funds are supported through fee revenues which include monthly utility charges for the CWWS fund and monthly solid waste charges for the sanitation fund. Special revenue funds, such as the ARPA fund and Capital Projects Fund, are supported through federal and state grant monies, while the Special Allocation Fund receives economic activity taxes and PILOTS (payments in lieu of taxes), and the CID Commons Fund receives CID Sales & Use Tax.



# Total Budget Summary

Below is the presentation of the Proposed FY2024 Budget summary indicating projected beginning fund balances for FY2024 and projected ending fund balances for FY2024. The proposed revenues and proposed expenditures are reflective of the total budget for all budgeted funds for FY2024.

	2024 Projected Beginning Balance	2024 Proposed Revenues	2024 Proposed Expenditures	2024 Projected Ending Balance
<b>General Fund</b>	3,530,984	6,266,986	7,100,790	2,697,180
<b>Capital Improvement Sales Tax Fund</b>	668,200	1,240,750	1,906,340	2,610
<b>Capital Projects Fund</b>	100,000	40,000	-	140,000
<b>Combined Water/Wastewater Fund</b>	6,455,383	10,683,600	15,704,620	1,434,363
<b>Debt Service Fund</b>	267,739	357,830	351,333	274,236
<b>Park and Stormwater Sales Tax Fund</b>	983,800	933,750	1,021,000	896,550
<b>Sanitation Fund</b>	57,974	938,757	931,805	64,926
<b>Marketplace TIF (Allocation) Fund</b>	1,635,910	868,446	1,179,800	1,324,556
<b>Commons CID Fund</b>	137,351	396,592	413,916	120,027
<b>Transportation Sales Tax Fund</b>	537,204	1,168,950	1,699,140	7,014
<b>Vehicle And Equipment Replacement Fund</b>	210,780	374,398	423,547	161,631
<b>Donation Fund</b>	9,109	21,000	15,000	15,109
<b>Judicial Education Fund</b>	3,447	-	3,447	-
<b>Technology Upgrade Fund</b>	632	-	632	-
<b>DWI Recovery Fund</b>	6,612	4,000	5,000	5,612
<b>Police Training Fund</b>	4,538	3,000	5,000	2,538
<b>Grand Total</b>	<b>\$ 14,609,661</b>	<b>\$ 23,298,059</b>	<b>\$ 30,761,370</b>	<b>\$ 7,146,350</b>

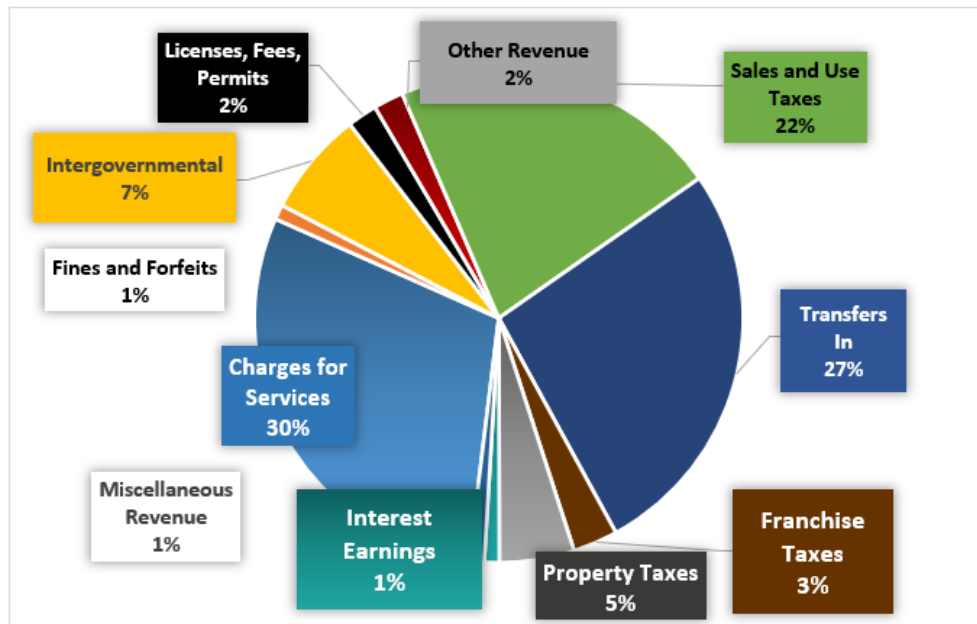
The Total Proposed FY2024 Budget includes the aggregate use of fund balance across sixteen budgeted funds. FY2024 projected beginning fund balance approximately \$14.6 million and FY2024 projected ending fund balance is approximately \$7.1 million. In FY2024, the total amount of fund balance expected to be use equals \$7,463,311.

This use in fund balance for the FY2024 Budget can be attributed to the numerous capital improvement projects within the General Fund, CWWS (Combined Water & Wastewater) Fund, Transportation Sales Tax Fund, and Capital Improvement Sales Tax Fund. This includes major projects, such as the 144<sup>th</sup> Street Lift Station and West Interceptor (Bypass of 144<sup>th</sup> Street), construction of Downtown Streetscape Phase III, engineering and construction of the Stonebridge Lift Station, construction of Water Treatment Plant Improvements, construction of the Commercial Street Sidewalks, and engineering for the upcoming Wastewater Treatment Plant Expansion.

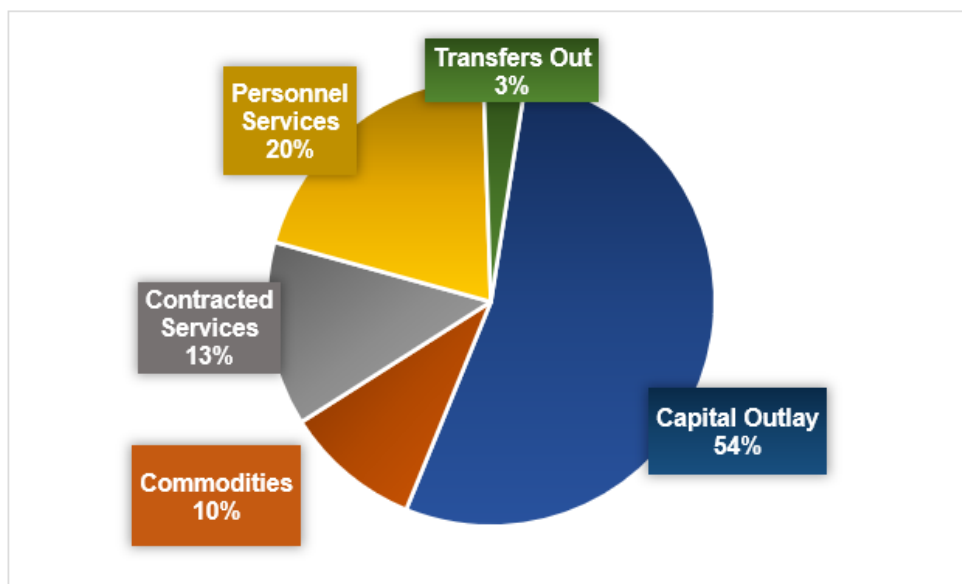
# Total Budgets - By Category

Below are the Proposed FY2024 total revenue and expenditure budgets by category percentage. Charges for services and sales/use taxes make up the largest portion of revenues (accounting for nearly **52% of all revenues**) while transfers in account for **27% of all revenues** (which is attributable to COP Proceeds in the CWWS Fund).

## Proposed FY2024 Total Revenue Budget - By Category Percentage



## Proposed FY2024 Total Expenditure Budget - By Category Percentage



# General Fund

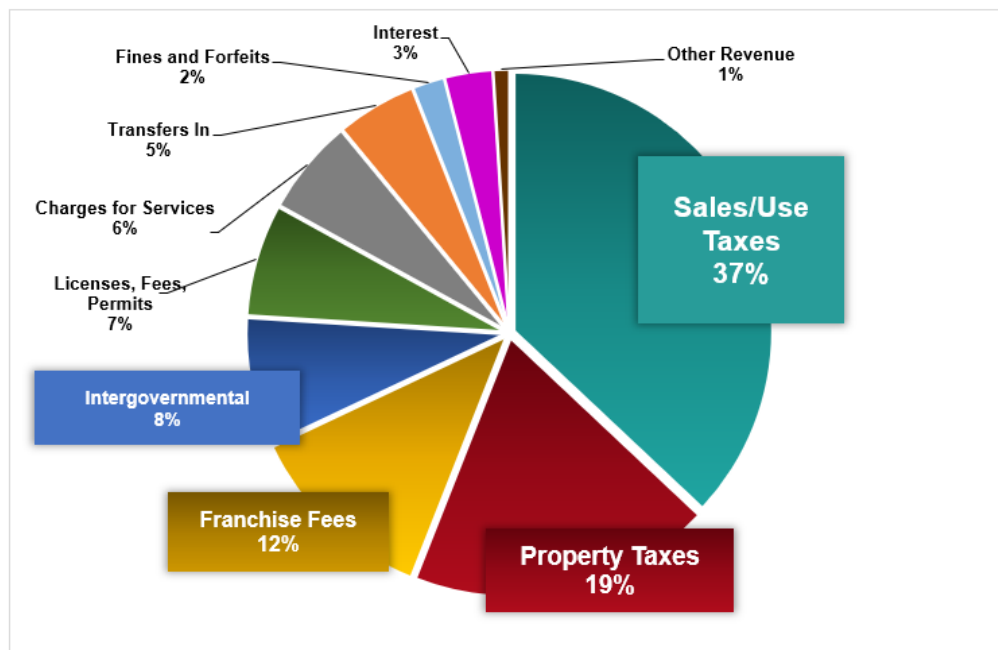
The General Fund functions as the primary operating fund for the City of Smithville. The General Fund provides the resources necessary to fund a majority of City functions, such as police protection and emergency response, parks maintenance and recreational programs, senior services, code enforcement, permitting, licensing and street and sidewalk maintenance. The General Fund is the recipient of revenue from the 1% City Sales tax, the City Use tax, property taxes levied on personal and real property, and franchise taxes. Supplementary sources like ticketing fines and forfeitures, building permit fees, business license fees, and recreation program fees provide additional support to the fund.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	<b>\$ 3,558,070</b>	<b>\$ 3,736,229</b>	<b>\$ 3,315,925</b>	<b>\$ 3,425,221</b>	<b>\$ 3,530,984</b>
<b>General Fund Revenues By Type</b>					
Property Taxes	934,865	1,007,610	1,043,745	1,112,270	1,152,896
Sales and Use Taxes	1,933,488	2,122,573	2,068,284	2,219,475	2,360,105
Franchise Taxes	698,064	742,590	674,690	762,211	759,740
Licenses, Fees, and Permits	477,942	422,663	442,279	360,376	390,725
Intergovernmental Revenues	329,972	388,676	402,872	485,820	491,420
Charges for Services	344,104	317,125	347,900	370,719	382,060
Fines and Forfeits	138,949	118,738	112,615	114,400	114,320
Interest Earnings	49,909	124,953	63,500	495,000	294,500
Other Revenue	90,263	70,615	29,595	58,350	31,170
Transfers In	450,763	227,148	280,860	281,160	285,550
<b>Total Revenues</b>	<b>\$ 5,448,319</b>	<b>\$ 5,542,691</b>	<b>\$ 5,466,340</b>	<b>\$ 6,259,781</b>	<b>\$ 6,262,486</b>
<b>General Fund Expenses By Type</b>					
Personnel Services	3,391,290	3,723,302	4,232,980	4,308,525	4,561,470
Contractual Services	466,180	580,498	604,630	491,018	531,620
Commodities	807,340	1,125,725	978,650	1,050,785	1,083,450
Capital Outlay	565,350	269,174	459,050	268,691	727,250
Transfers Out	40,000	155,000	35,000	35,000	197,000
<b>Total Expenses</b>	<b>\$ 5,270,160</b>	<b>\$ 5,853,699</b>	<b>\$ 6,310,310</b>	<b>\$ 6,154,018</b>	<b>\$ 7,100,790</b>
<b>Net Change in Fund Balance</b>	<b>\$ 178,159</b>	<b>\$ (311,008)</b>	<b>\$ 843,970</b>	<b>\$ 105,763</b>	<b>\$ (838,304)</b>
<b>Ending Fund Balance</b>	<b>\$ 3,736,229</b>	<b>\$ 3,425,221</b>	<b>\$ 2,471,955</b>	<b>\$ 3,530,984</b>	<b>\$ 2,692,680</b>

# General Fund Revenue Overview

A pie chart illustrating the breakdown of General Fund revenues is shown below. Sales and Use taxes is the largest form of revenue for the City and make up 37% of the total. Property taxes make up 19%, and is the second largest category of revenue. Franchise fees for electricity, natural gas, telecommunications, cable television, and utilities are collected and comprise the third largest category of revenue at 12%.

## Proposed FY2024 General Fund Revenue Budget By Category Type



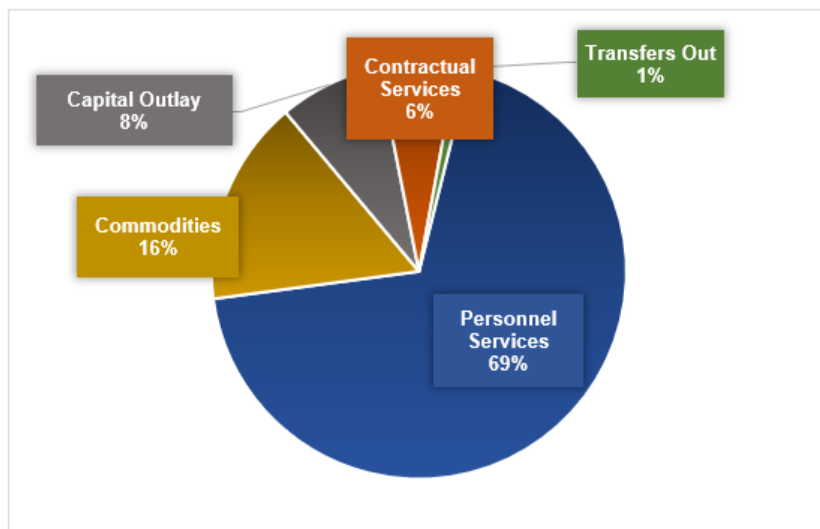
The table below outlines examples of key revenues found in the remaining categories:

Licenses, Fees, Permits	Building Permits, Business Licenses, Motor Vehicle Fees
Intergovernmental	Motor Fuel Tax, Grant Revenue, SRO Agreement Revenue
Charges for Services	Smith's Fork Campground Fees, Athletic Field Rental, Youth/Adult Recreation Fees
Fines and Forfeits	Traffic Violations, DUIs
Interest Earnings	Interest Earned from Cash on Hand at Bank, Certificate of Deposits
Other Revenue	Sponsorships, Animal Pound Fees, Sale of Personal Property
Transfers In	Revenue Transferred In from Other Funds

# General Fund Expenditure Overview

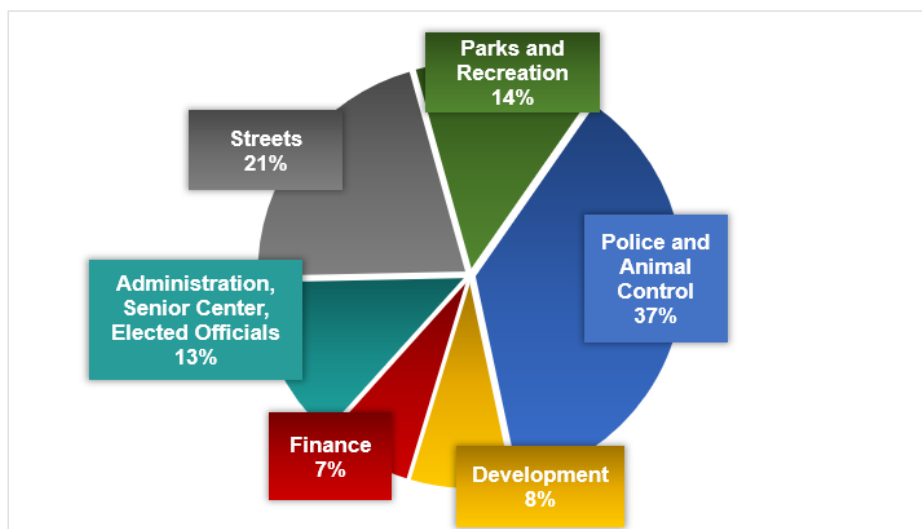
The City of Smithville is a public service organization which is reflected through the makeup of the General Fund Budget. 69% of the budget is for personnel services comprised of full-time salaries, part-time salaries, seasonal salaries, fringe benefits, and retirement expenses. 16% of the budget is comprised of commodities which includes fuel, electricity, natural gas, and repairs and maintenance. Contractual Services, Capital Outlay, and Transfers Out make up the rest.

## Proposed FY2024 General Fund Expenditure Budget - By Spending Category



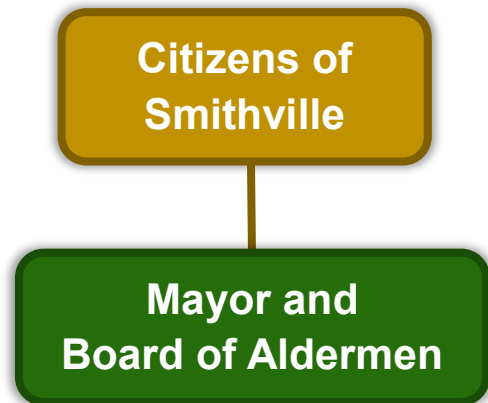
A pie chart illustrating the breakdown of General Fund expenditures by department is shown below. Public Safety (Police & Animal Control), Parks and Recreation and Streets comprise 72% of the total General Fund budget. The remaining departments make up the rest of the General Fund budget. The total Proposed FY2024 General Fund expenditure budget is \$7,100,790.

## Proposed FY2024 General Fund Expenditure Budget - By Department



# Elected Officials

The City's elected officials (formally referred to as the "Board of Alderman") act as the Governing Body of the City. The Board of Alderman is empowered by state law to make laws and regulations with respect to municipal affairs. The Board of Alderman is composed of six members serving staggered, four-year terms. The Mayor is empowered by state law to carry out the laws and regulations set by the Board of Alderman and is also elected to a two-year term.



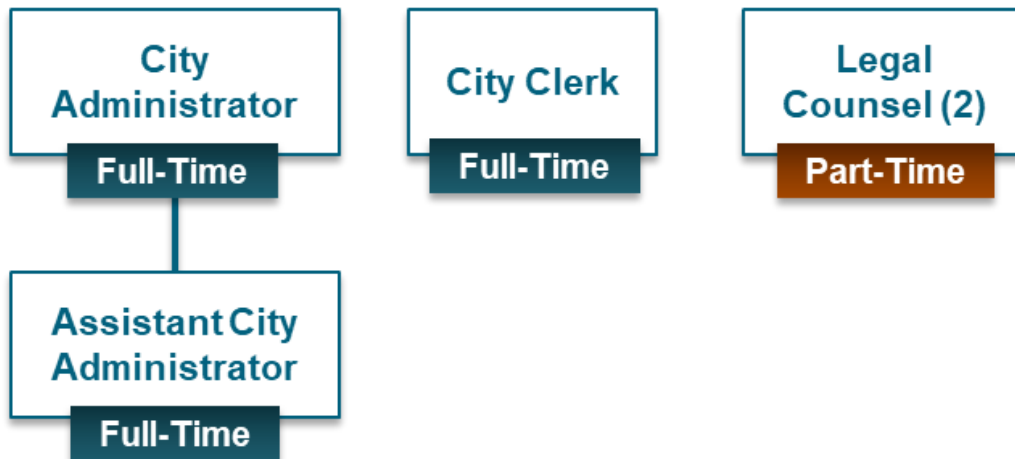
## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Elected Officials</b>					
Personnel Services	15,849	15,694	16,350	16,182	16,350
Contracted Services	3,862	14,266	5,160	5,160	2,160
Commodities	12,415	21,818	21,770	21,590	17,830
Capital Outlay	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Grand Total</b>	<b>\$ 32,126</b>	<b>\$ 51,778</b>	<b>\$ 43,280</b>	<b>\$ 42,933</b>	<b>\$ 36,340</b>

# Administration

The primary function of the Administration department is to implement policies adopted by the Board of Alderman. The department works to accomplish this goal by proposing recommendations regarding the budget, capital improvement projects, legislative policy, and service programs. The department is responsible for maintaining all official records, municipal code, Board agendas, meeting minutes, and maintain the City seal. In addition, the department performs economic development activities related to the overall economic environment of the community and coordinates all aspects of human resources in the organization.

## Department Organizational Chart



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Administration</b>					
Personnel Services	417,477	401,813	439,540	470,171	515,040
Contracted Services	99,484	88,226	97,490	102,490	75,830
Commodities	77,695	76,855	83,500	103,930	91,720
Capital Outlay	369,297	109,899	80,400	55,228	131,400
Transfers Out	-	-	-	-	-
<b>Grand Total</b>	<b>\$ 963,953</b>	<b>\$ 676,792</b>	<b>\$ 700,930</b>	<b>\$ 731,819</b>	<b>\$ 813,990</b>



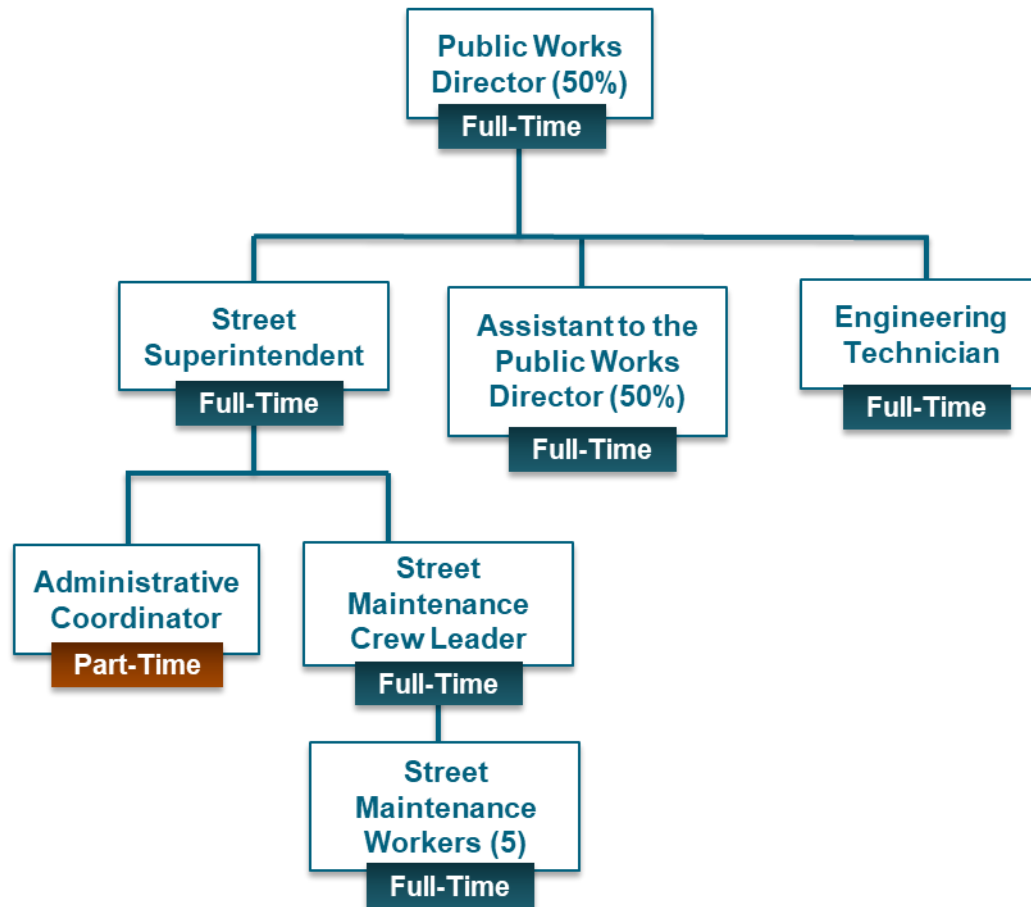
# Administration

2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"> <li>◆ Continued partnership with Smithville Main Street.</li> <li>◆ The Board of Aldermen adopted the Economic Development Incentives Policy in August 2022, which was prepared by the Economic Development Committee.</li> <li>◆ Completed the following communication and training enhancements:               <ul style="list-style-type: none"> <li>◆ Bi-Monthly Citizen Newsletters</li> <li>◆ Implementation of “Big Takeaways”</li> <li>◆ Communications Campaign for Citizen Newsletter Results</li> <li>◆ “Did You Know” Article Produced Weekly</li> <li>◆ Website Redesign with Municipal CMS</li> <li>◆ Information on Social Media about Upcoming Board of Aldermen Agendas</li> <li>◆ Increased Number of Training Opportunities for Employees</li> </ul> </li> <li>◆ Administered the second year of the Neighborhood Beautification Grant Program.</li> <li>◆ Supported and enhanced the Employee Wellness Program.</li> <li>◆ Completed Wayfinding Signage and Design Guidelines project (\$10,000 reimbursed to the City through the ARPA Tourism Grant) and Server Replacement project (2 servers).</li> </ul>	<ul style="list-style-type: none"> <li>◆ Continue to work with Smithville Main Street District and Chamber of Commerce.</li> <li>◆ Administer the third Neighborhood Beautification Grant (\$25,000 in FY2024 Proposed Budget).</li> <li>◆ Establishing a Laptop Replacement Program (annual replacement of specific laptops each year).</li> <li>◆ Establish a Citizens Academy.</li> <li>◆ Implement Wayfinding Signage Around City.</li> <li>◆ Enhance Employee Relations Programs, which include:               <ul style="list-style-type: none"> <li>◆ Wellness Program</li> <li>◆ City-Wide Focus on Training</li> <li>◆ Compensation and Merit Pool</li> <li>◆ Retirement Enhancements</li> </ul> </li> <li>◆ Website Enhancements</li> </ul>

# Streets (Public Works)

The Streets Division of the Public Works Department provides maintenance of City streets, storm drains, curbs, gutters, and sidewalks. Street maintenance staff repair and maintain City-owned streetlights, street signage, rights-of-way, and perform pothole repair. During winter months, street maintenance staff treat streets and plow snow to provide the citizens of the City safety while traveling on City roads.

## Department Organizational Chart



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Streets (Public Works)</b>					
Personnel Services	592,344	629,510	749,510	760,419	781,160
Contracted Services	89,608	161,455	212,070	75,500	73,070
Commodities	126,658	230,967	156,380	157,194	173,300
Capital Outlay	8,815	44,260	300,000	125,145	555,250
Transfers Out	40,000	20,000	35,000	35,000	55,000
<b>Grand Total</b>	<b>\$ 857,425</b>	<b>\$ 1,086,192</b>	<b>\$ 1,452,960</b>	<b>\$ 1,153,258</b>	<b>\$ 1,637,780</b>

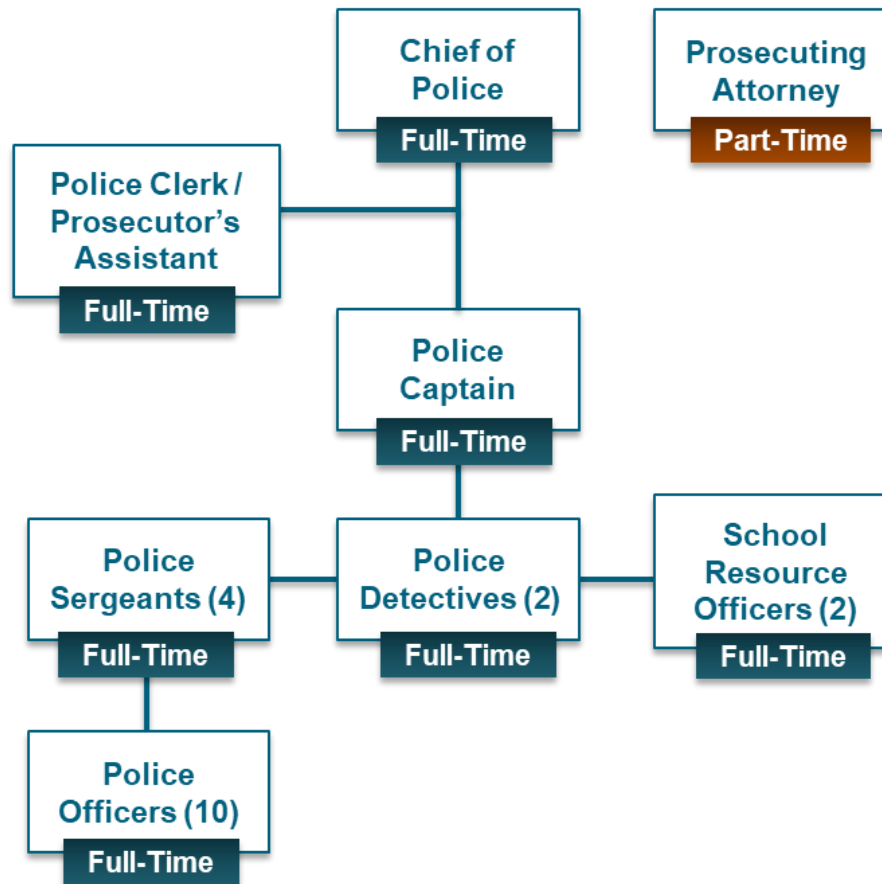
# Streets

2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"><li>◆ Provided project administration and inspection services for public infrastructure and private development projects.</li><li>◆ Maintained the condition of streets through patching and crack sealing programs.</li><li>◆ Featured the following items in the GIS website:<ul style="list-style-type: none"><li>◆ Sidewalk and Street Sign Inventory</li><li>◆ Pavement Condition Index (PCI) Scores</li><li>◆ Outfalls (Stormwater Discharge Points)</li><li>◆ Snow Routes</li><li>◆ Road Maintenance Information</li></ul></li><li>◆ Implemented pre-treatment with salt brine for snow events.</li><li>◆ Secured three MARC grants for infrastructure projects.</li><li>◆ Performed in-house easement acquisitions for infrastructure improvements (Quincy Boulevard, Streetscape Phase III, 4<sup>th</sup> Street &amp; 4<sup>th</sup> Terrace, and the 144<sup>th</sup> Street Force Main).</li></ul>	<ul style="list-style-type: none"><li>◆ Consider the expansion of the Equipment Replacement and Sharing Program.</li><li>◆ Consider the construction of a Public Works and Parks &amp; Recreation Facility (which would include salt storage capabilities).</li><li>◆ Continue funding for the Annual Street Maintenance Program.</li><li>◆ Complete a third round of the Pavement Condition Index (PCI).</li><li>◆ Provide updates on the current Capital Improvement Projects (CIP) status and make information available on the GIS website.</li></ul>

# Police

The Police Department is responsible for uniform police patrol services, investigations, School Resource Officer programs, and animal control. The Police Department operates 24 hours per day, 7 days per week in two, twelve hour shifts. Emergency calls are routed to officers through the Platte County Sheriff's Office Dispatch. The City and Smithville R-II School District work together to provide two dedicated, full-time school resource officers during the school year.

## Department Organizational Chart



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Police</b>					
Personnel Services	1,437,159	1,610,219	1,788,010	1,899,847	1,985,790
Contracted Services	88,251	148,596	116,320	124,465	140,780
Commodities	206,346	299,085	293,540	304,967	314,880
Capital Outlay	23,026	111,849	29,200	36,199	19,000
Transfers Out	-	135,000	-	-	108,000
<b>Grand Total</b>	<b>\$ 1,754,782</b>	<b>\$ 2,304,749</b>	<b>\$ 2,227,070</b>	<b>\$ 2,365,478</b>	<b>\$ 2,568,450</b>

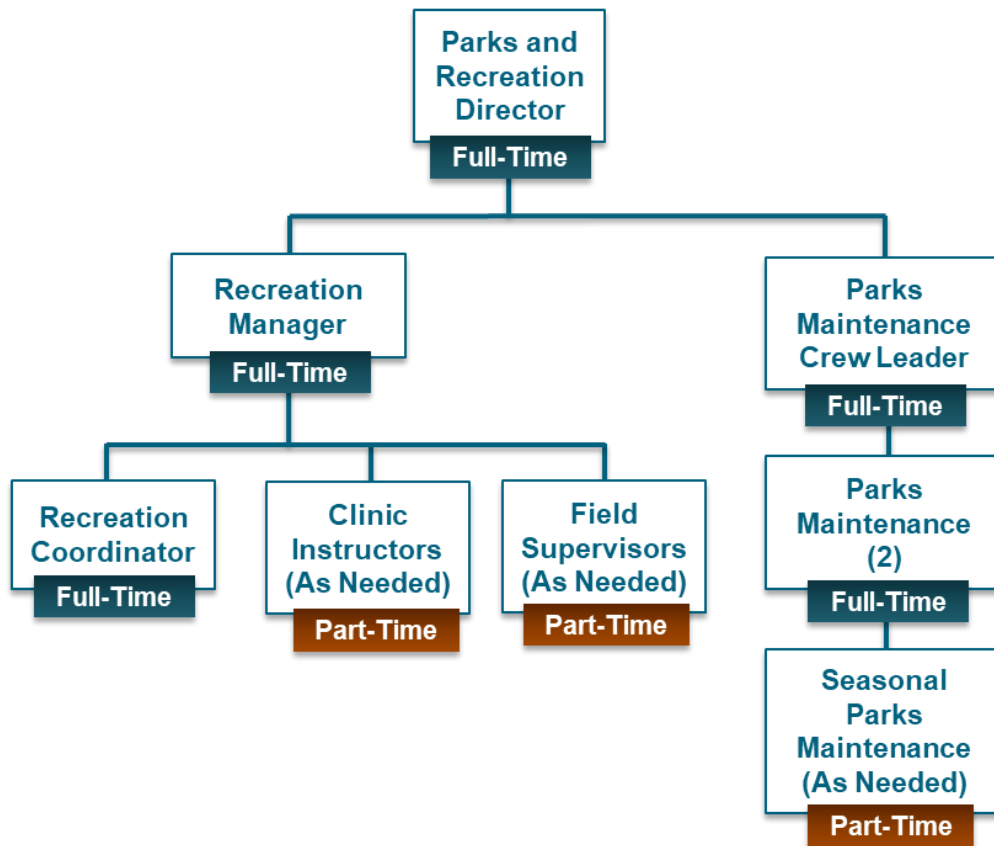
# Police

2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"><li>◆ Filled the vacant Police Detective position and the vacant School Resource Officer position.</li><li>◆ Completed technology advancements in the department.</li><li>◆ Purchased the department's first drone and completed pilot training/licensing (funded by private donations). Department expects to purchase the second drone with grant funding and train two additional pilots by the end of 2023.</li><li>◆ Started implementation of a procedure manual to accompany the existing policy manual.</li><li>◆ Purchased one used police car to replace totaled car struck in roadside incident.</li><li>◆ Replaced four tasers (annual replacement program).</li><li>◆ Started the replacement process for eight Police Interceptors through Enterprise Fleet Management.</li></ul>	<ul style="list-style-type: none"><li>◆ Implement the Police Sabbatical Program</li><li>◆ Add two Police Officers and associated vehicles, which is dependent on election results for the Public Safety Sales Tax.</li><li>◆ Replace Police handguns.</li><li>◆ Replace four mobile data terminals, which constitutes the second round of replacement of computer terminals.</li><li>◆ Continue the annual Taser Replacement Program.</li><li>◆ Continue to train and develop new Police staff.</li><li>◆ Implement Mental Health Wellness Checks program.</li></ul>

# Parks and Recreation

The Parks and Recreation Department provides quality, innovative, and progressive leisure opportunities while providing attractive, accessible, and well-maintained parks and public facilities for citizens and community visitors. The department is responsible for the maintenance and daily upkeep of all City parks and public facilities including City Hall and the Senior Center. In addition, the department also oversees a variety of youth and adult recreation programs as well as the operation of Smith's Fork Campground.

## Department Organizational Chart



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Parks &amp; Recreation</b>					
Personnel Services	362,524	374,130	481,620	450,923	485,870
Contracted Services	71,796	84,074	76,650	82,516	101,160
Commodities	244,936	327,863	252,880	280,979	290,060
Capital Outlay	4	-	47,850	50,012	20,000
Transfers Out	-	-	-	-	19,000
<b>Grand Total</b>	<b>\$ 679,260</b>	<b>\$ 786,066</b>	<b>\$ 859,000</b>	<b>\$ 864,431</b>	<b>\$ 916,090</b>

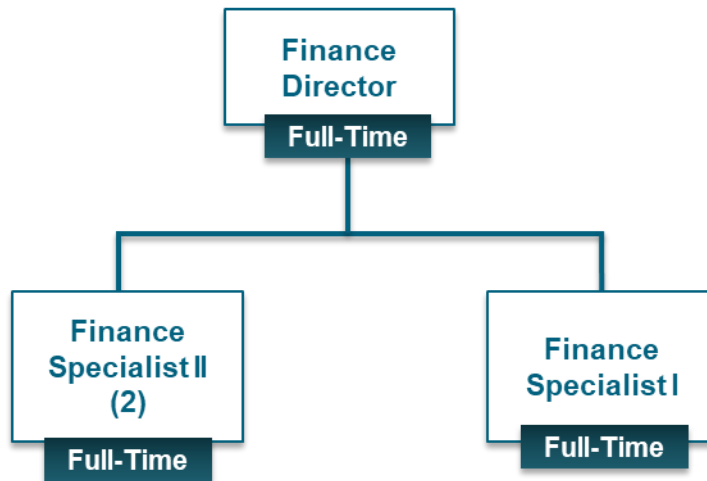
# Parks & Recreation

2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"> <li>◆ Continue to pursue short-term goals from the Parks and Recreation Master Plan:               <ul style="list-style-type: none"> <li>◆ Park Signage</li> <li>◆ Diamond Crest Park</li> <li>◆ Emerald Ridge Neighborhood Park</li> </ul> </li> <li>◆ Expanded Senior Center Fitness classes, increased facility rental revenue from 2021, and painted the inside of the facility.</li> <li>◆ Grew participation in current Parks and Recreation programs and added more recreational programs outside of sports (Art in the Park, Learn to Kayak).</li> <li>◆ Held first fundraising event with the Smithville Chamber of Commerce to raise funds for Smithville Legacy Fund.</li> <li>◆ Incurred no restroom related “Report a Concern” issues.</li> <li>◆ Worked with multiple Eagle Scouts on projects within the Scout area and painted the restroom at Smith’s Fork.</li> <li>◆ Hired an new Recreation Coordinator position (new position funded in the FY2023 Budget).</li> </ul>	<ul style="list-style-type: none"> <li>◆ Prioritize park projects as identified in the Parks and Recreation Master Plan within the Park &amp; Stormwater Sales Tax Fund.</li> <li>◆ Discuss using the “Payment in Lieu of Dedication” funds to assist in funding the resurfacing of Heritage Park and Smith’s Fork Park Playgrounds (with Park &amp; Stormwater Sales Tax offsetting the remaining amount).</li> <li>◆ Continue working with the Legacy Fund.</li> <li>◆ Implement the Equipment Replacement &amp; Sharing Program.</li> </ul>

# Finance

The Finance Department is responsible for the development and review of department policies and procedures, budgeting, debt financing, cash management, investments, and banking relations. The Finance department processes accounts payable weekly, processes payroll bi-weekly, and is responsible for the billing and collection of animal licenses, business licenses, taxes, and utilities. The Finance Department produces all major financial documents of the City, including the annual budget, the budget book, and the comprehensive listing of schedule of fees.

## Department Organizational Chart



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Finance</b>					
Personnel Services	219,070	308,244	342,060	306,981	345,310
Contracted Services	30,784	41,243	37,850	43,341	54,970
Commodities	68,158	94,214	86,350	103,058	108,440
Capital Outlay	2,000	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Grand Total</b>	<b>\$ 320,012</b>	<b>\$ 443,700</b>	<b>\$ 466,260</b>	<b>\$ 453,380</b>	<b>\$ 508,720</b>

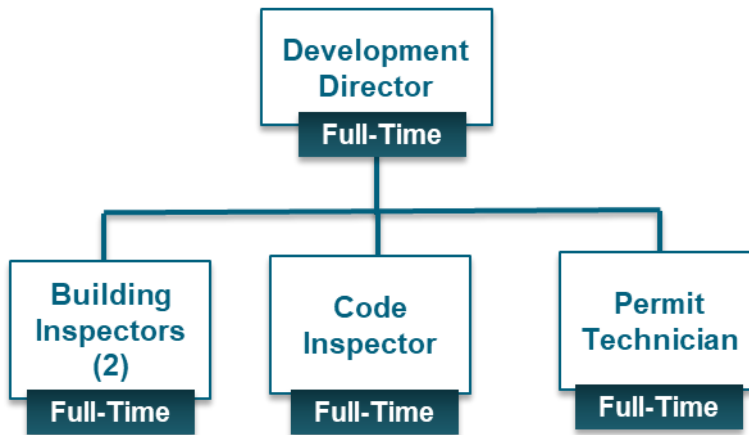


2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"> <li>◆ Received the GFOA Distinguished budget Award for the FY2023 Budget Document (4<sup>th</sup> straight year).</li> <li>◆ Implemented the Positive Pay ACH and check fraud program which prevents check washing/ fraud and potential ACH fraud.</li> <li>◆ Implemented a 15% Senior Citizen Discount for monthly water and wastewater fixed charges during the FY2023 Budget Process.</li> <li>◆ Created a “Completed CIP Projects” page on the public website which showcases major projects completed over the last 4 years.</li> <li>◆ Worked to promote the use of digital utility billing by email which resulted in an increase in the percentage of utility customers receiving their bills via email to 15% of total billed customers.</li> <li>◆ Worked with the Governing Body to develop a new utility disconnection policy to allow more time for utility customers to pay until utility shut-off occurs.</li> <li>◆ Completed improvements in the breakdown of utility billing charges shown on the customer’s utility bill (i.e., senior discounted rate, volume/ usage rate, fixed monthly charge).</li> </ul>	<ul style="list-style-type: none"> <li>◆ Coordinate the migration from Tyler Technologies ERP Pro 9 to ERP Pro 10 and provide support and training to City Departments.</li> <li>◆ Explore and evaluate the benefits of Tyler Technologies AP Automation &amp; Cloud Storage Capabilities for the City’s ERP.</li> <li>◆ Assist with the Bond Rating process for the issuance of the 2024 Series COP.</li> <li>◆ Update and implement utility rate recommendations from the utility rate model based upon CWSWS operational and capital expenses.</li> </ul>

# Development

The Development Department is responsible for reviewing and commenting on proposed developments, reviewing compliance with all zoning regulations and development ordinances, processing applications for plats, rezoning and completing site plan revisions, as well as issuing special use permits. The department is also responsible for maintaining compliance of the City codes and ordinances with enforcement through residential and commercial construction, and the maintenance of existing properties and structures.

## Organizational Chart



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Development</b>					
Personnel Services	346,866	383,691	415,890	404,002	431,950
Contracted Services	41,627	27,641	36,190	36,190	48,390
Commodities	39,550	52,773	61,140	53,646	67,590
Capital Outlay	1,683	3,167	1,600	2,106	1,600
Transfers Out	-	-	-	-	15,000
<b>Grand Total</b>	<b>\$ 429,726</b>	<b>\$ 467,272</b>	<b>\$ 514,820</b>	<b>\$ 495,944</b>	<b>\$ 564,530</b>

# Development

2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"> <li>◆ Continued several implementation actions from Comprehensive Plan 2030, which included the following:               <ul style="list-style-type: none"> <li>◆ <i>Goal HN1.1</i> - Support Additional Housing Stock: Approved Fairview Crossing which adds 316 additional housing units.</li> <li>◆ <i>Goal ST1.1</i> - Wayfinding Plan Adopted</li> </ul> </li> <li>◆ Worked with Developers to add several commercial/retail lots to potential inventory:               <ul style="list-style-type: none"> <li>◆ Richardson Street Plaza</li> <li>◆ McBee's Corner</li> <li>◆ Fairview Crossing (10 Lots)</li> <li>◆ Fairview Crossing North (6 Lots)</li> </ul> </li> <li>◆ Filled vacant Building Inspector position and continued training of all Development Department employees.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Continue to pursue completion of the following Comprehensive Plan Action Items:</li> <li>◆ Establish a zoning overlay on the westside of Highway 169 for commercial and mixed uses and establish key priority industry niches (determine whether to complete this work in-house or contract the work out, which has an estimated consultant cost of \$30,000).</li> <li>◆ Continue to provide training and education to staff for increased certifications.</li> <li>◆ Work towards an online inspections system following the ERP Pro 10 Migration.</li> </ul>

# Animal Control

The City operates Megan's Paws and Claws, which provides for the care and safeguarding of dogs which have been impounded. Care is provided by city staff until the rightful owner claims the dog or until the dog is adopted. The shelter is currently located at 1 Helvey Park Drive and Utility Division staff assist with the maintenance and care of the shelters and dogs.



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Animal Control</b>					
Personnel Services	-	-	-	-	-
Contracted Services	3,120	7,142	6,000	4,456	6,000
Commodities	1,380	2,616	3,100	5,430	3,100
Capital Outlay	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Grand Total</b>	<b>\$ 4,500</b>	<b>\$ 9,758</b>	<b>\$ 9,100</b>	<b>\$ 9,886</b>	<b>\$ 9,100</b>

# Senior Services

The Senior Center is a facility owned by the City which is leased to a not-for-profit organization. The Senior Center is also made available to the public for rental for private events. Please see the City's Comprehensive Schedule of Fees Listing for more information regarding rental opportunities and costs for the Senior Center or contact the City's Parks & Recreation Department. The Senior Center is located at 113 West Main Street, just west of City Hall.



## Department Financial and Budget Schedule

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Senior Services</b>					
Personnel Services	-	-	-	-	-
Contracted Services	8,062	7,855	16,900	16,900	29,260
Commodities	11,059	19,536	19,990	19,990	16,530
Capital Outlay	-	-	-	-	-
Transfers Out	-	-	-	-	-
<b>Grand Total</b>	<b>\$ 19,121</b>	<b>\$ 27,391</b>	<b>\$ 36,890</b>	<b>\$ 36,890</b>	<b>\$ 45,790</b>

# General Fund Expenditure Overview

Below is a table showcasing General Fund highlights found in the Proposed FY2024 Budget.

FY2024 Expenditure Highlight	Department	FY2024 Expenditure Description and FY2024 Budget Amount
Year 4 of Financial Support for the Smithville Main Street Program	Administration	Program is funded at <b>\$5,000</b> for Year Four. This financial support is provided to the Smithville Main Street Association which was created to provide marketing and educational support for the revitalization of Downtown Smithville.
Chamber of Commerce & City Agreement	Administration	Agreement is funded at <b>\$10,000</b> . This agreement between the City and Chamber of Commerce will provide financial resources to ensure there are business development tools and services available to local businesses and Smithville business merchants and citizens.
Additional City-Wide Department Training	Administration	Training is funded at <b>\$5,000</b> . These resources allow for City employees to achieve additional certifications and licensing as well as attend regional and national seminars and conferences, all in the effort to build on the professionalism and knowledge current employees have.
Annual Laptop Replacement Program	Administration	Program is funded at <b>\$5,000</b> . Many of the City's laptop computers were last replaced with CAREs funding during the COVID-19 pandemic, or earlier. This funding creates a laptop replacement plan which allocates funds to departments on an annual basis going forward.
Website Improvements	Administration	Cost is estimated to be <b>\$10,000</b> . The Board of Aldermen directed staff to research and find ways to improve the City website or explore website upgrades/enhancements to streamline citizen functions and interactions.
Employee Wellness Programming	Administration	Programming is funded at <b>\$3,500</b> . Staff are proposing to enhance the City's employee wellness programming which includes fitness challenges, "Lunch and Learns", and CPR Training events.
Annual Citizens Academy	Administration	Program is funding at <b>\$2,500</b> . Staff are proposing to create a citizens academy which informs and educates citizens on the City's core functions, including Police, Parks & Recreation, Public Works, and Finance.
Annual Neighborhood Beautification Grant Program	Administration	Program is funded at <b>\$25,000</b> . 2024 is the third year of the program which provides funding to applicants to complete projects that beautify and enhance the public spaces within the City's neighborhoods.
Annual Downtown Wayfinding & Signage	Administration	Cost is <b>\$100,000</b> Annually. The City contracted with KMA Design for the development of signage guidelines. The next step is to allocate annual funding for the implementation/installment of wayfinding signs and pedestrian kiosk stations.
Police Ballistic Vests Replacement (Four)	Police	Cost is <b>\$6,000</b> . The Police Department continues to replace upcoming "out of warranty" equipment and plans to replace three ballistic vests in 2024 for Police Officers.
Mental Health Wellness Checks	Police	Cost is <b>\$6,000</b> . Mental Health Wellness Checks are required by the State of Missouri to address Police Officers coping with stress and potential psychological trauma resulting from responses to critical incidents or emotionally difficult events.



# General Fund Expenditure Overview

Below is a table showcasing General Fund highlights found in the Proposed FY2024 Budget.

FY2024 Expenditure Highlight	Department	FY2024 Expenditure Description and FY2024 Budget Amount
Mobile Data Terminals (In Car Computers) Replacement	Police	Cost is <b>\$13,000</b> . The Police Department is completing the second half of the MDT (Mobile Data Terminal) In-Car Computer Replacement Program. These computers are used by Police Officers inside the Patrol cars.
Portion of 1 <sup>st</sup> & Bridge Street Round-A-Bout Engineering	Streets	General Fund will provide financial resources of <b>\$50,000</b> of the estimated total cost of \$150,000. This CIP project addresses navigation issues, pedestrian crossing issues, and safety problems at the intersection of Bridge Street, Hilltop Street, and East 1 <sup>st</sup> Street.
South Employment Overlay District Plan	Development	Cost is <b>\$12,500</b> . The Smithville Comprehensive Plan 2030 identifies three separate "Overlay" districts to help bolster the local economy. Impacted property owners would work with the City and the selected consultant to develop a conceptual plan. This action would commence in early 2024.
Equipment Replacement Planning	Parks & Recreation	UTV Side-By-Side: Cost is <b>\$20,000</b> . The current Parks & Recreation Kubota UTV has a critical engine issue which is projected to cost the department \$9,000 to fix. Since the UTV was manufactured in 2005, staff are proposing to replace the vehicle because of the age and depreciation of the asset.
	Streets	Leasing Tractor & Boom Mower. Lease cost is estimated to be <b>\$46,000</b> annually. The current tractor/mower has experienced mechanical/electrical issues making the equipment unreliable to use. Staff are electing for a Five Year Municipal Lease Option with an estimated
	Streets	Skid Steer Purchase Option Cost is <b>\$29,250</b> . The Board of Aldermen approved a Five Year Lease for a John Deere 330G Skid Steer and the Streets Department proposes to go ahead and purchase the equipment. The purchase option will be available in 2024.

# Combined Water & Wastewater Fund

The Combined Water & Wastewater Fund accounts for revenues and expenditures related to water and wastewater operations in the City. Nearly 90% of CWWS fund revenues are provided from charges for services, such as the sale of water and wastewater to utility customers. These resources fund expenses related to daily utility operations (repair and maintenance of water lines, sewer lines, lift stations, and pump stations), capital improvement projects, debt payments (principal and interest), and other one-time expenses.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	<b>\$ 4,528,147</b>	<b>\$ 5,602,501</b>	<b>\$ 7,123,744</b>	<b>\$ 6,854,956</b>	<b>\$ 6,455,383</b>
<b>CWWS Fund Revenues</b>					
Charges for Services	4,617,321	5,054,736	5,070,817	5,572,565	5,909,100
Intergovernmental	-	805,495	-	-	100,000
Impact Fees	292,296	283,906	330,000	220,320	280,000
Other Revenue	61,193	79,769	35,000	42,000	42,000
Interest Earnings	4,451	1,200	5,000	3,000	2,500
Transfers In / Debt Proceeds	-	-	3,900,000	-	4,350,000
Increase in Customer Deposits	19,330	2,888	-	-	-
<b>Total Revenues</b>	<b>\$ 4,994,591</b>	<b>\$ 6,227,994</b>	<b>\$ 9,340,817</b>	<b>\$ 5,837,885</b>	<b>\$ 10,683,600</b>
<b>CWWS Fund Expenses</b>					
Personnel Services	1,014,536	1,069,642	1,271,770	1,264,678	1,423,410
Contractual Services	926,871	748,138	1,569,327	736,850	2,368,930
Commodities	619,264	1,282,898	2,018,058	1,633,060	1,665,040
Capital Outlay / Debt Pay-	1,150,386	1,629,521	7,933,400	2,325,311	9,908,490
Transfers Out	209,180	245,340	277,560	277,560	338,750
<b>Total Expenses</b>	<b>\$ 3,920,237</b>	<b>\$ 4,975,539</b>	<b>\$ 13,070,115</b>	<b>\$ 6,237,458</b>	<b>\$ 15,704,620</b>
<b>Net Change in Fund Balance</b>	<b>\$ 1,074,354</b>	<b>\$ 1,252,455</b>	<b>\$ (3,729,298)</b>	<b>\$ (399,573)</b>	<b>\$ (5,021,020)</b>
<b>Ending Fund Balance</b>	<b>\$ 5,602,501</b>	<b>\$ 6,854,956</b>	<b>\$ 3,394,446</b>	<b>\$ 6,455,383</b>	<b>\$ 1,434,363</b>



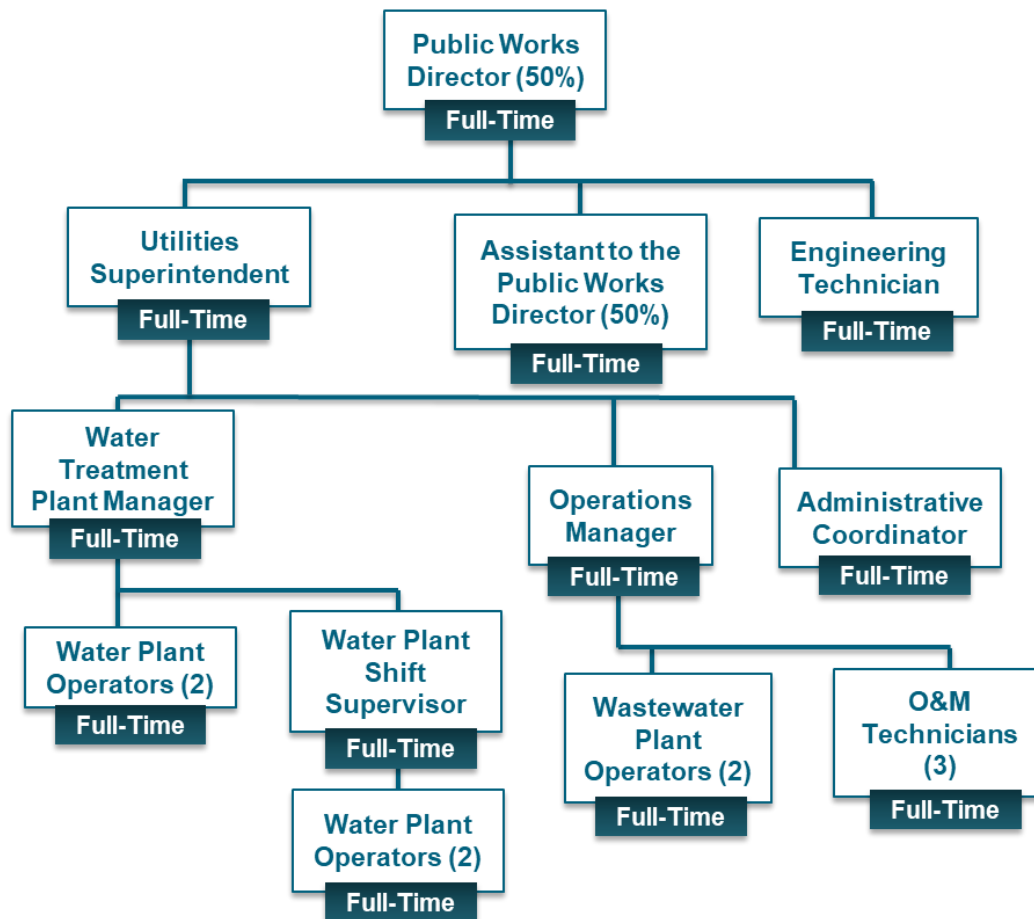
# Utilities

2022/2023 Accomplishments	2024 Department Goals
<ul style="list-style-type: none"> <li>◆ Treated 192 million gallons of drinking water that met the standards set by the DNR and the EPA for safe consumption.</li> <li>◆ Treated 78 million gallons of wastewater that met all regulatory standards.</li> <li>◆ Successfully completed the Smith's Fork Campground Lift Station project.</li> <li>◆ Completed the construction of Digester #1 Floating Aerator.</li> <li>◆ Completed the construction of the Winner Avenue Waterline Project.</li> <li>◆ Rehabilitated 4,124 linear feet of sewer line, 3 manholes, and repaired and restored service to SBR #1 (sequencing batch reactor).</li> <li>◆ Completed the construction of a new Raw Water Pump Station and installed a Copper Ion Generator for improved water quality.</li> <li>◆ Inspected and conducted weekly preventative maintenance on 31 sewer pump stations and repaired 24 waterline issues.</li> <li>◆ Conducted 1,030 on-time utility locates and completed 918 work orders.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Continue the Sewer Rehabilitation Program (Cured in Place Pipe).               <ul style="list-style-type: none"> <li>◆ Staff reduced the number of sewer line cleanings from 15 per month to just a few per year since the program started.</li> </ul> </li> <li>◆ Consider a bar screen replacement for the wastewater plant.</li> <li>◆ 144<sup>th</sup> Street Lift Station and West Bypass:               <ul style="list-style-type: none"> <li>◆ Right-of-way acquisition continues. The project is expected to be put out to bid shortly after the beginning of 2024.</li> </ul> </li> <li>◆ Consideration of the FY2024 - FY2028 Five Year Capital Improvement Plan, which includes the following significant projects:               <ul style="list-style-type: none"> <li>◆ Engineering for wastewater plant expansion and improvements (\$1,050,000 in the Proposed FY2024 CIP).</li> <li>◆ Planning for the Water Plant Expansion Project.</li> </ul> </li> <li>◆ Utility Rate Review</li> </ul>

# Utilities (Public Works) (CWWS Fund)

The Utilities Division of the Public Works Department provides maintenance of City water lines, the water distribution system, City sewer lines, lift stations, and pump stations. The department oversees the operation of the City's water treatment plant and the City's wastewater treatment plant. Water is pumped in from Smithville Lake.

## Organizational Chart



## Department Financial and Budget Schedule

# Transportation Sales Tax Fund

The Transportation Sales Tax Fund accounts for a 1/2 cent (0.5%) sales tax which has no expiration date. Per Section 140.120 of the City of Smithville Code of Ordinances, the Transportation Sales Tax became effective July 1, 1989. Transportation Sales Tax Fund expenditures are limited by state statute to the construction, reconstruction, repair, and maintenance of streets, roads, sidewalks, trails, community-owned parking lots, and bridges within the City.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	\$ 762,606	\$ 462,260	\$ 354,072	\$ 429,407	\$ 537,204
<b>Transportation Sales Tax Fund Revenues</b>					
Sales Tax (0.5%)	587,177	608,121	589,713	642,650	667,450
Other Revenue	-	15,826	-	4,130	1,500
Grant Revenue	-	-	-	-	500,000
Transfers In / Proceeds from	-	-	-	-	-
<b>Total Revenues</b>	\$ 587,177	\$ 623,947	\$ 589,713	\$ 646,780	\$ 1,168,950
<b>Transportation Sales Tax Fund Expenses</b>					
Personnel Services	-	-	-	-	-
Contractual Services	38,971	3,721	185,010	60,000	40,000
Commodities	833,359	126,162	160,275	157,056	155,850
Capital Outlay / Debt Payments	15,194	526,917	356,960	321,927	1,503,290
Transfers Out	-	-	-	-	-
<b>Total Expenses</b>	\$ 887,524	\$ 656,800	\$ 702,245	\$ 538,983	\$ 1,699,140
<b>Net Change in Fund Balance</b>	\$ (300,347)	\$ (32,853)	\$ (112,532)	\$ 107,797	\$ (530,190)
<b>Ending Fund Balance</b>	\$ 462,260	\$ 429,407	\$ 241,540	\$ 537,204	\$ 7,014

# Sanitation Fund

The Sanitation Fund accounts for payments from the City to the City's trash and recycling provider as well as the management of the annual Household Hazardous Waste program (administered through Mid-America Regional Council, MARC). The City currently contracts with GFL (Green For Life) for trash, recycling, and bulky item pick-up services. The fund receives revenue from a monthly trash charge paid for by Smithville trash customers. The fund works as a simple "pass through" fund as all revenues received in the form of customer charges offset the City's payments to GFL, the trash and recycling provider.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	\$ 55,436	\$ 62,992	\$ 61,219	\$ 57,588	\$ 57,974
<b>Sanitation Fund Revenues</b>					
Charges for Services	872,880	813,122	915,860	844,436	938,757
<b>Total Revenues</b>	\$ 872,880	\$ 813,122	\$ 915,860	\$ 844,436	\$ 938,757
<b>Sanitation Fund Expenses</b>					
Contracted Services	865,324	818,526	900,600	844,050	931,805
<b>Total Expenses</b>	\$ 865,324	\$ 818,526	\$ 900,600	\$ 844,050	\$ 931,805
<b>Net Change in Fund Balance</b>	\$ 7,556	\$ (5,404)	\$ 15,260	\$ 386	\$ 6,952
<b>Ending Fund Balance</b>	\$ 62,992	\$ 57,588	\$ 76,479	\$ 57,974	\$ 64,926

# Special Allocation (Marketplace TIF) Fund

The Special Allocation Fund is the recipient of property tax revenue over and above the property tax base and the recipient of TIF EATs (Economic Activity Taxes) for the Smithville Marketplace TIF District. Revenues collected and receipted for the Special Allocation Fund are subject to administrative costs and developer reimbursement requests for eligible expenses per the Marketplace TIF agreement. Requests submitted by the developer for reimbursement are presented to the Board of Alderman for approval.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	<b>8,260</b>	<b>386,786</b>	<b>48,041</b>	<b>2,427,864</b>	<b>\$ 1,635,910</b>
<b>Special Allocation Fund Revenues</b>					
Property Taxes	19,537	189,505	195,000	209,948	220,446
Sales and Use Taxes	361,284	1,016,380	510,000	572,500	588,000
Interest Earnings	-	12,000	-	82,500	60,000
Proceeds from Debt Issued	-	8,068,953	-	-	-
<b>Total Revenues</b>	<b>\$ 380,821</b>	<b>\$ 9,286,838</b>	<b>\$ 705,000</b>	<b>\$ 864,948</b>	<b>\$ 868,446</b>
<b>Special Allocation Fund Expenses</b>					
Contractual Services	-	6,914,999	700,000	700,000	500,000
Commodities	-	-	-	-	-
Capital Outlay / Debt Payments	-	328,953	-	953,902	676,800
Transfers Out	2,295	1,808	3,000	3,000	3,000
<b>Total Expenses</b>	<b>\$ 2,295</b>	<b>\$ 7,245,760</b>	<b>\$ 703,000</b>	<b>\$ 1,656,902</b>	<b>\$ 1,179,800</b>
<b>Net Change in Fund Balance</b>	<b>\$ 378,526</b>	<b>\$ 2,041,078</b>	<b>\$ 2,000</b>	<b>\$ (791,954)</b>	<b>\$ (311,354)</b>
<b>Ending Fund Balance</b>	<b>\$ 386,786</b>	<b>\$ 2,427,864</b>	<b>\$ 50,041</b>	<b>\$ 1,635,910</b>	<b>\$ 1,324,556</b>

# Commons CID Fund

The Commons CID (Community Improvement District) Fund is the recipient of the 1% CID Sales/Use tax revenue generated from the Smithville Marketplace CID. Revenues collected and receipted for the Commons CID Fund are subject to administrative costs and developer reimbursement requests for eligible expenses per the CID Agreement. Requests submitted by the developer for reimbursement are presented to the Board of Alderman for approval.

	Actual FY2021		Actual FY2022		Budget FY2023		Projected FY2023		Proposed FY2024	
<b>Beginning Fund Balance</b>	\$	-	\$	297,096	\$	83,790	\$	92,718	\$	137,351
<b>Commons CID Fund Revenues</b>										
Sales and Use Taxes		297,096		350,439		380,250		380,250		396,592
<b>Total Revenues</b>	<b>\$</b>	<b>297,096</b>	<b>\$</b>	<b>350,439</b>	<b>\$</b>	<b>380,250</b>	<b>\$</b>	<b>380,250</b>	<b>\$</b>	<b>396,592</b>
<b>Commons CID Fund Expenses</b>										
Contracted Services		-		548,342		331,880		331,880		410,000
Transfers Out		-		6,475		3,738		3,738		3,916
<b>Total Expenses</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>554,817</b>	<b>\$</b>	<b>335,618</b>	<b>\$</b>	<b>335,618</b>	<b>\$</b>	<b>413,916</b>
<b>Net Change in Fund Balance</b>	<b>\$</b>	<b>297,096</b>	<b>\$</b>	<b>(204,378)</b>	<b>\$</b>	<b>44,632</b>	<b>\$</b>	<b>44,633</b>	<b>\$</b>	<b>(17,324)</b>
<b>Ending Fund Balance</b>	<b>\$</b>	<b>297,096</b>	<b>\$</b>	<b>92,718</b>	<b>\$</b>	<b>128,422</b>	<b>\$</b>	<b>137,351</b>	<b>\$</b>	<b>120,027</b>

# Capital Improvement Sales Tax Fund

The Capital Improvement Sales Tax Fund is a 1/2 cent (0.5%) sales tax which became effective October 1, 2018 and sunsets on December 31, 2038. The sales tax is imposed for the purpose of funding, financing, operating and maintaining capital improvements. Capital Improvement Sales Tax funds are obligated for transfer to the Debt Service Fund to provide support for debt service principal and interest payments.

		Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024				
Beginning Fund Balance	\$	347,270	\$	254,029	\$	394,454	\$	410,774	\$	668,200
Capital Improvement Sales Tax Fund Revenues										
Sales Tax (0.5%)		659,009		692,937		672,435		728,750		752,750
Intergovernmental Revenues		-		-		488,000		-		488,000
Total Revenues	\$	659,009	\$	692,937	\$	1,160,435	\$	728,750	\$	1,240,750
Capital Improvement Sales Tax Fund Expenses										
Personnel Services		-		-		-		-		-
Contractual Services		-		72,368		109,000		116,480		650,000
Commodities		-		-		-		-		-
Capital Outlay		410,060		-		891,000		-		895,000
Transfers Out		342,190		463,824		355,370		354,845		361,340
Total Expenses	\$	752,250	\$	536,192	\$	1,355,370	\$	471,325	\$	1,906,340
Net Change in Fund Balance	\$	(93,241)	\$	156,745	\$	(194,935)	\$	257,426	\$	(665,590)
Ending Fund Balance	\$	254,029	\$	410,774	\$	199,519	\$	668,200	\$	2,610

# Debt Service Fund

The Debt Service Fund accounts for the accumulation of resources for, and the payment of, long-term debt principal and interest. Payments (expenditures) from the Debt Service Fund follow set repayment schedules for debt issued by the City. The Debt Service Fund carries an informal reserve which is intended to be sufficient enough to cover the first debt service payments of a fiscal year without the need for additional cash transfers. The Debt Service Fund receives revenues (in the form of an annual transfer) from the Capital Improvement Sales Tax Fund to pay for long term debt payments.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	\$ 231,262	\$ 243,597	\$ 255,934	\$ 255,934	\$ 267,739
<b>Debt Service Fund Revenues</b>					
Transfers In	342,190	351,550	354,845	354,845	357,830
<b>Total Revenues</b>	<b>\$ 342,190</b>	<b>\$ 351,550</b>	<b>\$ 354,845</b>	<b>\$ 354,845</b>	<b>\$ 357,830</b>
<b>Debt Service Fund Expenses</b>					
Capital Outlay / Debt Payments	329,855	339,213	343,040	343,040	351,333
<b>Total Expenses</b>	<b>\$ 329,855</b>	<b>\$ 339,213</b>	<b>\$ 343,040</b>	<b>\$ 343,040</b>	<b>\$ 351,333</b>
<b>Net Change in Fund Balance</b>	<b>\$ 12,335</b>	<b>\$ 12,337</b>	<b>\$ 11,805</b>	<b>\$ 11,805</b>	<b>\$ 6,497</b>
<b>Ending Fund Balance</b>	<b>\$ 243,597</b>	<b>\$ 255,934</b>	<b>\$ 267,739</b>	<b>\$ 267,739</b>	<b>\$ 274,236</b>



# Capital Projects Fund

The Capital Projects Fund is utilized to account for large, and often, multi-year construction projects for the City. Revenue sources for the fund include proceeds received from debt issued, grant or match reimbursements, and transfers in from other funds. In past years, the fund has housed revenues and expenses related to the completion of the Downtown Streetscape and the Main Street Trail capital improvement projects. The fund also houses Traffic Impact Fee revenue and Payment in Lieu of Dedication funds.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	\$ 1,261,031	\$ 20,976	\$ 181,855	\$ 183,729	\$ 100,000
<b>Capital Project Fund Revenues</b>					
Other Revenue	6,250	77,479	40,000	-	40,000
Charges for Services	-	100,000	-	-	-
Intergovernmental	290,439	-	-	-	-
Transfers In / Debt Proceeds	-	112,274	-	-	-
Interest	-	-	-	-	-
<b>Total Revenues</b>	<b>\$ 296,689</b>	<b>\$ 289,753</b>	<b>\$ 40,000</b>	<b>\$ -</b>	<b>\$ 40,000</b>
<b>Capital Project Fund Expenses</b>					
Personnel Services	-	-	-	-	-
Contractual Services	68,567	-	-	-	-
Commodities	-	-	-	-	-
Capital Outlay / Debt Payments	1,468,177	127,000	-	83,729	-
Transfers Out	-	-	-	-	-
<b>Total Expenses</b>	<b>\$ 1,536,744</b>	<b>\$ 127,000</b>	<b>\$ -</b>	<b>\$ 83,729</b>	<b>\$ -</b>
<b>Net Change in Fund Balance</b>	<b>\$ (1,240,055)</b>	<b>\$ 162,753</b>	<b>\$ 40,000</b>	<b>\$ (83,729)</b>	<b>\$ 40,000</b>
<b>Ending Fund Balance</b>	<b>\$ 20,976</b>	<b>\$ 183,729</b>	<b>\$ 221,855</b>	<b>\$ 100,000</b>	<b>\$ 140,000</b>

# Park & Stormwater Sales Tax Fund

The Park and Stormwater Sales Tax Fund accounts for a voter approved 1/2 cent (0.5%) sales tax which became effective October 1, 2020 through September 30, 2040. The Park and Stormwater Sales Tax fund was created as a part of the FY2021 budget development process. The sales tax may be used for the purpose of operating, maintaining, funding, and/or financing parks and recreation needs and stormwater control.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	\$ -	\$ 437,318	\$ 749,556	\$ 809,380	\$ 983,800
<b>Park &amp; Stormwater Sales Tax Fund Revenues</b>					
Sales Tax (0.5%)	614,190	690,960	672,435	723,750	752,750
Intergovernmental Revenues	-	-	-	-	181,000
Other Revenue	-	11,000	-	-	-
<b>Total Revenues</b>	<b>\$ 614,190</b>	<b>\$ 701,960</b>	<b>\$ 672,435</b>	<b>\$ 723,750</b>	<b>\$ 933,750</b>
<b>Park &amp; Stormwater Sales Tax Fund Expenses</b>					
Personnel Services	-	-	-	-	-
Contractual Services	27,335	47,325	217,750	83,130	50,000
Commodities	8,334	9,062	-	-	-
Capital Outlay	141,203	273,511	280,000	466,200	971,000
Transfers Out	-	-	-	-	-
<b>Total Expenses</b>	<b>\$ 176,872</b>	<b>\$ 329,898</b>	<b>\$ 497,750</b>	<b>\$ 549,330</b>	<b>\$ 1,021,000</b>
<b>Net Change in Fund Balance</b>	<b>-</b>	<b>\$ 372,062</b>	<b>\$ 174,685</b>	<b>\$ 174,420</b>	<b>\$ (87,250)</b>
<b>Ending Fund Balance</b>	<b>\$ 437,318</b>	<b>\$ 809,380</b>	<b>\$ 924,241</b>	<b>\$ 983,800</b>	<b>\$ 896,550</b>

# Vehicle and Equipment Replacement Fund

The Vehicle and Equipment Replacement Fund (VERF) accounts for expenses related to the management of the City's vehicle fleet. The VERF was created as a part of the FY2021 budget development process. This process included the approval of an agreement between the City and Enterprise Fleet Management to lease "white fleet", or non-police vehicles for City use. In recent years, the City has started to lease Police patrol vehicles through Enterprise Fleet Management to replace aging patrol units. Ideally, building up and retaining a cash balance of at least \$750,000 in the VERF is desirable in order to re-purchase the entire fleet if the City would decide to forgo the lease agreement with Enterprise Fleet Management.

	Actual FY2021		Actual FY2022		Budget FY2023		Projected FY2023		Proposed FY2024	
<b>Beginning Fund Balance</b>	\$	-	\$	25,676	\$	157,400	\$	184,328	\$	210,780
<b>VERF Revenues</b>										
Sale of Personal Property & Leased Vehicles		51,972		193,778		352,100		301,770		125,398
Transfers In		40,000		175,000		70,000		70,000		249,000
<b>Total Revenues</b>	\$	<b>91,972</b>	\$	<b>368,778</b>	\$	<b>422,100</b>	\$	<b>371,770</b>	\$	<b>374,398</b>
<b>VERF Expenses</b>										
Contractual Services		66,296		210,126		381,750		329,883		423,547
Capital Outlay		-		-		-		15,435		-
<b>Total Expenses</b>		<b>66,296</b>		<b>210,126</b>		<b>381,750</b>		<b>345,318</b>		<b>423,547</b>
<b>Net Change in Fund Balance</b>		<b>25,676</b>	\$	<b>158,652</b>	\$	<b>40,350</b>	\$	<b>26,452</b>	\$	<b>(49,149)</b>
<b>Ending Fund Balance</b>	\$	<b>25,676</b>	\$	<b>184,328</b>	\$	<b>197,750</b>	\$	<b>210,780</b>	\$	<b>161,631</b>

## “CARES” FUND

The CARES (Coronavirus Aid, Relief, and Economic Security Act) Fund was established by the City to account for Federal stimulus money received in response to the COVID-19 pandemic. In 2020, the City received \$945,400 in CARES funding, which was distributed by Clay County, Missouri. The City obligated and expended all CARES financial resources and the fund finished FY2021 with no cash balance and no future anticipated revenues or expenses in FY2021 or beyond.

	Actual FY2021		Actual FY2022		Budget FY2023		Projected FY2023		Proposed FY2024	
<b>Beginning Fund Balance</b>	\$	588,259	\$	-	\$	-	\$	-	\$	-
<b>CARES Fund Revenues</b>										
Intergovernmental		-		-		-		-		-
Interest Earnings		-		-		-		-		-
<b>Total Revenues</b>	\$	-	\$	-	\$	-	\$	-	\$	-
<b>CARES Fund Expenses</b>										
Personnel Services		472		-		-		-		-
Contractual Services		251,352		-		-		-		-
Commodities		56,497		-		-		-		-
Capital Outlay		40,650		-		-		-		-
Transfers Out		239,288		-		-		-		-
<b>Total Expenses</b>	\$	588,259	\$	-	\$	-	\$	-	\$	-
<b>Net Change in Fund Balance</b>	\$	(588,259)	\$	-	\$	-	\$	-	\$	-
<b>Ending Fund Balance</b>	\$	-	\$	-	\$	-	\$	-	\$	-

# Donation Fund

The City's Donation Fund was established by the Board of Aldermen in July 2022 to account for financial donations provided to the City for both broad and specific municipal purposes. For example, the Donation Fund houses Legacy Fund donations, which was created for the purposes of fundraising for certain City and Park projects. The City is permitted to have a separate donation fund (separate from the General Fund) in which donations are housed.

	Actual FY2021		Actual FY2022		Budget FY2023		Projected FY2023		Proposed FY2024	
<b>Beginning Fund Balance</b>	\$	-	\$	-	\$	16,500	\$	3,305	\$	9,109
<b>Donation Fund Revenues</b>										
Other Revenues		-		3,305		10,500		21,476		21,000
<b>Total Revenues</b>	\$	-	\$	3,305	\$	10,500	\$	21,476	\$	21,000
<b>Donation Fund Expenses</b>										
Capital Outlay		-		-		20,000		15,672		15,000
<b>Total Expenses</b>	\$	-	\$	-	\$	20,000	\$	15,672	\$	15,000
<b>Net Change in Fund Balance</b>	\$	-	\$	3,305	\$	(9,500)	\$	5,804	\$	6,000
<b>Ending Fund Balance</b>	\$	-	\$	3,305	\$	7,000	\$	9,109	\$	15,109

# American Rescue Plan Act (“ARPA”) Fund

Congress passed the ARPA (American Rescue Plan Act) on March 11, 2021 to provide fiscal relief to local governments as a result of the COVID-19 pandemic. The ARPA appropriates \$19.53 billion to U.S. states for distribution to non-entitlement units of local government (NEUs) which constitutes those cities, towns, and villages with a population under 50,000. The City of Smithville ARPA revenue estimate is \$2,178,300 which was distribution to the City of Smithville over the course of FY2021 and FY2022. The City has planned to utilize the ARPA funding for the Raw Water Pump Station, Zebra Mussel, Valve Control capital improvement project (as seen in the five year CIP). ARPA funds are anticipated to be fully expended by the end of FY2023.

	Actual FY2021	Actual FY2022	Budget FY2023	Projected FY2023	Proposed FY2024
<b>Beginning Fund Balance</b>	\$ -	\$ 1,089,550	\$ 953,273	\$ 880,215	\$ -
<b>ARPA Fund Revenues</b>					
Intergovernmental	1,089,138	1,110,128	-	-	-
Interest	412	10,570	-	-	-
<b>Total Revenues</b>	\$ 1,089,550	\$ 1,120,698	\$ -	\$ -	\$ -
<b>ARPA Fund Expenses</b>					
Capital Outlay	-	1,330,033	953,270	880,215	-
<b>Total Expenses</b>	\$ -	\$ 1,330,033	\$ 953,270	\$ 880,215	\$ -
<b>Net Change in Fund Balance</b>	\$ 1,089,550	\$ (209,335)	\$ (953,270)	\$ (880,215)	\$ -
<b>Ending Fund Balance</b>	\$ 1,089,550	\$ 880,215	\$ 3	\$ -	\$ -

# Sales Tax Overview

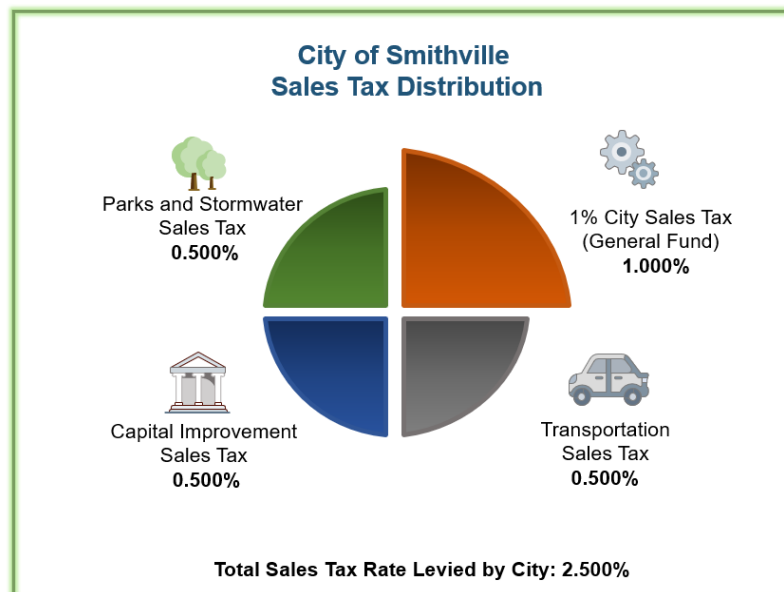
The City of Smithville total sales tax rate is **8.475%**. Nearly half of this total sales tax rate is effective for the State of Missouri. Clay County, the Smithville Area Fire Protection District, and the Kansas City Zoo District also have rates enacted. The City of Smithville sales tax rate is 2.500%. For consumer activity occurring in the Smithville Marketplace CID (located at 15700 N US 169 Highway), the total rate is **9.475%**, which includes a 1% Commons Community Improvement District (CID) sales tax.

## City of Smithville - Sales Tax Rate Breakdown

Jurisdiction	Effective Rate
State of Missouri	4.225%
Clay County	1.125%
City of Smithville	2.500%
Smithville Area Fire Protection District	0.500%
Kansas City Zoological District	0.125%
<b>Total Rate in City</b>	<b>8.475%</b>

Smithville Marketplace (1% CID Sales Tax)	1.000%
<b>Total Rate for Smithville Marketplace</b>	<b>9.475%</b>

The City of Smithville total sales tax rate is comprised of 4 specific sales taxes. There is a 1% City Sales Tax for the General Fund and three Special Sales Taxes. Each of the Special sales taxes have specific spending restrictions and are routed to specific budgeted funds for accounting purposes. The fund summaries, seen later in the Budget Book, outline the restrictions on how these monies may be spent.



# Capital Improvement Plan Overview

The City of Smithville Capital Improvement Plan (CIP) is a multi-year plan for capital investments in the City's infrastructure, facilities, and equipment. The CIP aids in planning for future challenges, as well as addressing the City's current needs. A CIP is critical to achieving the strategic plan because it connects city development, implements the recommendations of master plans, and works as a major financial plan for large capital investments. While master plans are formulated to establish long range (5-15 years) development plans that reflect community priorities, the CIP is generally a more short-range plan with project recommendations outlined over a five year period from the master plans. In this way, the CIP serves as a planning document to completing long-term needs and goals originating from the master plans.

Many of the capital improvement projects found in the CIP are sourced from the following master plans:

- Comprehensive Plan
- Water Master Plan
- Wastewater Master Plan
- Transportation Master Plan
- Parks and Recreation Master Plan
- Stormwater Master Plan (*To Be Bid and Completed*)
- Police Facility Needs Assessment



*In 2023, Black Chain Link Lift Station Safety Fence is Installed near the Harborview Neighborhood Subdivision*

*In 2023, New PVC Waterline is Installed to Replace Aging Cast Iron Pipe on Quincy Boulevard*





# Development of the Capital Improvement Plan

## CIP Planning Process

As the budget process begins, Staff meet to begin understanding the resources the City has available to fund capital projects. The City has three special sales tax funds which all provide crucial funding for capital projects: the Transportation Sales Tax Fund, the Capital Improvement Sales Tax Fund, and the Park and Stormwater Sales Tax Fund. Other funds, such as the CWWS Fund and General Fund, also support capital project spending and required separate staff analysis to understand available resources and revenues. To begin this process, the City Administrator, Finance Director, and Finance Analyst meet to discuss sales tax revenue projections and examine water and wastewater sales (in context of the CWWS Fund). This sets the stage for the prioritization and recommendation of projects into the CIP.

Several factors are considered when prioritizing and recommending capital projects to the Board of Aldermen for funding in the Five Year CIP Plan, which include the following:

- Projects Reducing Risk, Public Danger, or Preserving Infrastructure/High Usage Assets
- Board of Aldermen Priorities
- Master Plan Recommended Projects
- Projects With *Potential* Outside Funding Opportunities (Cost Sharing, Federal & State Grants)
- Projects With *Secured* Outside Funding
- Projects Contributing to the Economic Development of the City

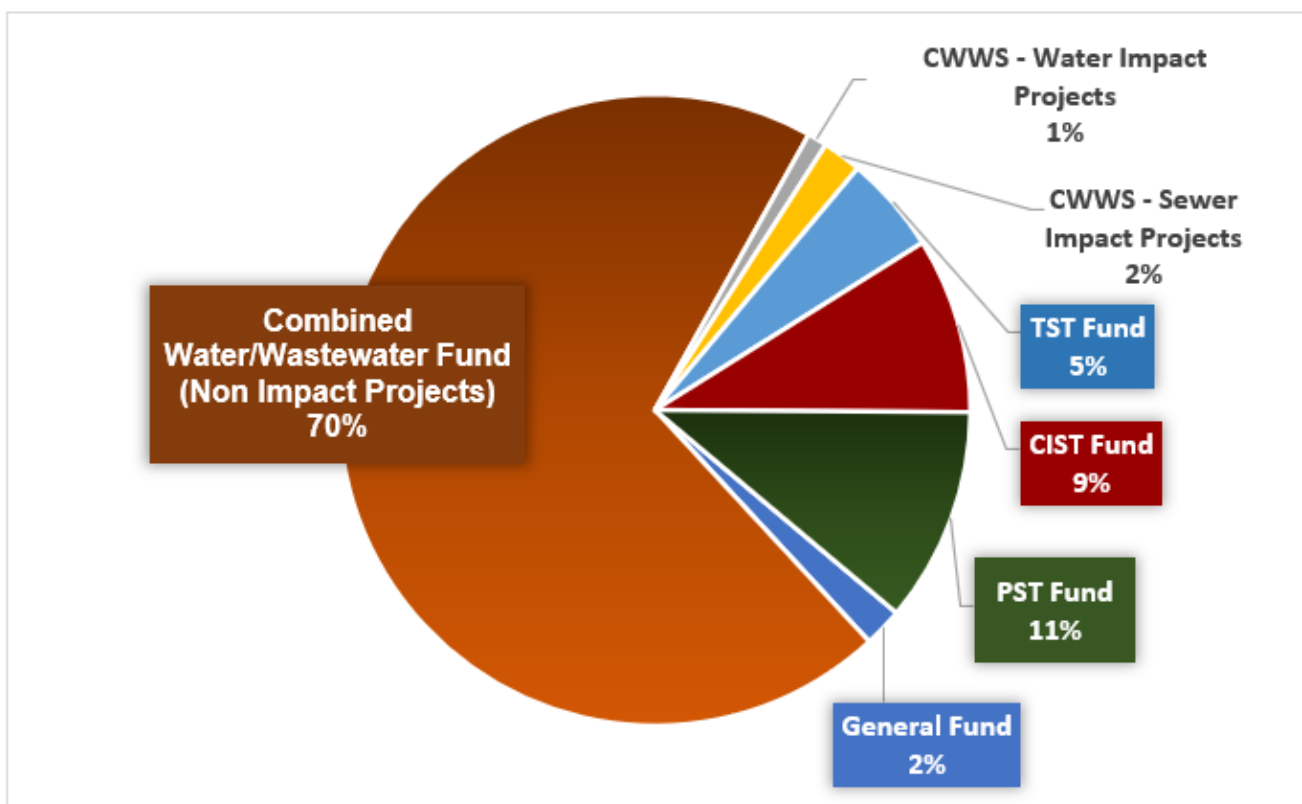
Once these conversations occur, projects are slotted into each fund and the Finance/Administration team reviews projected cashflows which illustrate whether the fund is projected to have the capacity to fund requested projects. Projects are then either “funded” or dropped to the “pending” list where they reside outside of the Five Year CIP. The projects are retained on the pending list for continued consideration by staff and the Board, but are not yet planned/funded in the Five Year CIP.

After projects are slotted into the CIP for funding and presentation to the Board of Aldermen, Public Works and Finance Analysts prepare individual project descriptions, justifications/rationale for completing the project, and the impact on operating costs. These products, known as “CIP Project Pages” showcase each project and outline the source of funding and whether outside (non-City originated) funding is helping to fund the project. When appropriate, maps or areas of impact are included so the public can more clearly understand what areas of the City would be affected.

The Administration/Finance office presents the proposed Five Year CIP Plan to the Board of Aldermen for initial consideration in May during the budget process. The Board provides feedback, and staff completes any necessary revisions to the CIP for second “look” or review in August (which constitutes the first budget workshop).

## Five Year CIP - By Funding Type

The Five Year Capital Improvement Plan is primarily composed of water and wastewater projects as indicated by the pie chart below. 70% of all CIP expenditures in the Five Year CIP are either water or wastewater related expenses. This number increases to 73% when accounting for projects paid with water and wastewater impact cash. The Capital Improvement Sales Tax Fund (CIST Fund) accounts for 9% of CIP projects in the next Five years while the Transportation Sales Tax Fund (TST Fund) accounts for 5% and the Park and Stormwater Sales Tax (PST Fund) accounts for 11%. Together, the three special 0.5% Sales Taxes account for 25% of all CIP planned expenditures in the next five years.



# Impact of the CIP on Annual Operating Budget

The Five Year Capital Improvement Plan includes planning for capital projects designed to minimize expenditures programmed within the City's operating budget. Below are examples of capital projects which reduce various maintenance and repair expenses:

- The Annual Street Overlay & Maintenance Program reduces expense related to maintaining and repairing streets (pothole filling and patching). The PCI (Pavement Condition Index) helps staff understand which sections of City road are in the greatest need for mill and overlay, or overall replacement. Proactively fixing roads with poor PCI scores helps save expenses related to refilling potholes or repeatedly patching certain areas of road. The Transportation Sales Tax Fund provides funding to perform mill and overlay for areas prioritized as highest need by staff.
- The Downtown Streetscape Phase III project, scheduled for construction in FY2024, provides funding to rebuild curb and gutter and mill and overlay sections of the downtown Smithville corridor. The project includes the addition of brick and black lamp posts throughout the northern Downtown portion. Over time, maintenance costs will likely increase as these items continue to wear out and are in need of replacement.
- Waterline replacement and improvement projects are planned with the goal of replacing aging water and wastewater lines, much of which are subject to line breaks which create unpleasant outages for utility customers. Public Works continues to coordinate an annual "cured-in-place" sewer rehabilitation program which seals the aging wastewater pipe and helps to halt future potential leaks.



*The City contracted with Pavement Management Inc. for the completion of the 2023 Street Maintenance Program in which they performed crack sealing to prevent further degradation and extend the life of the road.*



*The City contracted with SAK for "cured-in-place" sewer rehabilitation and manhole rehabilitation. This prevents further breakdown of sewer line and manholes through a relining process which provides greater structural integrity.*

## City of Smithville Proposed FY2024 - FY2028 Five Year Capital Improvement Plan



Plan Prepared by City of Smithville Finance and Administration Departments

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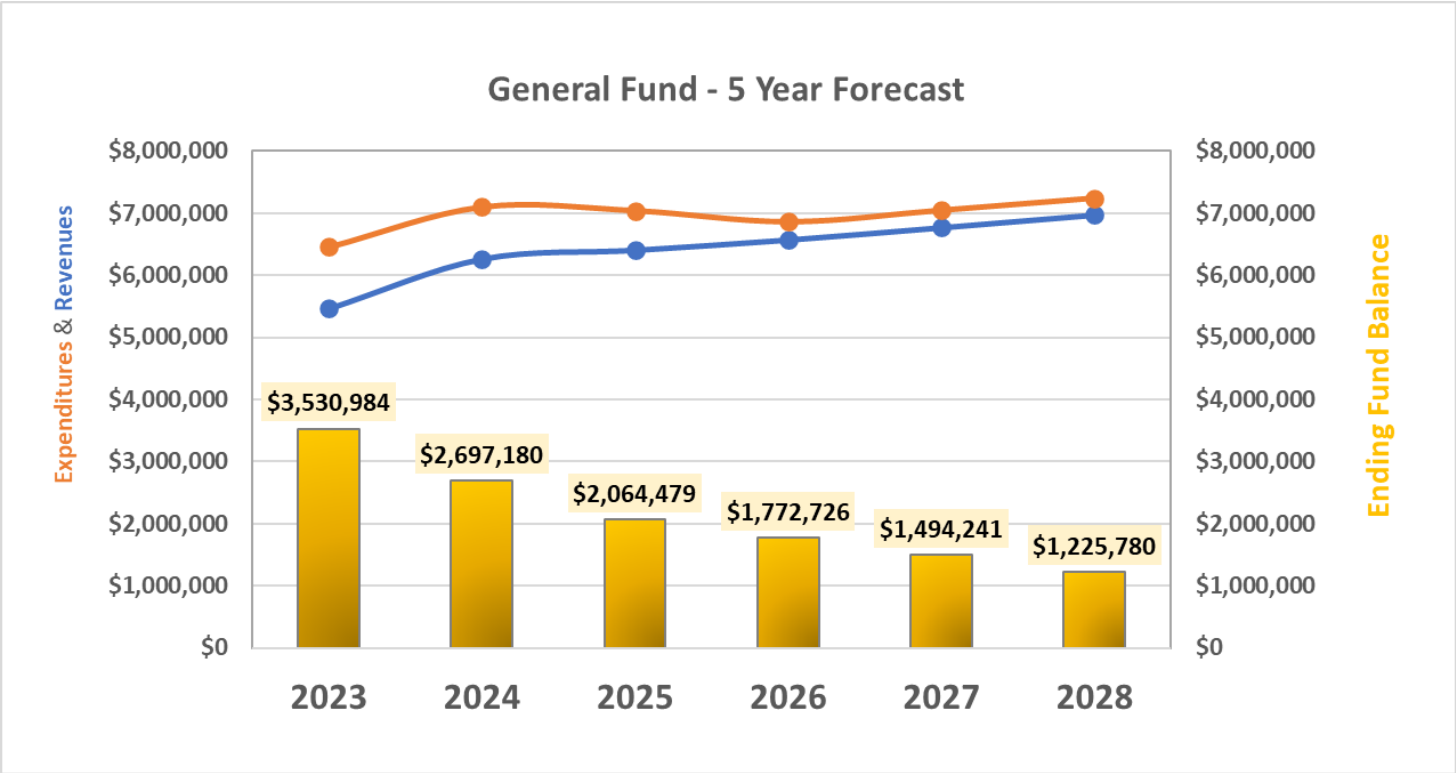
## Five Year Capital Improvement Plan - General Fund

Capital Improvement Projects	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Annual Wayfinding Signage Installation	Administration	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Complete Quincy Boulevard Sidewalks ( <b>Construction</b> )	Public Works - Streets	\$205,000	-	-	-	-
Complete Quincy Boulevard Road Reconstruction ( <b>Construction</b> )	Public Works - Streets	\$175,000	-	-	-	-
Complete 4 <sup>th</sup> St & 4 <sup>th</sup> Terr Mailbox Improvement ( <b>Construction</b> )	Public Works - Streets	\$100,000	-	-	-	-
1 <sup>st</sup> & Bridge Street Round-A-Bout ( <b>Engineering</b> )	Public Works - Streets	\$50,000	-	-	-	-
Additional Annual Asphalt Overlay Program Funding	Public Works - Streets	-	\$100,000	-	-	-
Additional Sidewalk Replacement Program Funding	Public Works - Streets	-	\$50,000	-	-	-
Second Creek Bridge Sidewalks ( <b>30% of Construction</b> )	Public Works - Streets	-	\$250,000	-	-	-
Riverwalk Park & Trail ( <b>10% of Construction</b> )	Public Works - Streets	-	\$200,000	-	-	-
<b>Grand Total</b>		<b>\$630,000</b>	<b>\$700,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>

Project Totals By City Department	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Administration	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Parks & Recreation	-	-	-	-	-
Public Works - Streets	\$530,000	\$600,000	-	-	-
Police	-	-	-	-	-
<b>Grand Total (Net Cost)</b>	<b>\$630,000</b>	<b>\$700,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>



Five Year Cash Flow Analysis - General Fund



Five Year CIP Total
\$1,630,000

## Pending Projects Outside Five Year CIP - General Fund

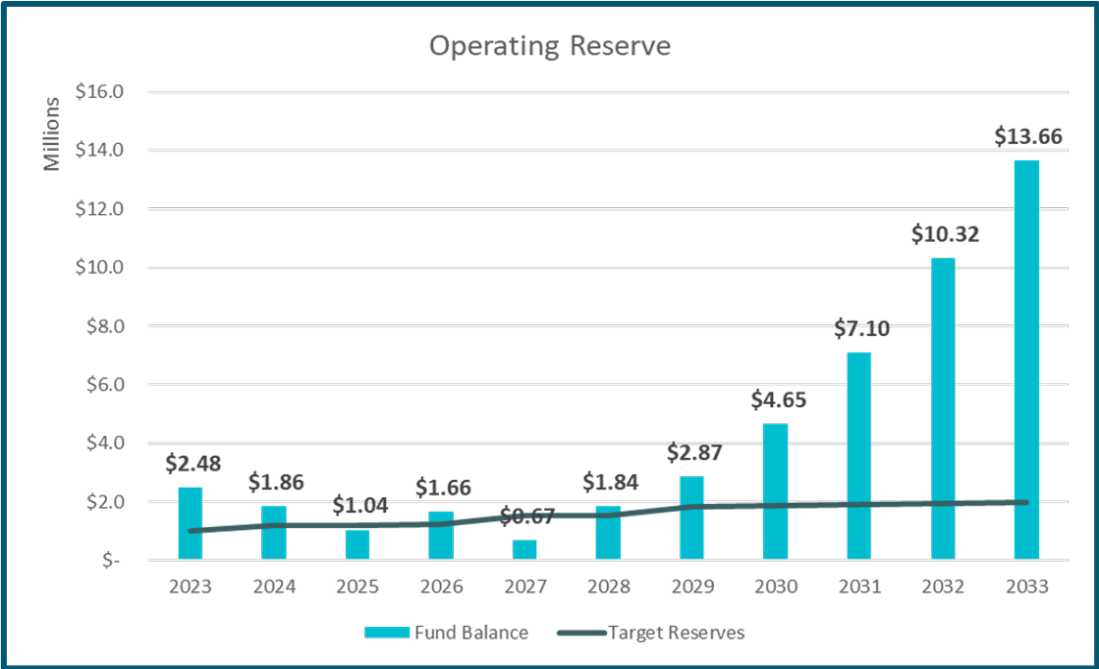
Pending Projects	Department Name	Cost Estimate
Police Department Building ( <b>Engineering</b> )	Police	\$1,000,000
Police Department Building ( <b>Construction</b> )	Police	\$16,000,000
Streets & Parks & Recreation Facility Building ( <b>Engineering</b> )	Parks & Rec/PW	\$500,000
Streets & Parks & Recreation Facility Building ( <b>Construction</b> )	Parks & Rec/PW	\$8,000,000
Tornado Sirens ( <b>Purchase &amp; Installation</b> )	Police	Unknown Cost
Grand Total (Net Cost)		\$25,500,000



### Five Year Capital Improvement Plan - Combined Water and Wastewater Fund

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY2027	FY2028
Complete Auth 94 - West Bypass of 144th St Lift Station ( <b>Engineering</b> )	Public Works - Utilities	\$85,000	-	-	-	-
Complete Auth 92 - Smith's Fork Pump Station ( <b>Engineering</b> )	Public Works - Utilities	\$50,000	-	-	-	-
Complete Auth 99 - WTP Improvements/Residuals ( <b>Engineering</b> )	Public Works - Utilities	\$150,000	-	-	-	-
Complete Auth 97 - River Cross/Maple Ln Waterline ( <b>Engineering</b> )	Public Works - Utilities	\$60,000	-	-	-	-
Complete Auth 98 - Owens Branch Sanitary Sewer ( <b>Engineering</b> )	Public Works - Utilities	\$230,000	-	-	-	-
Interconnect Mains at 144 <sup>th</sup> /169 Highway ( <b>S2, Construction</b> )	Public Works - Utilities	\$55,000	-	-	-	-
Highway 92 & Commercial Waterline ( <b>Engineering</b> )	Public Works - Utilities	\$125,000	-	-	-	-
144 <sup>th</sup> Street Lift Station ( <b>Construction</b> )	Public Works - Utilities	\$1,700,000	-	-	-	-
West Bypass of the 144 <sup>th</sup> Street Lift Station ( <b>Construction</b> )	Public Works - Utilities	\$2,200,000	-	-	-	-
Maple Lane & River Crossing (12" Waterline) ( <b>50% of Construction</b> )	Public Works - Utilities	\$700,000	-	-	-	-
Est. Remaining Contract - Smith's Fork Force Main ( <b>Construction</b> )	Public Works - Utilities	\$300,000	-	-	-	-
McDonalds/Central Bank Lift Station ( <b>Engineering</b> )	Public Works - Utilities	\$100,000	-	-	-	-
Smith's Fork Park Waterline ( <b>Construction</b> )	Public Works - Utilities	\$170,000	-	-	-	-
Headworks Bar Screen ( <b>Construction</b> )	Public Works - Utilities	\$325,000	-	-	-	-
Stonebridge Lift Station ( <b>Engineering</b> )	Public Works - Utilities	\$250,000	-	-	-	-
Stonebridge Lift Station ( <b>Construction With SSD Cost Sharing</b> )	Public Works - Utilities	\$1,500,000	-	-	-	-
Water Treatment Plant Improvements ( <b>Construction</b> )	Public Works - Utilities	\$900,000	-	-	-	-
Owens Branch Gravity Line Phase #1, Line #1 ( <b>Construction</b> )	Public Works - Utilities	-	\$2,200,000	-	-	-
McDonalds/Central Bank Lift Station ( <b>Construction</b> )	Public Works - Utilities	-	\$500,000	-	-	-
Highway 92 & Commercial Waterline ( <b>Construction</b> )	Public Works - Utilities	-	\$300,000	-	-	-
Owens Branch Gravity Line Phase #1, Line #2 ( <b>Engineering</b> )	Public Works - Utilities	-	\$600,000	-	-	-
Owens Branch Gravity Line Phase #1, Line #2 ( <b>Construction</b> )	Public Works - Utilities	-	-	\$2,500,000	-	-
Water Plant Expansion ( <b>Engineering</b> )	Public Works - Utilities	-	-	\$2,100,000	-	-
Wastewater Treatment Plant Expansion ( <b>Construction</b> )	Public Works - Utilities	-	-	\$3,000,000	\$3,000,000	-
<i>Additional Water and Wastewater Project Funding</i>	Public Works - Utilities	-	-	-	\$2,000,000	-
Water Plant Expansion, Phase I ( <b>Construction</b> )	Public Works - Utilities	-	-	-	-	\$7,500,000
<i>Additional Water and Wastewater Project Funding</i>	Public Works - Utilities	-	-	-	-	\$2,000,000
<b>Grand Total (Net Cost)</b>		<b>\$8,900,000</b>	<b>\$3,600,000</b>	<b>\$7,600,000</b>	<b>\$5,000,000</b>	<b>\$9,500,000</b>

Five Year Cash Flow Analysis - CWWS Fund (Non Impact Fees)



Five Year CIP Total

**\$34,600,000**



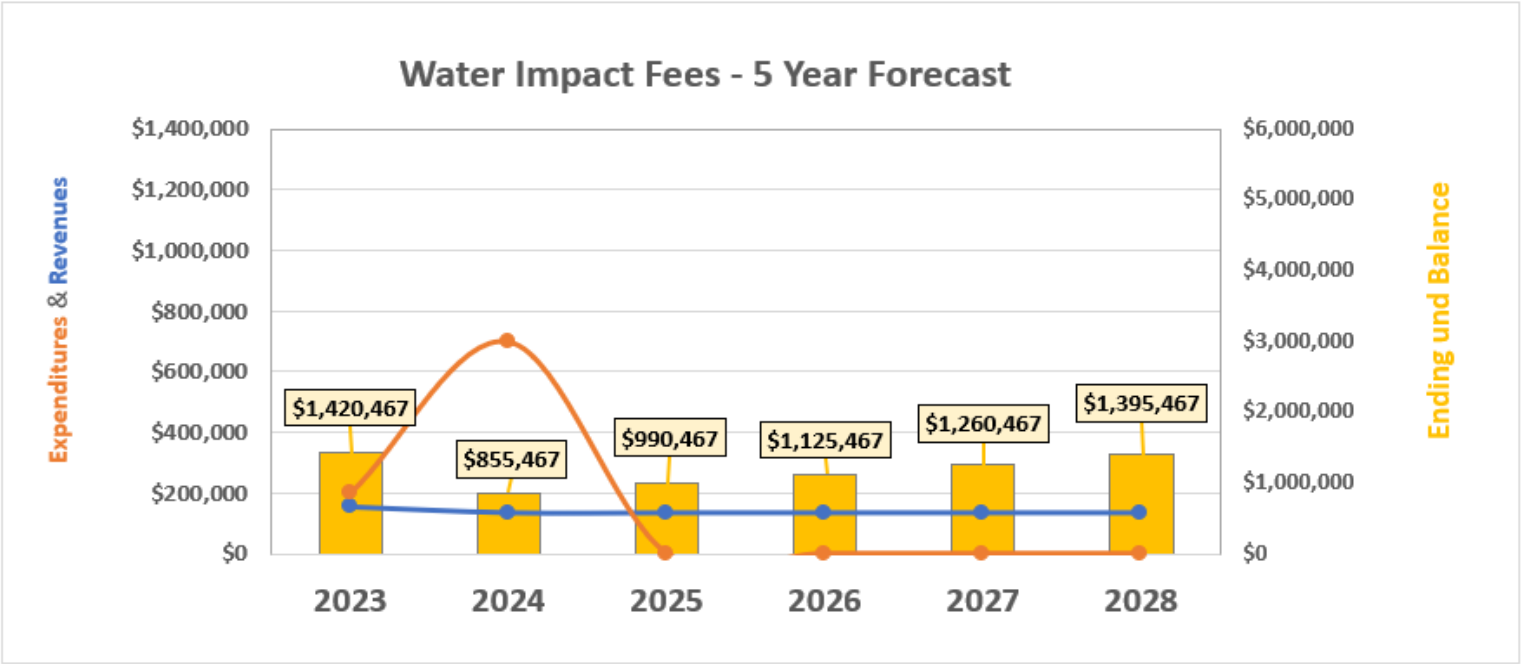
### Pending Projects - Outside Five Year CIP - CWWS Fund

Pending Projects	Department	Cost Estimate
Lift Station Bar Screen ( <b>Engineering</b> )	Public Works - Utilities	<b>\$500,000</b>
Lift Station Bar Screen ( <b>Construction</b> )	Public Works - Utilities	<b>\$2,000,000</b>
Stonebridge Lift Station/Force Main Replacement ( <b>Engineering</b> )	Public Works - Utilities	<b>\$250,000</b>
Stonebridge Lift Station/Force Main Replacement ( <b>Construction</b> )	Public Works - Utilities	<b>\$1,000,000</b>
Northwest Subdivision Waterline Loop System ( <b>E &amp; C</b> )	Public Works - Utilities	<b>\$200,000</b>
Eagle Parkway Water Line ( <b>E &amp; C</b> )	Public Works - Utilities	<b>\$300,000</b>
Main Street Waterline (River Crossing to Liberty) ( <b>E &amp; C</b> )	Public Works - Utilities	<b>\$250,000</b>
Helvey Park (12" Waterline) ( <b>E &amp; C</b> )	Public Works - Utilities	<b>\$700,000</b>
169 Highway Waterline (Commercial to SW Tower) ( <b>E &amp; C</b> )	Public Works - Utilities	<b>\$700,000</b>
Owens Branch Gravity Line Phase #1, Line #3 ( <b>Engineering</b> )	Public Works - Utilities	<b>\$700,000</b>
Owens Branch Gravity Line Phase #1, Line #3 ( <b>Construction</b> )	Public Works - Utilities	<b>\$2,500,000</b>
Water Plant Expansion, Phase II ( <b>Construction</b> )	Public Works - Utilities	<b>\$7,500,000</b>
144 <sup>th</sup> Street to Forest Oaks Gravity Line ( <b>Construction</b> )	Public Works - Utilities	<b>\$3,000,000</b>
<b>Grand Total (Net Cost)</b>		<b>\$19,600,000</b>

## Five Year Capital Improvement Plan - Water Impact Projects

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Maple Lane & River Crossing (12" Waterline) (50% of Construction)	Public Works - Utilities	\$700,000	-	-	-	-
Grand Total		\$700,000	-	-	-	-

Five Year Cash Flow Analysis - Water Impact Projects & Fees



Five Year CIP Total

\$700,000

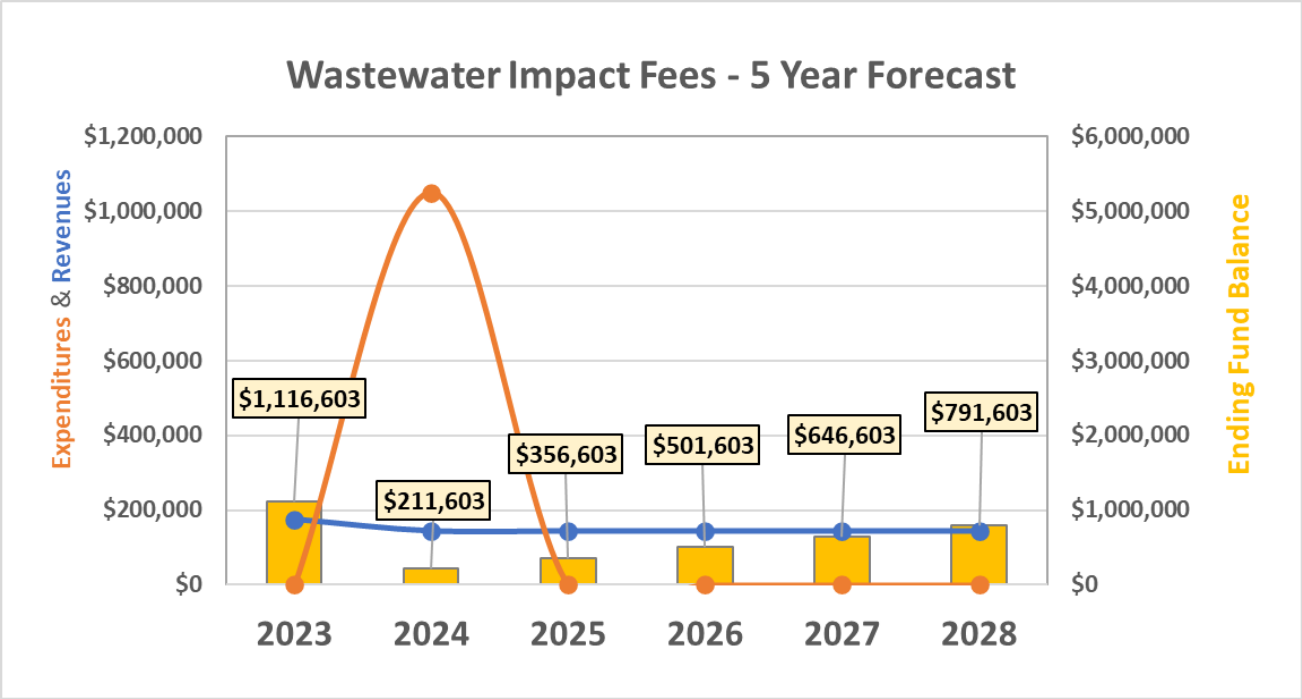
Pending Projects - Outside Five Year CIP - Water Impact Projects

Pending Projects		Department	Cost Estimate	Year Planned
None		None	-	None

## Five Year Capital Improvement Plan - Wastewater Impact Projects

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Wastewater Treatment Plant Expansion ( <b>Engineering</b> )	Public Works - Utilities	\$1,050,000	-	-	-	
Grand Total		\$1,050,000	-	-	-	-

Five Year Cash Flow Analysis - Wastewater Impact Projects/Fees



**Five Year CIP Total**

**\$1,050,000**



**Pending Projects - Outside Five Year CIP - Wastewater Impact Projects**

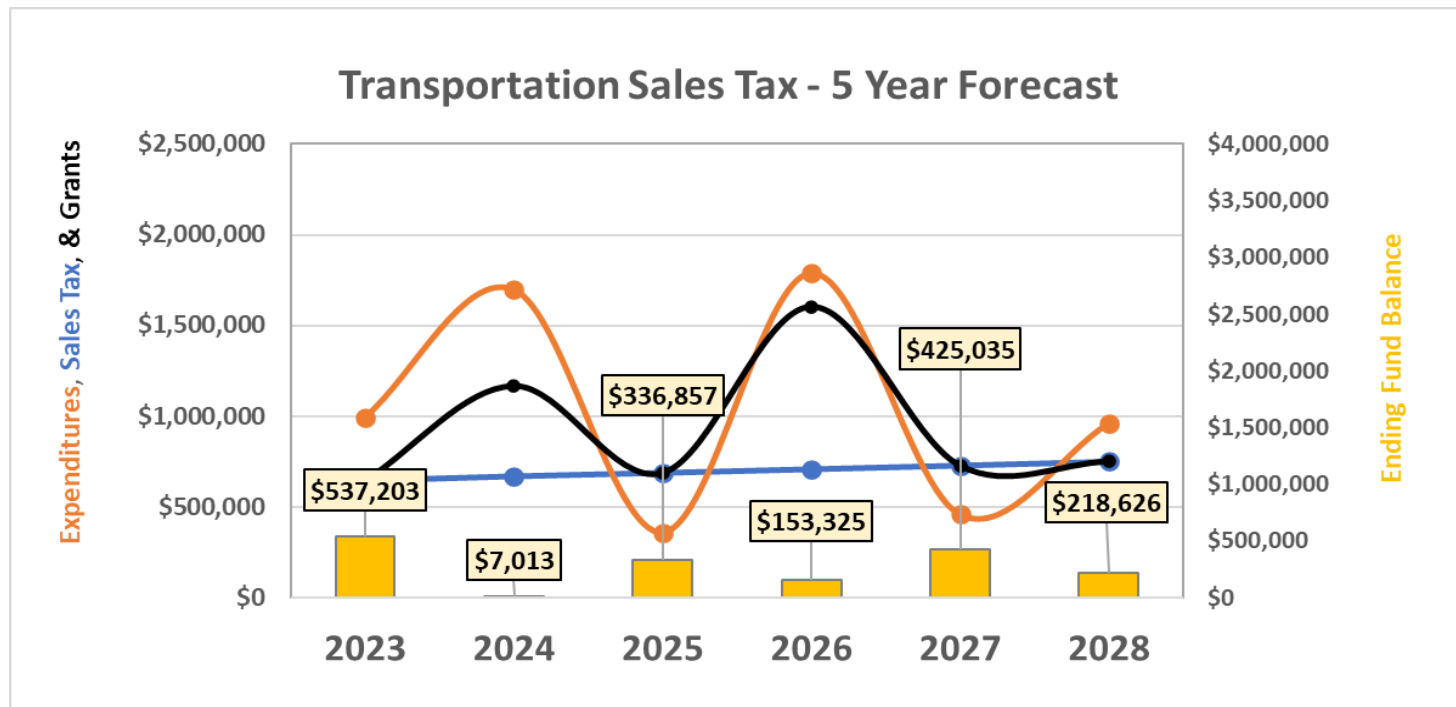
Pending Projects	Department	Cost Estimate
None	None	-

### Five Year Capital Improvement Plan - Transportation Sales Tax Fund

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Annual Asphalt Overlay Program ( <b>Projects TBD</b> )	Public Works - Streets	\$300,000	\$200,000	\$200,000	\$300,000	\$300,000
Annual Sidewalk Replacement Program	Public Works - Streets	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Complete 4 <sup>th</sup> St & 4 <sup>th</sup> Terr Road Reconstruction ( <b>Construction</b> )	Public Works - Streets	\$315,000	-	-	-	-
Complete Commercial Street Sidewalks ( <b>Engineering</b> )	Public Works - Streets	\$40,000	-	-	-	-
Commercial Street Sidewalks ( <b>Construction</b> )	Public Works - Streets	\$750,000	-	-	-	-
Commercial Street Sidewalks ( <b>MARC Reimbursement</b> )	Public Works - Streets	(500,000)	-	-	-	-
1 <sup>st</sup> & Bridge St Round-A-Bout Construction ( <b>80% of Project Expense</b> )	Public Works - Streets	-	-	\$1,430,000	-	-
1 <sup>st</sup> & Bridge Street Round-A-Bout ( <b>MARC Reimbursement</b> )	Public Works - Streets	-	-	(896,000)	-	-
180 <sup>th</sup> & Eagle Round-A-Bout Construction ( <b>25% of Project Expense</b> )	Public Works - Streets	-	-	-	-	\$300,000
<b>Grand Total (Net Cost)</b>		<b>\$930,000</b>	<b>\$225,000</b>	<b>\$759,000</b>	<b>\$325,000</b>	<b>\$625,000</b>

**GREEN Numbers Indicated "Secured" Grant Funding**

Five Year Cash Flow Analysis - Transportation Sales Tax Fund



Five Year CIP Total

**\$2,864,000**



### Pending Projects - Outside Five Year CIP - Transportation Sales Tax Fund

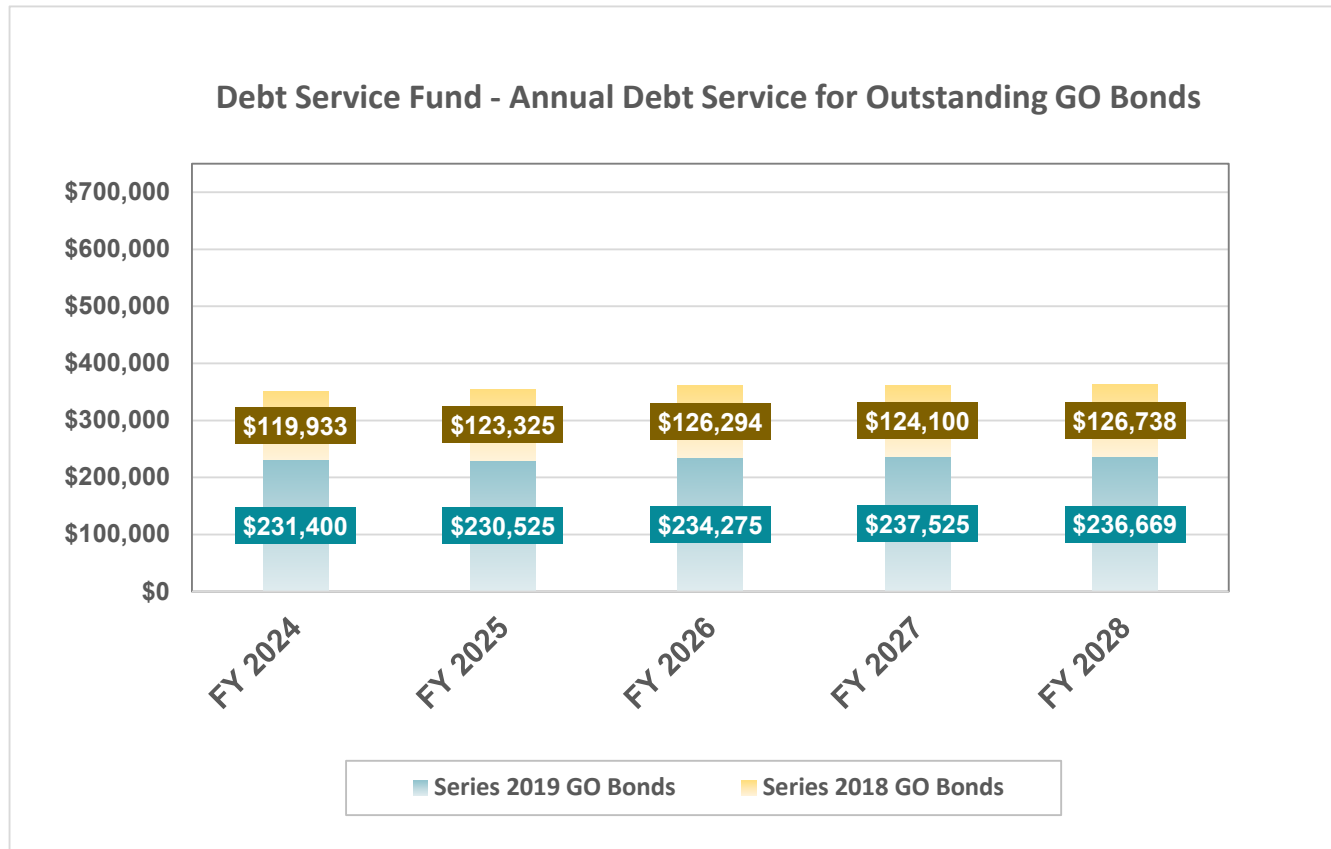
Pending Projects	Department Name	Cost Estimate
Raised Ped Crosswalk/Flashing Beacon Maple Elem School	Public Works - Streets	<b>\$70,000</b>
2 <sup>nd</sup> Street Asphalt Overlay (169 to Bridge)	Public Works - Streets	<b>\$25,000</b>
Diamond Crest Asphalt Overlay	Public Works - Streets	<b>\$175,000</b>
Harborview Asphalt (Newport/Harborview Dr/Fletcher/Mesa)	Public Works - Streets	<b>\$230,000</b>
180 <sup>th</sup> Street Asphalt Overlay (169 to Old Jefferson)	Public Works - Streets	<b>\$750,000</b>
Harborview Asphalt Overlay (Remaining Roads)	Public Works - Streets	<b>\$725,000</b>
Highland Avenue Asphalt Overlay (Halfway Up Hill)	Public Works - Streets	<b>\$30,000</b>
North Main - Asphalt Overlay	Public Works - Streets	<b>\$200,000</b>
134 <sup>th</sup> Street Asphalt Overlay (Road Agreement with County)	Public Works - Streets	<b>\$155,000</b>
176 <sup>th</sup> Street Asphalt Overlay (Road Agreement with County)	Public Works - Streets	<b>\$80,000</b>
South Bridge Street --- Asphalt, Curbs, Stormwater	Public Works - Streets	<b>\$145,000</b>
Seal Coating/Micro-Surfacing Downtown City Parking Lots	Public Works - Streets	<b>To Be Determined</b>
<b>Grand Total (Net Cost)</b>		<b>\$2,585,000</b>

### Five Year Capital Improvement Plan - Debt Service Fund

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Transfer to Debt Service Fund - Annual Debt Service Payment	Finance	\$361,340	\$364,875	\$367,920	\$373,420	\$376,420

Debt Service Detail	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Series 2018 (General Obligation 20 Year Bond)	Finance	\$119,933	\$123,325	\$126,294	\$124,100	\$126,738
Series 2018 ----- Principal (Paid <b>March 1<sup>st</sup></b> )	Finance	\$55,000	\$60,000	\$65,000	\$65,000	\$70,000
Series 2018 ----- Interest (Paid <b>March 1<sup>st</sup></b> )	Finance	\$32,783	\$32,150	\$31,175	\$30,119	\$28,981
Series 2018 ----- Interest (Paid <b>September 1<sup>st</sup></b> )	Finance	\$32,150	\$31,175	\$30,119	\$28,981	\$27,756

Debt Service Detail	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Series 2019 (General Obligation 20 Year Bond)	Finance	\$231,400	\$230,525	\$234,275	\$237,525	\$236,669
Series 2019 -----Principal (Paid <b>March 1<sup>st</sup></b> )	Finance	\$115,000	\$120,000	\$130,000	\$140,000	\$145,000
Series 2019 ----- Interest (Paid <b>March 1<sup>st</sup></b> )	Finance	\$59,638	\$56,763	\$53,763	\$50,513	\$47,013
Series 2019 ----- Interest (Paid <b>September 1<sup>st</sup></b> )	Finance	\$56,763	\$53,763	\$50,513	\$47,013	\$44,656



**Series 2018** Final Payment Scheduled for March 1st, 2038

**Series 2019** Final Payment Scheduled for March 1st, 2038

### Five Year Capital Improvement Plan - Capital Improvement Sales Tax

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Annual Transfer to Debt Service	Public Works - Streets	\$361,340	\$364,875	\$367,920	\$373,420	\$376,420
Complete Downtown Streetscape Phase III ( <b>Engineering</b> )	Public Works - Streets	\$50,000	-	-	-	-
Complete Quincy Boulevard Road Reconstruction ( <b>Construction</b> )	Public Works - Streets	\$95,000	-	-	-	-
Riverwalk Park & Trail ( <b>Engineering</b> )	Public Works - Streets	\$250,000	-	-	-	-
2 <sup>nd</sup> Creek Sidewalks ( <b>Engineering</b> )	Public Works - Streets	\$150,000	-	-	-	-
1 <sup>st</sup> & Bridge Street Round-A-Bout ( <b>80% of Engineering</b> )	Public Works - Streets	\$200,000	-	-	-	-
Downtown Streetscape Phase III ( <b>Construction</b> )	Public Works - Streets	\$800,000	-	-	-	-
Downtown Streetscape Phase III ( <b>Grant Reimbursement</b> )	Public Works - Streets	(488,000)	-	-	-	-
2 <sup>nd</sup> Creek Sidewalks ( <b>70% of Construction</b> )	Public Works - Streets	-	\$695,000	-	-	-
2 <sup>nd</sup> Creek Sidewalks ( <b>MARC Reimbursement</b> )	Public Works - Streets	-	(600,000)	-	-	-
Riverwalk & Trail Construction ( <b>60% of Project Expense</b> )	Public Works - Streets	-	\$480,000	\$670,000	-	-
Riverwalk & Trail ( <b>MARC Reimbursement</b> )	Public Works - Streets	-	(480,000)	(420,000)	-	-
1 <sup>st</sup> & Bridge Street - Round-A-Bout ( <b>20% of Construction</b> )	Public Works - Streets	-	-	\$300,000	-	-
180 <sup>th</sup> & Eagle Parkway Round-A-Bout ( <b>Engineering</b> )	Public Works - Streets	-	-	-	\$250,000	-
Pope Lane Round-a-Bout/Connection ( <b>80% of Engineering</b> )	Public Works - Streets	-	-	-	-	\$400,000
180 <sup>th</sup> & Eagle Parkway Round-A-Bout ( <b>75% of Construction</b> )	Public Works - Streets	-	-	-	-	\$1,000,000
180 <sup>th</sup> & Eagle Parkway Round-A-Bout ( <b>MARC Reimburse</b> )	Public Works - Streets	-	-	-	-	(700,000)
<b>Grand Total (Net Cost)</b>		<b>\$1,418,340</b>	<b>\$459,875</b>	<b>\$917,920</b>	<b>\$623,420</b>	<b>\$1,076,420</b>

**GREEN Numbers Indicated "Secured" Grant Funding**



**\$4,495,975**





**Pending Projects - Outside Five Year CIP - Capital Improvement Sales Tax**

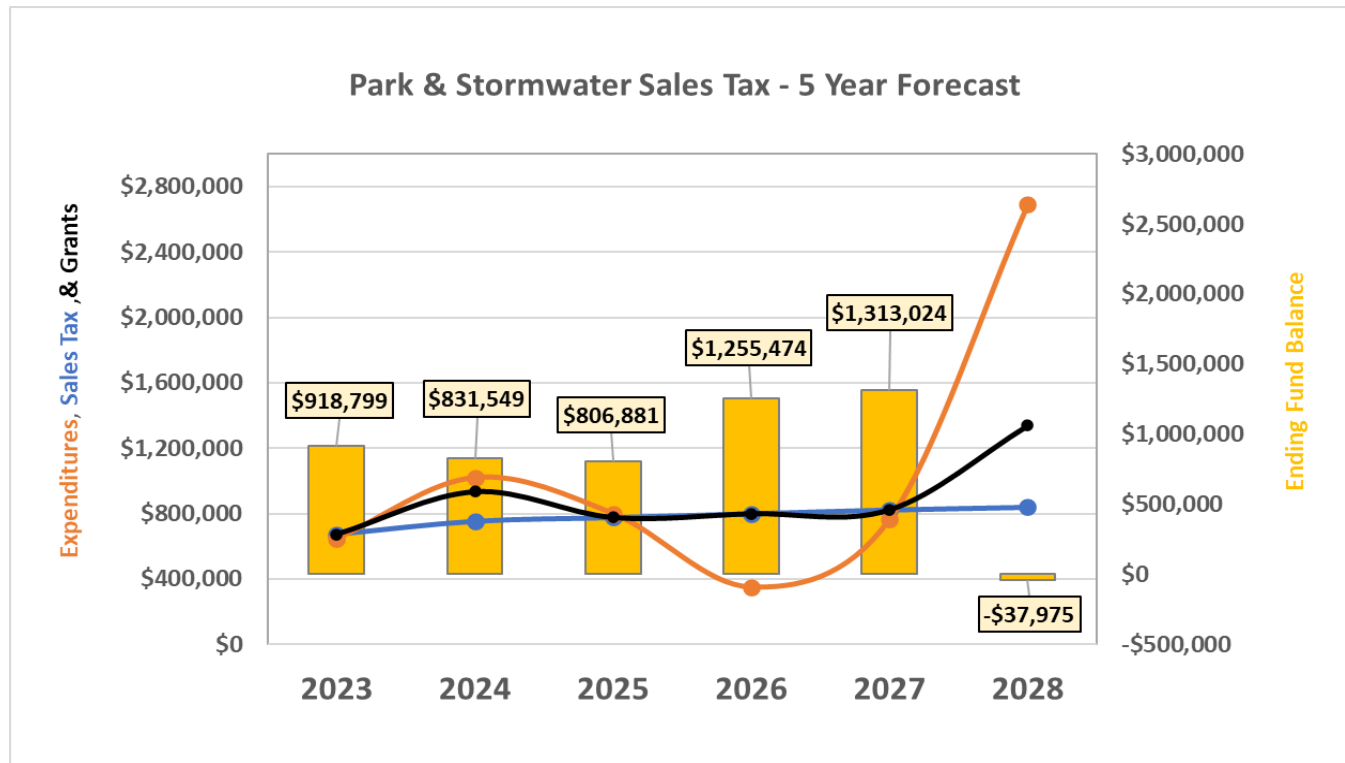
<b>Pending Projects</b>	<b>Department Name</b>	<b>Cost Estimate</b>
180 <sup>th</sup> & Old Jefferson Round-a-Bout ( <b>Engineering</b> )	Public Works - Streets	<b>\$250,000</b>
180 <sup>th</sup> & Old Jefferson Round-a-Bout ( <b>Construction</b> )	Public Works - Streets	<b>\$1,000,000</b>
180 <sup>th</sup> & Old Jefferson Round-a-Bout ( <b>MARC Reimburse</b> )	Public Works - Streets	<b>(700,000)</b>
<b>Grand Total (Net Cost)</b>		<b>\$550,000</b>

### Five Year Capital Improvement Plan - Park & Stormwater Sales Tax

Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
OK Railroad Trail - Phase I ( <b>Construction</b> )	Parks & Recreation	\$281,000	-	-	-	-
OK Railroad Trail - Phase I ( <b>Grant</b> )	Parks & Recreation	(181,000)	-	-	-	-
Emerald Ridge Neighborhood Park & Signage ( <b>Construction</b> )	Parks & Recreation	\$450,000	-	-	-	-
Diamond Crest Splashpad Shelter & Bathrooms ( <b>Construction</b> )	Parks & Recreation	\$90,000	-	-	-	-
Stonebridge Stormwater Improvements ( <b>Engineering</b> )	Public Works	\$50,000	-	-	-	-
Stonebridge Stormwater Improvements ( <b>Construction</b> )	Public Works	\$150,000	-	-	-	-
Dundee Road Stormwater Improvements ( <b>Engineering</b> )	Public Works	-	\$50,000	-	-	-
Dundee Road Stormwater Improvements ( <b>Construction</b> )	Public Works	-	\$150,000	-	-	-
Riverwalk & Trail Construction ( <b>30%</b> of Project Expense)	Parks & Recreation	-	\$600,000	-	-	-
Forest Oaks Stormwater Improvements ( <b>Engineering</b> )	Public Works	-	-	\$50,000	-	-
Forest Oaks Stormwater Improvements ( <b>Construction</b> )	Public Works	-	-	\$300,000	-	-
Cedar Lakes Stormwater Improvements ( <b>Engineering</b> )	Public Works	-	-	-	\$25,000	-
Cedar Lakes Stormwater Improvements ( <b>Construction</b> )	Public Works	-	-	-	\$100,000	-
Smith's Fork Park Complex ( <b>Engineering &amp; Design</b> )	Parks & Recreation	-	-	-	\$640,000	-
Maple Lane Stormwater Improvements ( <b>Engineering</b> )	Public Works	-	-	-	-	\$50,000
Maple Lane Stormwater Improvements ( <b>Construction</b> )	Public Works	-	-	-	-	\$250,000
Smith's Fork Park Complex ( <b>Construction, Phase I</b> )	Parks & Recreation	-	-	-	-	\$2,240,000
<b>Grand Total (Net Cost)</b>		<b>\$840,000</b>	<b>\$800,000</b>	<b>\$350,000</b>	<b>\$765,000</b>	<b>\$2,540,000</b>

Project Totals By City Department	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Parks & Recreation	\$640,000	\$600,000	-	\$640,000	\$2,240,000
Public Works	\$200,000	\$200,000	\$350,000	\$125,000	\$300,000
<b>Grand Total (Net Cost)</b>	<b>\$840,000</b>	<b>\$800,000</b>	<b>\$350,000</b>	<b>\$765,000</b>	<b>\$2,540,000</b>

## Five Year Cash Flow Analysis - Park and Stormwater Sales Tax Fund



## Five Year CIP Total

**\$5,295,000**

### Pending Projects Outside Five Year CIP - Park & Stormwater Sales Tax Fund

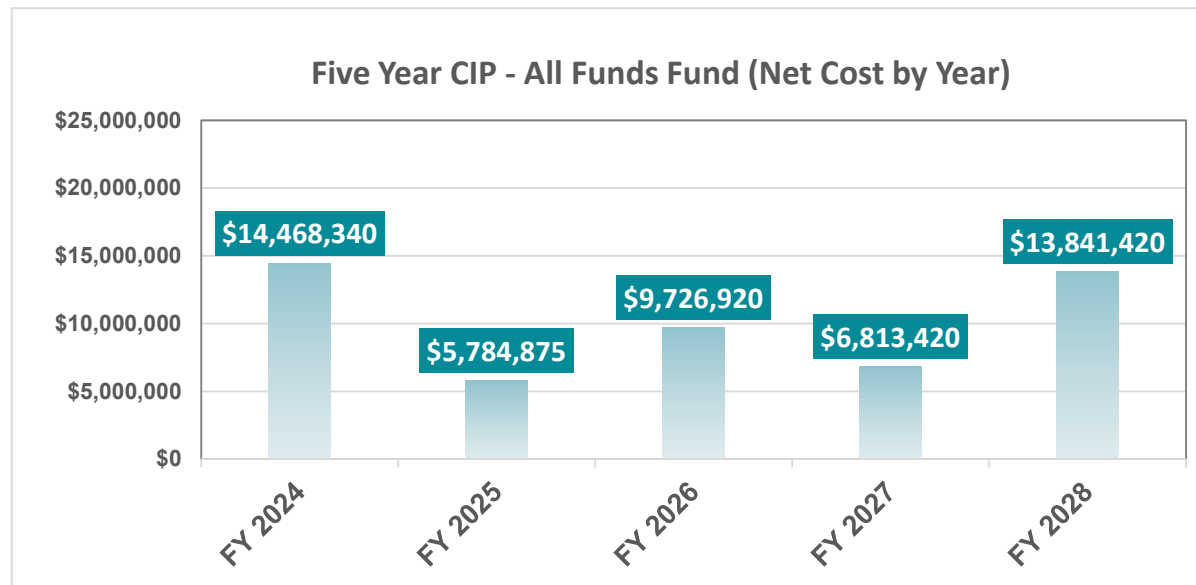
Pending Projects	Dept Name	Cost Estimate
Smith's Fork Park (4 Plex Baseball, Site Development)*	Parks & Recreation	\$3,250,000
Hawthorne Court Park (Public Art and Landscaping)*	Parks & Recreation	\$110,000
Heritage Park (Major Improvements/Site Development)*	Parks & Recreation	\$4,560,000
Helvey Park Loop Trail*	Parks & Recreation	\$220,000
Wildflower Neighborhood Park*	Parks & Recreation	\$330,000
Smith's Fork Park (Destination Development)*	Parks & Recreation	\$5,240,000
Maple Lane ----- Curbs & Stormwater ( <b>Engineering</b> )	Public Works	\$15,000
Maple Lane ----- Curbs & Stormwater ( <b>Construction</b> )	Public Works	\$175,000
North Bridge Street ----- Curbs & Stormwater ( <b>Engineering</b> )	Public Works	\$40,000
North Bridge Street ----- Curbs & Stormwater ( <b>Construction</b> )	Public Works	\$200,000
South Bridge Street ----- Curbs & Stormwater ( <b>Engineering</b> )	Public Works	\$24,000
South Bridge Street ----- Curbs & Stormwater ( <b>Construction</b> )	Public Works	\$120,000
South Mill Street ----- Curbs & Stormwater ( <b>Engineering</b> )	Public Works	\$5,000
South Mill Street ----- Curbs & Stormwater ( <b>Construction</b> )	Public Works	\$25,000
<b>Grand Total Pending Projects</b>		<b>\$14,314,000</b>

\*Proposed project from the Parks and Recreation Master Plan

Five Year Capital Improvement Plan - Capital Projects Fund						
Capital Improvement Project Name	Dept Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
No Projects	None		-	-	-	-
Grand Total		-	-	-	-	-

### All Funds - Five Year Capital Improvement Project Summary

Fund Name	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
General Fund	\$630,000	\$700,000	\$100,000	\$100,000	\$100,000
Combined Water/Wastewater Fund - <b>Non Impact Fee Projects</b>	\$8,900,000	\$3,600,000	\$7,600,000	\$5,000,000	\$9,500,000
Combined Water/Wastewater Fund - <b>Water Impact Fee Projects</b>	\$700,000	-	-	-	-
Combined Water/Wastewater Fund - <b>Wastewater Impact Fee Projects</b>	\$1,050,000	-	-	-	-
Transportation Sales Tax Fund	\$930,000	\$225,000	\$759,000	\$325,000	\$625,000
Capital Improvement Sales Tax Fund	\$1,418,340	\$459,875	\$917,920	\$623,420	\$1,076,420
Parks and Stormwater Sales Tax Fund	\$840,000	\$800,000	\$350,000	\$765,000	\$2,540,000
Capital Projects Fund	-	-	-	-	-
<b>Grand Total</b>	<b>\$14,468,340</b>	<b>\$5,784,875</b>	<b>\$9,726,920</b>	<b>\$6,813,420</b>	<b>\$13,841,420</b>



**Grand Five Year CIP Total**

**\$50,634,975**

# Glossary of Terms

**Assessed Valuation:** The value of property for tax levy purposes. The assessed valuation is set by the Clay or Platte County Assessor, who is charged with determining the taxable value of property according to a formula set by the State of Missouri.

**Balanced Budget:** A budget in which the expenditures incurred during a given period are equal/matched by revenues. A budget is balanced when current expenditures are equal to or less than receipts.

**Board of Alderman:** The governing body elected by the citizens of a municipality to provide policy direction for the operations of the city.

**Bond:** A written promise to pay a specified sum of money (the face or principal value of the bond), at a specified date or dates in the future (the maturity date), along with interest at a specified rate.

**Bond Counsel:** A lawyer who writes an opinion on a bond to its tax exempt status and the authenticity of its issuance.

**Bond Rating:** The calculation of the probability that a bond issue will go into default, by measuring risk, which impacts the interest rate at which the bond is issued.

**Budget:** A financial plan, for a specified period, of operations that matches all planned revenues and expenditures with the services to be provided by the City.

**Budget Adjustment:** Changes to the current budget on a departmental level that will not change the overall budgeted amount for a budgeted fund. These changes do not require Board of Alderman approval.

**Budget Amendment:** Changes to the current budget on any level that will change the overall budgeted amount for a budgeted fund. These changes require Board of Alderman approval.

**Budget Calendar:** The schedule of key dates that the City follows in the preparation and adoption of the budget.

**Budget Document:** The written instrument used by the City to present a comprehensive financial plan to the citizens.

**Budget Message:** The opening section of the budget presented by the City Administrator which presents the citizens of the City with highlights of the most important aspects of the budget.

**Budget Ordinance:** The official enactment by the City Council to approve the budget as presented which authorizes staff to obligate and spend revenues.

**Budgeted Personnel:** The number of employee positions authorized in the budget, some of which may be filled during the course of the budget year.

# Glossary of Terms

**Comprehensive Annual Financial Report:** The official annual report of a government presented after the conclusion of the budget year.

**Capital Assets:** Equipment vehicles of significant value and having a useful life of several years.

**Capital Improvement Plan:** A plan for capital improvements to be incurred each year over a set number of years to meet long-term capital needs of the government.

**Capital Outlay:** The acquisition of capital assets which have a value of more than \$5,000 and have a useful economic life of more than one year.

**Capital Projects Fund:** A fund created to account for the financial resources to be used for the acquisition or construction of major capital facilities or equipment.

**Cash Balance:** Net revenues over expenditures from prior fiscal years.

**Certificate of Deposit (CD):** A debt instrument issued by a bank that pays interest to the purchaser in which interest rates are set by competitive forces in the marketplace.

**Certificate of Participation (COP):** A form of lease revenue bond that permits the investor to participate in a stream of lease payments, installment payments or loan payments relating to the acquisition or construction of specific equipment, land, or facilities. COPs are seen by investors as providing weaker security and often carry ratings that are below an agency's general obligation rating.

**Community Improvement District (CID):** A political subdivision or a not-for-profit corporation organized for the purpose of financing a wide range of public-use facilities and establishing and managing policies and public services relative to the needs of a specific district.

**Charges for Services:** Revenue derived by charging a fee only to the specific user of the service.

**Commodities:** Items that are consumable or have a short life span (examples include: electricity, tires, fuel, natural gas)

**Competitive Bid:** The use of a sealed bid process where the bid contains the price and terms offered by the vendor for the good or service sought by the purchaser who awards the bid based on the best qualifications, price, and terms.

**Consumer Price Index (CPI):** A statistical description of price levels provided by the U.S. Department of Labor used as a measure of the increase in the cost of living (economic inflation).

**Contractual Services:** Contractual services are typically fees for professional services (examples include legal counsel, advertising, auditing, testing, service and equipment rentals).



# Glossary of Terms

**Debt Service Repayments:** Required payments for principal and interest on a loan.

**Debt Service Fund:** A budgeted fund established to account for the accumulation of resources for, and the payment of long-term debt principal and interest.

**Dedicated Tax:** Taxes that are levied to support a specific government program or purpose.

**Delinquent Taxes:** Taxes that remain unpaid after the due date which have penalties and interest attached.

**Department:** A major administrative unit of the City which includes management responsibility for one or more operating divisions.

**Depreciation:** The process of recognizing the physical deterioration of capital assets over a period of time.

**Division:** An organizational unit of the City that indicates management responsibility for a specific activity.

**Economic Activity Taxes (EATS):** 50% of the revenue from sales taxes generated by economic activities within a Redevelopment Project Area which is captured and placed in the Special Allocation Fund (EATS are currently applicable to the Smithville Marketplace Redevelopment Area).

**Employee Benefits:** Contributions made by the City to meet commitments or obligations for fringe benefits, including the City's share of Social Security and various medical, life, and pension plans.

**Encumbrance:** The commitment of funds to purchase an item or service. To encumber funds means to set aside funds to pay for future cash expenditures.

**Enterprise Fund:** A fund established to account for operations of the City that sets fees based on recovering costs incurred to provide the service.

**Expenditure:** A decrease in the net financial resources of the City due to the acquisition of goods or services.

**Expense:** See the definition "Expenditure".

**Financial Advisor:** A professional advisor offering financial counsel to the City on all financial matters pertaining to a proposed debt issuance who is not part of the underwriting syndicate.

**Fiscal Year:** A 12 month-time period by which state and local governments annually budget their respective revenues and expenditures.

**Fines and Forfeitures:** Revenues generated from fines and penalties levied for commission of statutory offenses and violations of City Ordinances.

# Glossary of Terms

**Franchise Tax:** A fee paid by public service utilities for the use of the public right-of-way to deliver their services.

**Full-Time Equivalent (FTE):** A way to measure an employee's involvement in an activity or project, generally calculated by the decimal equivalent of a full-time position working 2,080 hours per year.

**Fund:** An accounting entity with a self-balancing set of accounts that record financial transactions for specific activities or government functions.

**Generally Accepted Accounting Principles (GAAP):** Uniform minimum standards for financial accounting and recording, encompassing the conventions, rules, and procedures that define accepted accounting principles.

**Government Accounting Standards Board (GASB):** The organization that formulates accounting standards for governmental units.

**GASB 34:** The comprehensive overhaul in state and local government financial reporting issued by GASB in June 1999 which required significant changes in an entity's reporting of Financial Statements and in Management's Discussion and Analysis for State and Local Governments. It requires that governmental entities present 1) government wide financial statements that are based on the accrual accounting basis and the flow of all economic resources and 2) governmental funds financial statements continue to be presented based on the modified accrual accounting basis and the flow of current financial resources.

**General Fund:** The fund used to account for all financial resources of the City except those required to be accounted for in a separate fund.

**General Obligation Bond:** Municipal bonds back the full faith and credit (which includes the taxing and further borrowing power) of a municipality, repaid with the general revenue of the municipality, such as property taxes and sales taxes.

**Government Finance Officers Association (GFOA):** A professional organization of governmental financial personnel and associated interested individuals that provide assistance, training, and guidance to governments in the areas of accounting, audit, cash management, internal controls, debt management, and general finance.

**Grant:** A contribution by a government or other organization to support a specific function or operation.

**Interfund Transfers:** Transfer of resources between two funds of the same governmental unit.

**Interest Earnings:** Revenue derived in a year from the investment of cash on hand, into securities, as specified by the City investment policy.

# Glossary of Terms

**Intergovernmental Revenue:** Revenue received from Federal, State, or local government bodies such as a school district.

**Levy:** The imposition or collection of an assessment of a specified amount for the support of government activities.

**Licenses, Permits, and Fees:** Revenues collected by the City from individuals or business concerns for rights or privileges granted by the City.

**Line Item Budget:** Budget that is prepared on the basis of individual accounts outlining what is to be spent for specific types of revenues (examples include office supplies, repairs & maintenance, equipment maintenance).

**Mid-American Regional Council (MARC):** Serves as the association of City and County governments and the metropolitan planning organization for the bi-state Kansas City region.

**Materials and Supplies:** Expendable operating supplies necessary to conduct daily departmental activity.

**Operating Budget:** That portion of the annual budget that provides a financial plan for the daily operations of government. Capital improvement project expenditures, which constitute “one-time” expenses”, are excluded from the operating budget.

**Operating Expenses:** The cost for personnel, materials, and equipment required for a department to function on a daily basis.

**Operating Revenue:** Funds received by a government that provide financial support to carry out and pay for daily operations of the City.

**Ordinance:** A formal legislative enactment by the governing body of a municipality. An ordinance has full force and effect of law within the boundaries of the municipality.

**Pass Through Fund:** An accounting entity with a self-balancing set of accounts that receives revenues or expenditures and acts as a cash conduit for a secondary fund.

**Popular Annual Financial Report:** A comprehensive financial report design to be readily accessible and easily understandable to the general public who do not necessarily have a background in public finance.

**Principal:** The face value of a bond, exclusive of interest.

**Prior Year Encumbrances:** Obligations from previous fiscal years in the form of purchase orders, contracts, or salary commitments which are chargeable to an appropriation, and for which a part of the appropriations is reserved. They cease to be encumbrances when the obligations are paid or are otherwise terminated.

# Glossary of Terms

**Property Taxes:** Revenues derived from the levying of taxes on real and personal property located within the City limits. Property taxes are levied according to the property's assessed value.

**Property Tax Rate:** The amount per \$100 of value that will be levied against all property within the City limits. The tax rate must be adopted by the City Council annually.

**Public Hearing:** A formal proceeding held during a Board of Aldermen meeting where the Board may receive testimony from all interested parties, including the general public, on a proposed issue or action.

**Reserve:** An account used to indicate that a portion of fund balance is restricted to a specific purpose. A reserve is typically held in order to cover unanticipated costs or fund one-time unbudgeted necessary costs.

**Resolution:** Official action of the City Council directing a specific action be taken. Resolutions are less formal than an Ordinance and have less weight of law.

**Resources:** Total financial amount available for appropriation including estimated revenues, fund transfers, and beginning fund balances.

**Right of Way:** The permitted right to pass over or through land owned by another. Generally, the right-of-way (ROW) is the strip of land in which facilities such as highways, railroads, utilities or other infrastructure are installed and maintained.

**Sales Tax:** A tax imposed on the value of goods sold within the City Limits. The rate is set by a majority of the voters within the City. The tax is collected by the State of Missouri and remitted to the City each month.

**Taxes:** Compulsory charges levied by a government for the purpose of financing services performed for the common benefit of all the people.

**Use Tax:** A tax imposed on the value of goods purchased outside of jurisdictional boundaries which will be used, stored, or consumed in the City. Use taxes are collected when no sales taxes are paid on the good, and in this manner, a use tax acts as a complementary or compensating tax to the sales tax.

# Appendix I — Debt Amortization Schedules

Aug 7, 2018 11:33 am

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## BOND DEBT SERVICE

City of Smithville  
Certificates of Participation, Series 2018  
(Refunding and New Money Projects)  
FINAL

Dated Date 08/23/2018  
Delivery Date 08/23/2018

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/01/2019			168,077.22	168,077.22	
09/01/2019	235,000	5.000%	160,925.00	395,925.00	564,002.22
03/01/2020			155,050.00	155,050.00	
09/01/2020	250,000	5.000%	155,050.00	405,050.00	560,100.00
03/01/2021			148,800.00	148,800.00	
09/01/2021	265,000	5.000%	148,800.00	413,800.00	562,600.00
03/01/2022			142,175.00	142,175.00	
09/01/2022	335,000	5.000%	142,175.00	477,175.00	619,350.00
03/01/2023			133,800.00	133,800.00	
09/01/2023	355,000	5.000%	133,800.00	488,800.00	622,600.00
03/01/2024			124,925.00	124,925.00	
09/01/2024	365,000	5.000%	124,925.00	489,925.00	614,850.00
03/01/2025			115,800.00	115,800.00	
09/01/2025	385,000	5.000%	115,800.00	500,800.00	616,600.00
03/01/2026			106,175.00	106,175.00	
09/01/2026	410,000	3.000%	106,175.00	516,175.00	622,350.00
03/01/2027			100,025.00	100,025.00	
09/01/2027	420,000	3.000%	100,025.00	520,025.00	620,050.00
03/01/2028			93,725.00	93,725.00	
09/01/2028	435,000	3.000%	93,725.00	528,725.00	622,450.00
03/01/2029			87,200.00	87,200.00	
09/01/2029	445,000	3.000%	87,200.00	532,200.00	619,400.00
03/01/2030			80,525.00	80,525.00	
09/01/2030	460,000	3.125%	80,525.00	540,525.00	621,050.00
03/01/2031			73,337.50	73,337.50	
09/01/2031	475,000	3.250%	73,337.50	548,337.50	621,675.00
03/01/2032			65,618.75	65,618.75	
09/01/2032	490,000	3.250%	65,618.75	555,618.75	621,237.50
03/01/2033			57,656.25	57,656.25	
09/01/2033	505,000	3.375%	57,656.25	562,656.25	620,312.50
03/01/2034			49,134.38	49,134.38	
09/01/2034	525,000	3.375%	49,134.38	574,134.38	623,268.76
03/01/2035			40,275.00	40,275.00	
09/01/2035	540,000	3.500%	40,275.00	580,275.00	620,550.00
03/01/2036			30,825.00	30,825.00	
09/01/2036	560,000	3.500%	30,825.00	590,825.00	621,650.00
03/01/2037			21,025.00	21,025.00	
09/01/2037	580,000	3.500%	21,025.00	601,025.00	622,050.00
03/01/2038			10,875.00	10,875.00	
09/01/2038	600,000	3.625%	10,875.00	610,875.00	621,750.00
	8,635,000		3,602,895.98	12,237,895.98	12,237,895.98

# Appendix I — Debt Amortization Schedules

Sep 13, 2018 10:13 am Prepared by Piper Jaffray & Co.

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## BOND DEBT SERVICE

City of Smithville, Missouri  
General Obligation Bonds, Series 2018  
FINAL

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/01/2019			28,655.60	28,655.60	
09/01/2019			34,617.50	34,617.50	63,273.10
03/01/2020	35,000	2.100%	34,617.50	69,617.50	
09/01/2020			34,250.00	34,250.00	103,867.50
03/01/2021	40,000	2.100%	34,250.00	74,250.00	
09/01/2021			33,830.00	33,830.00	108,080.00
03/01/2022	45,000	2.100%	33,830.00	78,830.00	
09/01/2022			33,357.50	33,357.50	112,187.50
03/01/2023	50,000	2.300%	33,357.50	83,357.50	
09/01/2023			32,782.50	32,782.50	116,140.00
03/01/2024	55,000	2.300%	32,782.50	87,782.50	
09/01/2024			32,150.00	32,150.00	119,932.50
03/01/2025	60,000	3.250%	32,150.00	92,150.00	
09/01/2025			31,175.00	31,175.00	123,325.00
03/01/2026	65,000	3.250%	31,175.00	96,175.00	
09/01/2026			30,118.75	30,118.75	126,293.75
03/01/2027	65,000	3.500%	30,118.75	95,118.75	
09/01/2027			28,981.25	28,981.25	124,100.00
03/01/2028	70,000	3.500%	28,981.25	98,981.25	
09/01/2028			27,756.25	27,756.25	126,737.50
03/01/2029	75,000	3.500%	27,756.25	102,756.25	
09/01/2029			26,443.75	26,443.75	129,200.00
03/01/2030	130,000	3.500%	26,443.75	156,443.75	
09/01/2030			24,168.75	24,168.75	180,612.50
03/01/2031	135,000	3.500%	24,168.75	159,168.75	
09/01/2031			21,806.25	21,806.25	180,975.00
03/01/2032	145,000	3.500%	21,806.25	166,806.25	
09/01/2032			19,268.75	19,268.75	186,075.00
03/01/2033	150,000	3.500%	19,268.75	169,268.75	
09/01/2033			16,643.75	16,643.75	185,912.50
03/01/2034	160,000	3.625%	16,643.75	176,643.75	
09/01/2034			13,743.75	13,743.75	190,387.50
03/01/2035	165,000	3.750%	13,743.75	178,743.75	
09/01/2035			10,650.00	10,650.00	189,393.75
03/01/2036	175,000	3.750%	10,650.00	185,650.00	
09/01/2036			7,368.75	7,368.75	193,018.75
03/01/2037	185,000	3.750%	7,368.75	192,368.75	
09/01/2037			3,900.00	3,900.00	196,268.75
03/01/2038	195,000	4.000%	3,900.00	198,900.00	
09/01/2038					198,900.00
	2,000,000		954,680.60	2,954,680.60	2,954,680.60



# Appendix I — Debt Amortization Schedules

Feb 26, 2019 10:13 am Prepared by Piper Jaffray & Co.

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## BOND DEBT SERVICE

City of Smithville, Missouri  
General Obligation Bonds, Series 2019  
FINAL

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
09/01/2019			64,144.24	64,144.24	64,144.24
03/01/2020	85,000	5.000%	69,137.50	154,137.50	
09/01/2020			67,012.50	67,012.50	221,150.00
03/01/2021	90,000	5.000%	67,012.50	157,012.50	
09/01/2021			64,762.50	64,762.50	221,775.00
03/01/2022	100,000	5.000%	64,762.50	164,762.50	
09/01/2022			62,262.50	62,262.50	227,025.00
03/01/2023	105,000	5.000%	62,262.50	167,262.50	
09/01/2023			59,637.50	59,637.50	226,900.00
03/01/2024	115,000	5.000%	59,637.50	174,637.50	
09/01/2024			56,762.50	56,762.50	231,400.00
03/01/2025	120,000	5.000%	56,762.50	176,762.50	
09/01/2025			53,762.50	53,762.50	230,525.00
03/01/2026	130,000	5.000%	53,762.50	183,762.50	
09/01/2026			50,512.50	50,512.50	234,275.00
03/01/2027	140,000	5.000%	50,512.50	190,512.50	
09/01/2027			47,012.50	47,012.50	237,525.00
03/01/2028	145,000	3.250%	47,012.50	192,012.50	
09/01/2028			44,656.25	44,656.25	236,668.75
03/01/2029	155,000	3.250%	44,656.25	199,656.25	
09/01/2029			42,137.50	42,137.50	241,793.75
03/01/2030	220,000	3.250%	42,137.50	262,137.50	
09/01/2030			38,562.50	38,562.50	300,700.00
03/01/2031	230,000	3.250%	38,562.50	268,562.50	
09/01/2031			34,825.00	34,825.00	303,387.50
03/01/2032	245,000	3.500%	34,825.00	279,825.00	
09/01/2032			30,537.50	30,537.50	310,362.50
03/01/2033	255,000	3.500%	30,537.50	285,537.50	
09/01/2033			26,075.00	26,075.00	311,612.50
03/01/2034	270,000	3.500%	26,075.00	296,075.00	
09/01/2034			21,350.00	21,350.00	317,425.00
03/01/2035	285,000	3.500%	21,350.00	306,350.00	
09/01/2035			16,362.50	16,362.50	322,712.50
03/01/2036	300,000	3.500%	16,362.50	316,362.50	
09/01/2036			11,112.50	11,112.50	327,475.00
03/01/2037	310,000	3.500%	11,112.50	321,112.50	
09/01/2037			5,687.50	5,687.50	326,800.00
03/01/2038	325,000	3.500%	5,687.50	330,687.50	
09/01/2038					330,687.50
	3,625,000		1,599,344.24	5,224,344.24	5,224,344.24

## Appendix II - Personnel Summary

	FY2020 Actual	FY2021 Actual	FY2022 Actual	FY2023 Adopted	FY2024 Proposed
Administration	4.00	3.00	3.00	3.00	3.00
Municipal Court	-	-	-	-	-
Police	21.00	21.00	21.00	21.00	21.00
Parks & Recreation	5.00	5.00	5.00	6.00	6.00
Development	6.00	5.00	5.00	5.00	5.00
Finance	3.00	4.00	4.00	4.00	4.00
Public Works	21.00	23.00	23.00	25.00	26.00
	<b>60.00</b>	<b>61.00</b>	<b>61.00</b>	<b>64.00</b>	<b>65.00</b>



# Department Personnel Summary

	FY2020 Actual	FY2021 Actual	FY2022 Actual	FY2023 Adopted	FY2024 Proposed
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## Administration

City Administrator	1.00	1.00	1.00	1.00	1.00
Executive Assistant	-	-	-	-	-
Assistant City Administrator	1.00	1.00	1.00	1.00	1.00
City Clerk	1.00	1.00	1.00	1.00	1.00
Management Assistant	1.00	-	-	-	-
<b>Total</b>	<b>4.00</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>

## Municipal Court

Court Administrator	-	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

## Police

Police Chief	1.00	1.00	1.00	1.00	1.00
Police Clerk/Prosecutor's Assistant	1.00	1.00	1.00	1.00	1.00
Police Captain	1.00	1.00	1.00	1.00	1.00
Police Sergeant	4.00	4.00	4.00	4.00	4.00
Police Detective	2.00	2.00	2.00	2.00	2.00
Police Officer	10.00	10.00	10.00	10.00	10.00
School Resource Officer	2.00	2.00	2.00	2.00	2.00
<b>Total</b>	<b>21.00</b>	<b>21.00</b>	<b>21.00</b>	<b>21.00</b>	<b>21.00</b>

# Department Personnel Summary

	FY2020 Actual	FY2021 Actual	FY2022 Actual	FY2023 Adopted	FY2024 Proposed
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## Parks & Recreation

Parks & Recreation Director	1.00	1.00	1.00	1.00	1.00
Recreation & Marketing Manager	1.00	1.00	1.00	1.00	1.00
Recreation Coordinator	-	-	-	1.00	1.00
Parks Maintenance Crew Leader	1.00	1.00	1.00	1.00	1.00
Parks Maintenance Worker I	2.00	2.00	2.00	2.00	2.00
<b>Total</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>6.00</b>	<b>6.00</b>

## Development

Development Director	1.00	1.00	1.00	1.00	1.00
Administrative Coordinator	1.00	-	-	-	-
Communications Coordinator	-	-	-	-	-
Permit Technician	-	1.00	1.00	1.00	1.00
Utilities Inspector	1.00	-	-	-	-
Building Inspector I	2.00	1.00	1.00	1.00	1.00
Building Inspector II	-	1.00	1.00	1.00	1.00
Codes Inspector II	1.00	1.00	1.00	1.00	1.00
<b>Total</b>	<b>6.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>	<b>5.00</b>

## Finance

Finance Director	1.00	1.00	1.00	1.00	1.00
Finance Specialist I	2.00	1.00	1.00	1.00	1.00
Finance Specialist II	-	1.00	1.00	1.00	2.00
Finance Analyst	-	1.00	1.00	1.00	-
<b>Total</b>	<b>3.00</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>

# Department Personnel Summary

FY2020 Actual	FY2021 Actual	FY2022 Actual	FY2023 Adopted	FY2024 Proposed
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## Public Works

Public Works Director	1.00	1.00	1.00	1.00	1.00
Management Analyst	-	1.00	1.00	-	-
Assist to the Public Works Director	-	-	-	1.00	1.00
Admin Coordinator II (Utilities)	1.00	1.00	1.00	1.00	1.00
Street Superintendent	1.00	1.00	1.00	1.00	1.00
Crew Leader - Public Works	1.00	1.00	1.00	1.00	1.00
Street Maintenance Worker	4.00	4.00	4.00	-	-
Street Maintenance Worker I	-	-	-	1.00	1.00
Maintenance Worker II - Streets	-	-	-	4.00	4.00
Utilities Superintendent	1.00	1.00	1.00	1.00	1.00
Water Treatment Plant Manager	1.00	1.00	1.00	1.00	1.00
Utility Operations Manager	1.00	1.00	1.00	1.00	1.00
Water Plant Operator	4.00	4.00	4.00	-	-
Wastewater Plant Operator	2.00	2.00	2.00	-	1.00
Water Plant Shift Supervisor	-	-	-	1.00	1.00
Utilities Inspector	1.00	2.00	2.00	-	-
Plant Operator I	-	-	-	6.00	6.00
Plant Operator II	-	-	-	2.00	2.00
Plant Operator III	-	-	-	1.00	1.00
Engineering Technician I	-	-	-	2.00	2.00
Utilities Specialist	3.00	3.00	3.00	-	-
<b>Total</b>	<b>21.00</b>	<b>23.00</b>	<b>23.00</b>	<b>25.00</b>	<b>26.00</b>
<b>Grand Total Count</b>	<b>60.00</b>	<b>61.00</b>	<b>61.00</b>	<b>64.00</b>	<b>65.00</b>

## Appendix III - Employee Pay Ranges

The Proposed FY2024 Salary Schedule is presented in the table below. The proposed effective date of this salary schedule is November 1, 2023.

Pay Grade	Position Title	Department	Salary Range		
<b>5</b>			<b>\$15.76</b>	<b>\$18.12</b>	<b>\$22.06</b>
			\$32,778.72	\$37,695.53	\$45,890.21
<b>10</b>			<b>\$17.60</b>	<b>\$20.23</b>	<b>\$24.64</b>
	Maintenance Worker I - Parks	Parks & Recreation	\$36,602.90	\$42,087.88	\$51,244.07
	Maintenance Worker I - PW Admin	Public Works			
	Assistant I - PW	Public Works			
<b>15</b>			<b>\$19.01</b>	<b>\$21.85</b>	<b>\$25.84</b>
	Permit Technician	Development	\$39,531.14	\$45,453.16	\$55,352.33
	Finance Specialist I	Finance			
	Administrative Assistant II - Utilities	Public Works			
	O&M Technician/Plant Operator I	Public Works			
<b>20</b>			<b>\$19.95</b>	<b>\$22.95</b>	<b>\$27.94</b>
	Police Admin Assist/Prosecutor Assist	Police	\$41,497.86	\$47,725.82	\$58,105.74
	Maintenance Worker II - Parks	Parks & Recreation			
	Maintenance Worker II - Public Works	Public Works			
	O&M Technician/Plant Operator II	Public Works			
	Recreation Coordinator	Parks & Recreation			
<b>25</b>			<b>\$20.95</b>	<b>\$24.09</b>	<b>\$29.33</b>
	Police Recruit	Police	\$43,573.85	\$50,107.74	\$61,012.12
<b>30</b>			<b>\$22.21</b>	<b>\$25.54</b>	<b>\$31.10</b>
	Code Inspector I	Development	\$46,196.14	\$53,123.38	\$64,683.34
	Finance Specialist II	Finance			
<b>35</b>			<b>\$23.54</b>	<b>\$27.07</b>	<b>\$32.96</b>
	Police Officer I	Police	\$48,971.41	\$56,313.84	\$68,551.23
	Building Inspector I	Development			
	Code Inspector II	Development			
	O&M Technician/Plant Operator III	Public Works			
	Crew Leader - Public Works	Public Works			
	Crew Leader - Parks	Parks & Recreation			
	Engineering Technician I	Public Works			
<b>40</b>			<b>\$24.95</b>	<b>\$28.69</b>	<b>\$34.93</b>
	Building Inspector II	Development	\$51,899.64	\$59,679.12	\$72,659.50
	Finance Analyst	Finance			
	Detective	Police			
	Water Treatment Plan Shift Supervisor	Public Works			

## Appendix III - Employee Pay Ranges

Pay Grade	Position Title	Department	Salary Range		
<b>45</b>			<b>\$27.45</b>	<b>\$31.57</b>	<b>\$38.43</b>
	Building Inspector III	Development	\$57,100.53	\$65,666.70	\$79,936.37
	Recreation Manager	Parks & Recreation			
	Engineering Technician II	Public Works			
<b>50</b>			<b>\$29.10</b>	<b>\$33.47</b>	<b>\$40.74</b>
	Police Sergeant	Police	\$60,531.37	\$69,622.00	\$84,743.92
	Water Treatment Plant Manager	Public Works			
	Utilities Operations Manager	Public Works			
	Assistant to the Public Works Director	Public Works			
<b>55</b>			<b>\$32.01</b>	<b>\$36.81</b>	<b>\$44.82</b>
	Streets Superintendent	Public Works	\$66,584.51	\$76,571.09	\$93,222.68
<b>60</b>			<b>\$36.81</b>	<b>\$42.34</b>	<b>\$51.54</b>
	Police Captain	Police	\$76,571.09	\$88,065.49	\$107,208.77
	Utilities Superintendent	Public Works			
<b>65</b>			<b>\$42.34</b>	<b>-</b>	<b>\$63.51</b>
	Assistant City Administrator	Administration	\$88,065.49		\$132,098.24
	Development Director	Development			
	Finance Director	Finance			
	Parks & Recreation Director	Parks & Recreation			
	Police Chief	Police			

## Appendix V - Statistical Comparison

Comparable City Data	Smithville, MO	Kearney, MO	Excelsior Springs, MO	Grandview, MO	Liberty, MO
Population (2021)*	10,552	10,741	10,589	25,844	30,377
Available Jobs*	2,010	3,274	4,468	10,441	25,209
Daily Inflow*	1,577	2,680	3,522	9,429	22,241
Inflow Percentage*	78.5%	81.9%	78.8%	90.3%	88.2%
Daily Outflow*	4,631	4,294	3,867	11,870	12,345
Unemployment Rate	4.9%	1.6%	3.7%	5.6%	2.4%
2022 Assessed Valuation	\$ 237,485,177	\$ 240,627,136	\$ 192,752,963	\$ 412,043,305	\$ 692,576,445
2022 Property Tax Rate	0.4126	0.5542	1.0932	1.2867	0.8905
Sales Tax Rate	2.500%	3.000%	3.500%	3.000%	3.375%

Data Source and Context
▪ Daily Inflow -----> # of people employed in City, but living outside of City.
▪ Inflow Percentage -----> Daily inflow as a % of available jobs
▪ Daily Outflow -----> # of people living in City, but employed outside of City.
▪ Job/Inflow Data Source ----> "https://onthemap.ces.census.gov"
▪ Unemployment Source ----> MARC Research Services: "https://gis2.marc2.org/acsdata"
▪ Property Tax/AV Source ----> Provided Through County Assessor Offices

\*2021 U.S. OnTheMap Census Data (Population Estimates, July 1 2021 (V2021))



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration/Finance

**AGENDA ITEM:** Approve Bill No. 3009-23, Creation of 110 Smithville, LLC TIF Fund.  
2nd reading by title only.

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3009-23, Creation of 110 Smithville, LLC TIF Fund. Second reading by title only.

**SUMMARY:**

On June 20, 2023, the City of Smithville Board of Aldermen passed Ordinance No. 2996-23 to approve the 110 Smithville Tax Increment Financing Plan to provide for the development of the area approximately 1.59 acres in size located generally at the northwest corner of the West Main Street and Mill Street in Smithville, Missouri.

The ordinance included the approval of the redevelopment plan which provided that the Developer could be reimbursed for certain redevelopment project costs with revenues generated from Payments in Lieu of Taxes (PILOTs) and Economic Activity Taxes (EATs), which shall be deposited into the Special Allocation Fund. The City of Smithville will hold the funds of the TIF in a custodial capacity.

**PREVIOUS ACTION:**

The Board of Aldermen approved Ordinance No. 2996-23 which passed the 110 Smithville Tax Increment Financing Plan.

**POLICY OBJECTIVE:**

To provide for a separate fund to account for and track 110 Smithville, LLC TIF revenues and expenses.

**FINANCIAL CONSIDERATIONS:**

PILOTs and EATs will be segregated in their own account. Revenues and expenditures will be budgeted each year within this fund.

**ATTACHMENTS:**

- ☒ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

**AN ORDINANCE CREATING THE 110 LLC TAX INCREMENT FINANCING  
(SPECIAL ALLOCATION) FUND**

**WHEREAS**, on June 20, 2023, the City of Smithville Board of Aldermen passed Bill No. 2996-23 to approve the 110 Smithville Tax Increment Financing Plan (the "Redevelopment Plan") to provide for the development of the area approximately 1.59 acres in size located generally at the northwest corner of West Main Street and Mill Street in Smithville, Missouri; and

**WHEREAS**, the Project Developer proposes the construction of an apartment/residential complex with associated commercial/retail rentable square feet; and

**WHEREAS**, the Redevelopment Plan provides that the Developer could be reimbursed for certain Redevelopment Project Costs with revenues generated from Payments in Lieu of Taxes (PILOTS) and Economic Activity Taxes (EATs), which shall be deposited into the Special Allocation fund; and

**WHEREAS**, pursuant to the Redevelopment Plan and the Redevelopment Agreement between the City of Smithville and 110 Smithville, LLC, the City of Smithville will maintain and hold the PILOTS and EATs generated by the TIF in a custodial capacity and the establishment of a separate fund to allow for accounting of revenues and expenditures is desired.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

The 110 Smithville Tax Increment Financing Plan (Special Allocation) Fund is hereby established in the City's treasury and shall be held and administered by the City's Finance Director.

Passed this 17<sup>th</sup> day of October 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 10/03/2023

Second Reading: 10/17/2023





## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration/Finance

**AGENDA ITEM:** Approve Bill No. 3010-23, Amending Utility Rates for Non-Residents. 2nd reading.

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3010-23, Amending Utility Rates for Non-Residents for second reading by title only.

**SUMMARY:**

During the FY2024 Budget process, staff reviewed changes to the Comprehensive Schedule of Fees with the Board of Aldermen. During this review, staff proposed to change the monthly flat service charge of \$64 for "sewer only" customers who live outside of the Smithville City limits from \$64 to \$81.68 per month. This rate is one and a half times higher than the average residential usage. This rate will be effective November 1, 2023.

In addition, staff are proposing to reinstate charging "water only" customers, who live outside of the Smithville City limits, a rate which is one and a half times higher than the monthly residential water charge and volume rate.

For these water only customers outside the corporate limits, the Schedule of Fees lists this proposed fee at the monthly fee of \$22.05 per month and a usage rate of \$15.60 per 1,000 gallons used, which will be one and a half times the newly proposed rate of \$14.70 per month and \$10.40 per 1,000 gallons used for City residents. These rates will be effective November 1, 2023.

Changing this fee requires revisions to revisions to Section 705.040 Rates for Service. Currently, this ordinance outlines that sewer customers (that are not water customers) who are outside the corporate City limits shall be charged a rate of \$64.00 per month. The reason for the increase is that this flat rate of \$64 has not been increased since October 2013, while customers inside city limits have seen multiple increases during the last 10 years.

Proposed language eliminates listing the charge and simply states that the monthly quantity charges and monthly service charges for customers outside the corporate City limits shall be one and one-half times the charges applicable to City customers. For those sewer customers outside the corporate City limits with no regular water usage data available, they shall be charged a flat rate based upon the average sewer usage of customers within the City.

**PREVIOUS ACTION:**

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

**ATTACHMENTS:**

☒ Ordinance

☐ Resolution

☒ Staff Report

☐ Other:

☐ Contract

☐ Plans

☐ Minutes

**AN ORDINANCE AMENDING UTILITY RATES FOR NON-RESIDENTS**

**WHEREAS, SECTION 705.040 RATES FOR SERVICE** currently reads as follows:

- A. The monthly quantity charges and monthly service charges for City water and sewerage services shall be as set forth in the City's Schedule of Fees. Wholesale water sales may be set by special contract at the discretion of the Board of Aldermen.
- B. For sewer customers outside the corporate City limits that are also water customers, a rate of one and one-half (1.5) times the applicable rate of customers within the corporate City limits shall apply. Sewer customers that are not water customers shall be charged a rate of sixty-four dollars (\$64.00) per month.
- C. Sewer customers connected to the City sewer system, both inside and outside the City limits, shall pay an inflow and infiltration sump pump surcharge in the amount of ten dollars (\$10.00) per month, except those customers who have been adjudged exempt from such fee by certification that no direct or indirect sump pump connection to the sanitary system exists by either a free inspection by City Staff or by a qualified plumber licensed to do business in the City of Smithville. The fee assessed herein shall commence with the bill sent to the customer in February 2014, and any exemption request submitted after January 15, 2014, shall result in the assessment of the fee for the next billing cycle, and exempt thereafter.
- D. For sewer customers not adjudged exempt from the inflow and infiltration sump pump surcharge fees no later than January 15, 2015, the monthly inflow and infiltration sump pump surcharge will be in the amount of twenty dollars (\$20.00) per month.

**WHEREAS**, at the July 18, 2023, Work Session, staff presented the Schedule of Fees, which included an adjustment to the sewer "only" monthly service charge for non-residents. In addition, staff are proposing to reinstate a water "only" monthly service charge for non-residents; and,

**WHEREAS**, the Board of Aldermen held a public hearing for sewer rates at the October 17, 2023 regular session prior to setting these new rates.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

**Section 1. REPEALING AND RE-ENACTING:** Section 705.040 of the Smithville Municipal Code of Ordinances is hereby repealed in its entirety and a new Section 705.040 is enacted to be read and numbered as follows:

## Section 705.040 Rates for Service

A. The monthly quantity charges and monthly service charges for City water and sewerage services shall be as set forth in the City's Schedule of Fees. Wholesale water sales may be set by special contract at the discretion of the Board of Aldermen.

B. The monthly quantity charges and monthly service charges for water and/or sewerage customers outside the corporate City limits shall be one and one-half (1 ½) times the charges applicable to City customers. For sewer customers outside the corporate City limits with no regular water usage data available, a flat rate shall be charged based upon the average sewer usage of customers within the City multiplied by the non-City customer rates.

C. Sewer customers connected to the City sewer system, both inside and outside the City limits, shall pay an inflow and infiltration sump pump surcharge of twenty dollars (\$20.00) month unless those customers have been adjudged exempt from such fee by certification that no direct or indirect sump pump connection to the sanitary system exists by either a free inspection by City Staff or, at the customer's expense – by a qualified plumber licensed to do business in the City of Smithville. Upon certification of exemption, the assessment of the fee shall end after the first full monthly billing cycle after certification.

**SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT:** All ordinances or part of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3 – EFFECTIVE DATE:** This ordinance shall be in full force from and after the date of its passage and approval.

**PASSED** by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 17<sup>th</sup> day of October, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 10/03/2023

Second Reading: 10/17/2023



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3011-23, Amendment to Chapter 520, Sidewalks, Streets and Miscellaneous Public Places – 2<sup>nd</sup> Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3011-23, amendment to Chapter 520, Sidewalks, Streets and Miscellaneous Public Places. Second reading by title only.

**SUMMARY:**

If approved, the ordinance would make changes to the Sidewalk Design and Use Guidelines system, including streamlining the process to obtain a permit, as well as create a new permit system for streetlight banners.

The Board of Aldermen approved the current system of sidewalk usage in the downtown area in April of 2019. Following several years of usage, the Smithville Main Street District and stakeholders met with city staff several times of several months in order to make the system more user friendly to the businesses, and still maintain ADA compliance on the sidewalks. At the work session on September 19, 2023, staff and Main Street identified recommended changes to the plan. The Board directed that the proposed changes be incorporated into the revised ordinance.

**PREVIOUS ACTION:**

Ordinance 3034-18 was adopted on April 16, 2019, to enact the system, and Resolution 687 was approved on the same day to create the Sidewalk Design and Use Guidelines. At the Board work session on September 19, 2023, the Board reviewed staff and Main Street's evaluation of the existing plan resulting in the recommendation to bring forward changes to the ordinance.

**POLICY ISSUE:**

[Click or tap here to enter text.](#)

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance                | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution                          | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                        | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Design Guidelines |                                   |

**AN ORDINANCE AMENDING CHAPTER 520 OF THE CODE BY AMENDING  
ARTICLE III ENTITLED MERCHANT USE OF SIDEWALKS**

**WHEREAS**, the City of Smithville completed a Capital Improvement Project for the Downtown Streetscape which significantly changed the character of the public spaces downtown; and

**WHEREAS**, the Board of Aldermen adopted a Merchant Use of Sidewalks ordinance and adopted by Resolution the Sidewalk Design and Use Guidelines in 2019; and

**WHEREAS**, the Smithville Mainstreet District, various stakeholders and city staff met several times to address potential changes to the ordinance and guidelines to make the permitting process more business and user friendly and presented their recommendations to the Board of Aldermen at its' September 19, 2023 work session; and

**WHEREAS**, the Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to invigorate the new capital project with a sense of community.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE  
CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

**SECTION 1** – Chapter 520 entitled Streets, Sidewalks and other public places is hereby amended by deleting Article III entitled Merchant Use of Sidewalk Area, Sections 520.140 – 520.200 and adopting a new Article III to be entitled Merchant Use of Sidewalk and Streetlights, to be read and numbered as follows:

**Article III MERCHANT USE OF SIDEWALK AND STREETLIGHTS**

**520.140 Use of Right of Way by Merchants – Permit Required**

Any person, firm, corporation or other entity wishing to use the sidewalk and right of way adjacent to its' place of business, or use the streetlight banner hangers in the following areas of the city shall obtain a permit in accordance with the provisions of this chapter.

1. Central Business District

520.150 Definitions.

*CENTRAL BUSINESS DISTRICT*

For purposes of this Chapter, the district includes those buildings where there exists no front yard setback and the structure on the property abuts the street right of way and is located on Bridge Street from Meadow Street on the south to Church Street on the north and Main Street from Bridge Street on the west to Commercial to the east.

*MERCHANT USE AREA*

Use of the area immediately adjacent to a business, and as more specifically described in the Sidewalk Design and Use Guidelines.

*PEDESTRIAN ACCESS AREA PERMIT*

A sidewalk café permit or merchant use area permit issued pursuant to this Chapter.

*PERMITTEE*

The recipient of a sidewalk café or merchant use area permit.

*RESTAURANT*

A food service establishment that holds a valid Food Establishment permit from the Clay County Health Department where food and beverages are prepared, served, sold and are delivered for consumption.

*RIGHT-OF-WAY*

Land in which the City has an easement, has been dedicated by use or is required for use as a sidewalk, street or alleyway.

*SIDEWALK*

That portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

*SIDEWALK AREA*

That portion of the sidewalk that is outside the ADA path as described in the Sidewalk Design and Use Guidelines.

*SIDEWALK CAFÉ*

A use area of a public sidewalk immediately adjacent to a restaurant, and as more specifically described in the Sidewalk Design and Use Guidelines.

*SIDEWALK DESIGN AND USE GUIDELINES*

The rules and regulations associated with merchant use of sidewalk areas in the Central Business District adopted by the Board of Aldermen.

### *SIDEWALK SALE*

The temporary use of a sidewalk area for the display of merchandise and as more specifically described in the Sidewalk Design and Use Guidelines.

### *STREET*

That portion of a right-of-way improved, designed or ordinarily used for vehicular and bicycle traffic or parking.

#### 520.160 Sidewalk Cafés

Restaurant merchants in the Central Business District may, by permit only, occupy the Sidewalk Area in front of its occupied place of business in accordance with the Sidewalk Design and Use Guidelines. Each permit shall be annually renewable in the amount listed in the schedule of fees as approved by the Board of Aldermen and shall be subject to the Sidewalk Design and Use Guidelines.

#### 520.170 Consumption of Alcohol in a Sidewalk Café

A Restaurant Merchant who obtains an extension to its premises to include alcohol sales and use in a Sidewalk Café in accordance with the Sidewalk Design and Use Guidelines that complies with the use requirements in its liquor license and the Sidewalk Design and Use Guidelines shall be deemed to have obtained a Special Event Permit as described in Section 600.070.G and H. for customers to consume or possess alcohol in the sidewalk area.

#### 520.180 Sidewalk Sales

Are allowed with a Merchant Use Permit as a specific use in the Merchant Use Area that have separate time and duration limitations than other uses in the Merchant Use Area as described in the Sidewalk Design and Use Guidelines.

#### 520.190 Merchant Use Area Permit

A Merchant in the Central Business District may, by permit only, occupy the Sidewalk Area in front of its' occupied place of business in accordance with the Sidewalk Design and Use Guidelines.

#### 520.200 Streetlight Banners

The banner hangers on the streetlights in the Central Business District may, by permit only, be used for scheduled festivals or events in the Courtyard Park area. Event organizers are required to obtain permits for such use in accordance with the Sidewalk Design and Use Guidelines.



## 520.210 Creation of Sidewalk Design and Use Guidelines

The Board of Aldermen shall from time to time adopt certain standards for the design and use of sidewalks in the areas designated in Section 520.140 by Resolution, and upon adoption, those standards shall be known as the Sidewalk Design and Use Guidelines.

**SECTION 2** – This ordinance shall be in full force from and after the date of its passage and approval.

**PASSED** by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 17<sup>th</sup> day of October, 2023.

ATTEST:

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DAMIEN BOLEY  
Mayor

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Linda Drummond  
City Clerk

First Reading: 10/03/2023  
Second Reading 10/17/2023



# Sidewalk Design and Use Guidelines



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## Authority

These Sidewalk Design and Use Guidelines are promulgated in accordance with Section 520.200 of the City of Smithville Code of Ordinances.

## Purpose

Sidewalk cafés, merchant use and sale areas contribute to a vibrant urban culture and make Smithville streets more dynamic places to walk, socialize, dine and shop. Sidewalk cafés, use areas and sales are temporary uses that occupy only a part of the public right-of-way. This document is a guide to creating temporary sidewalk cafés, merchant use areas and sidewalk sales that are safe and attractive to patrons and pedestrians.

These guidelines provide acceptable dimensions for sidewalk café, merchant use areas and sales access and for public rights-of-way, sidewalk café barriers and the layout of outdoor service areas. Smithville encourages the use of durable and high-quality outdoor furnishings and materials to increase the safety and comfort of residents and visitors of sales and sidewalk café areas as well as merchant use areas.

Sidewalk cafés, merchant use areas and orderly sidewalk sales enhance the public realm and motivate city and regional residents to patronize Smithville establishments. Restaurant and other business owners who offer sidewalk cafés, merchant use areas and sales shall comply with these guidelines, which are applicable to all areas identified in Section 520.140 of the Code of Ordinances.

## Definitions

For purposes of these guidelines, the terms defined in Section 520.150 of the Code shall have the same meanings in this document, with the additional information as this document shall provide.

## Overview

Each block and each side of the street in the Central Business District (CBD) have different total widths measured from the building façade to the face of the street curb. There are areas as well where two different ADA Pathways are required to access a business and to allow access to the street crossings, which substantially reduce any effective area for merchant use of the sidewalks. **See Fig. 1**



**Fig. 1 Two ADA Pathways Required**

Depending upon the location of the business that seeks to use a portion of the sidewalk, the size of the usable area may be smaller or larger in order to meet certain access requirements.

With on-street parking adjacent to the fronts of buildings, passengers need space to open the vehicle door and exit the vehicle, as well as an unobstructed ADA pathway.

With these conditions in mind, the ADA pathway is defined as an area not less than 36" wide. The location of this pathway can be varied from business to business but should remain continuous throughout the block. In order to maintain the continuous nature, each merchant must omit any potential obstructions in the final 3 feet of its' façade width if the ADA path is different on the adjacent property. In no event can the pathway be located within 3' of the face of the street curb to allow passengers to exit vehicles parked at the curb. In areas where a guard is constructed as a part of the City sidewalk, the merchant area may not extend beyond the guard. An example is shown below, **See Fig. 2**

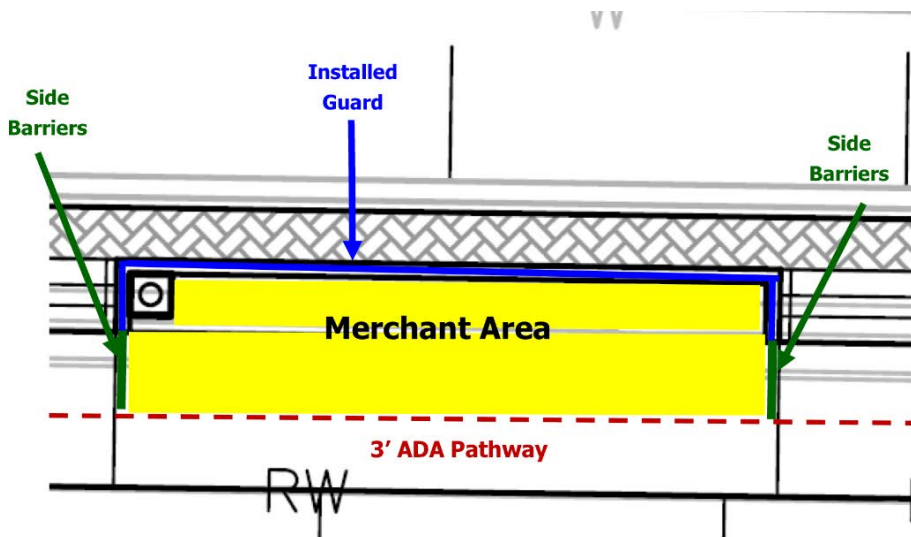


Fig. 2 Example Merchant Area with Installed Guards

The usable area of the sidewalks applies to any merchant use in the Central Business District, including Sidewalk Cafés, Merchant Use areas, Sidewalk Sales and Sidewalk Signs.

### Sidewalk Cafés

All sidewalk cafés are limited to the usable space in front of the business that holds the restaurant license from Clay County Health Department, as well as any area in front of an adjacent business, so long as that business provides consent in writing. In order to promote both vibrant business activity in the sidewalk areas of the CBD and maintain a safe and ADA compliant area, there are certain other requirements.

All **furniture** may be of wood, metal or composite materials of a commercial grade and quality that will withstand the weather and usage. All aspects of a sidewalk café must comply with any ADA requirements, including furniture.

**Umbrellas** may be used in conjunction with tables but shall be made of fire-retardant materials and shall be of one color for the body but may have the restaurant logo affixed. The restaurant

logo must be for the business, and not for any products that the business may sell. The location of any umbrella shall be consistent with ADA requirements.

No tables, chairs or any other parts of sidewalk cafés shall be attached, chained or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area. Sidewalk café seating shall be included when determining the requirements for bathroom facilities of the restaurant. No cooking or fire apparatus shall be allowed on the public sidewalk.

The sidewalk café permit holder is responsible for cleaning and maintenance of the entire sidewalk area in front of its place of business, and any adjacent area used with the written consent of the owner. Such cleaning shall include pressure cleaning if necessary. If the area covered by the permit is not maintained in a neat and orderly appearance after five (5) days' written notice, the City may then take steps necessary to place the property in a neat and clean order and charge the permittee with the reasonable cost of repairs. Such action by the City does not create a continuing obligation on the part of the City to make further repairs or to maintain the property and does not create any liability against the City for any damages to the property if such repairs were completed in good faith.

During business hours, the area, and more particularly the ADA pathway shall be kept clear of obstructions as well as clean and safe. It is encouraged that plates and cups be shatterproof, and in no event shall glass bottles be allowed in a sidewalk café area. IF alcohol is served, the business is responsible for not allowing open containers to be outside the sidewalk café area, and that no outside alcoholic beverages are brought into the area in accordance with state and city liquor licenses.

There shall be no live entertainment or speakers placed in the permit area. The hours of operation for a sidewalk café shall be from the start of business until 11:00 P.M. or thirty (30) minutes after last food service, whichever is earlier, unless the sidewalk café is completely enclosed by fencing or barricades in which case the hours of operation for the sidewalk café shall cease at 1:00 A.M.

No permanent storage of dishes, silverware or other sidewalk café equipment shall be allowed in the permit area, in any portion of the public right-of-way or outside the structural confines of the building in which the restaurant is located; however, the permittee may maintain such non-permanent structures as rolling service stations in the permit area during hours of operation.

The only advertising or signage allowed in the merchant use area is logos on umbrellas, if present, as well as ONE sidewalk sign. . Any signage may only be placed during regular business hours and must be taken in at the close of business.

Any sidewalk café permit may be transferred to the new owner only for the location and area listed on the permit, but subject to the new owner providing an application for such permit. Any transfer of an existing permit does not extend the term of such permit.

The City may require the temporary removal of sidewalk cafés for special events, or when street, sidewalk or utility repairs necessitate such action and may order the immediate removal or relocation of all or parts of a sidewalk café in emergency situations or for safety



considerations, without notice. The City and its officers and employees shall not be responsible for sidewalk café fixtures relocated during emergencies.

### **Sidewalk Café Permit Process**

A. No person shall establish a sidewalk café on any public right-of-way or sidewalk until a permit to operate the sidewalk café has been issued. Sidewalk cafés shall only be located where permitted by the City's zoning regulations and the Sidewalk Design Standards Policy. Sidewalk café permit applications shall be reviewed and approved in the manner as set forth in this Section.

B. General Application Criteria. Application for a sidewalk café permit shall be made to the City on a form provided by the Director of Development. The application shall include, but not be limited to, the following information and attachments:

1. The name, address, email address, and telephone number of the applicant;
2. The name and address of the restaurant;
3. A copy of a valid occupancy permit for the building where the proposed sidewalk café will be located;
4. A copy of a current certificate of insurance in the following categories and amounts:
  - a. Commercial general liability insurance in the amount of no less than the minimum amount stated in Section 537.610.1, RSMo., and as adjusted annually as determined pursuant to Section 537.610.5, RSMo., for all claims arising out of a single occurrence and for any one (1) person in a single accident or occurrence. All insurance shall be from companies duly authorized to do business in the State of Missouri. All liability policies shall provide that the City, its elected officials and employees are an additional insured as to the operation of the sidewalk café and shall provide the severability of interest provision.
5. A detailed site plan that is in compliance with the Sidewalk Design Standards Policy, including but not limited to, the following:
  - a. The proposed use, materials, colors and design;
  - b. Relationship of the sidewalk café to the adjacent existing building and their uses and entrance locations;
  - c. The location of any utilities that might affect or be affected by the proposal;
  - d. The relationship of the sidewalk café to the centerline of the adjacent street, if applicable, and to any existing or proposed public improvements including, but not limited to, benches, fire hydrants, light standards and landscaping;
  - e. A drawing or aerial photograph (to scale) showing the layout and dimensions of the existing sidewalk area and adjacent private property, existing fire hydrants, utility and above ground fixtures, proposed location, size and number of tables, chairs, steps, planters, umbrellas, location of doorways, sidewalk

benches, trash receptacles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area;

f. Photographs, drawings or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the sidewalk café;

g. A description of the property and the total square footage and exact dimensions of the proposed sidewalk café;

h. The existing and proposed pedestrian circulation pattern; and

i. Floor plan of the existing building and any proposed modification showing the relationship of food preparation areas to the sidewalk café.

6. Plans for the operation of the sidewalk café including, but not limited to, hours of operation, maintenance of the sidewalk café and services to be provided; and

7. A written, signed consent form from any adjacent business operator that allows the use of its' sidewalk area.

C. Application Review. The Department of Development shall review the application and approve or deny the permit. The Department may deny an application for a sidewalk café permit where:

1. The applicant has failed to comply with any of the submission requirements contained in this Section or with the Sidewalk Design Standards Policy;

2. The sidewalk café, as the applicant represents how it will be operated, fails to comply with the criteria set forth in this Section;

3. Any information submitted by the applicant is found to be incorrect; or

4. Staff review indicates that the sidewalk café would create an obstruction to or cause congestion of pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public. In the event the Department of Development denies a permit, the applicant may within ten (10) days of the date of the denial appeal the denial to the Board of Aldermen. Notice of denial shall be sent to the applicant by United States mail, certified mail, return receipt requested at the address shown on the permit application. Upon an appeal of the denial of a permit, the Department of Development shall prepare a report for the Board. The Board shall hear the appeal at the next regularly scheduled meeting. The Board may affirm, reverse or reverse with conditions the decision of the Department of Development.

D. Permit Issuance. A sidewalk café permit shall be subject to the following conditions:

1. Effective period. Each permit shall be effective for one (1) year subject to annual renewal as provided below.



2. Hold harmless provision. The permit shall include an explicit hold harmless provision holding the City harmless from any and all liability arising out of the issuance of a sidewalk café permit and the operation of the sidewalk café.

3. Site plan controlled. The permit shall be specifically limited to the area shown on the exhibit attached to the application and made part of the permit.

E. Permit Renewal. The permit renewal fee will become due and payable thirty (30) days prior to the expiration of the permit. Together with such fee, the permittee shall provide the Department of Development with a renewal application on a form provided by the department containing the location of the sidewalk café. An application for renewal must include a new site plan **if** any changes are being made to the previously approved sidewalk café's structure or layout. Failure to pay the renewal fee or submit the renewal application with supporting documentation (where applicable) at least thirty (30) days prior to the expiration of the existing sidewalk café permit shall be grounds to reject the renewal application. In the event of rejection, the permittee shall remove the sidewalk café upon the expiration of the existing sidewalk café permit.

F. Permit Suspension or Revocation. The City may, as deemed necessary, inspect sidewalk cafés to determine compliance with the criteria set forth in this Section and the Sidewalk Design and Use Guidelines. The City may revoke or suspend a permit for any sidewalk café if it is found that:

1. Any necessary business or health permit has been suspended, revoked or canceled;
2. Permittee does not have insurance which is correct and effective in the minimum amount as required in this Section;
3. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal of the sidewalk café. Such decisions shall be based upon findings that the existing conditions represent a danger to the health, safety or general welfare of the public;
4. Permittee fails to maintain or keep the sidewalk safe and clean; or
5. Permittee has failed to correct violations of the City Code of Ordinances within five (5) working days of receipt of the official's notice of same delivered in writing to the permittee. Upon revocation or suspension of a permit, the Department of Development shall give notice of such action to the permittee in writing stating the action which has been taken and the reason therefor. The revocation or suspension shall become effective within fifteen (15) days following receipt of the notice by the permittee unless appealed as provided in this Code.

G. Fee. The annual fee for a sidewalk café permit is Fifty dollars (\$50.00) and shall not be prorated.

### **Merchant Use Areas**

All merchants in the Central Business District are eligible to obtain a Merchant Use area Permit in the area in front of the business premises. The purpose of the Merchant Use area Permit is

to allow the merchant to place furniture, statutes, potted plants, or other similar decorations associated with the business, or to conduct sidewalk sales as limited below. The usable sidewalk area described above is the only areas available for use, and any permit holder is responsible for maintaining any displayed decorations above in the usable area in a safe manner.

### **Merchant Use Permit Process**

A. General Application Criteria. Application for a merchant use permit shall be made to the City on a form provided by the Director of Development. The application shall include, but not be limited to, the following information and attachments:

1. The name, address, email address, and telephone number of the applicant;
2. The name and address of the business;
3. A copy of a current certificate of insurance in the following categories and amounts:

Commercial general liability insurance in the amount of no less than the minimum amount stated in Section 537.610.1, RSMo., and as adjusted annually as determined pursuant to Section 537.610.5, RSMo., for all claims arising out of a single occurrence and for any one (1) person in a single accident or occurrence. All insurance shall be from companies duly authorized to do business in the State of Missouri. All liability policies shall provide that the City, its elected officials and employees are an additional insured as to the operation of the sidewalk café and shall provide the severability of interest provision.

4 . A detailed site plan that is in compliance with the Sidewalk Design Standards Policy, including but not limited to, the following:

- a. The proposed use, materials, colors and design;
- b. Relationship of the use area to the adjacent existing building and their uses and entrance locations;
- c. The location of any utilities that might affect or be affected by the proposal;
- d. A drawing or aerial photograph (to scale) showing the layout and dimensions of the existing sidewalk area and adjacent private property, existing fire hydrants, utility and above ground fixtures, proposed location, size and number of tables, chairs, steps, planters, umbrellas, location of doorways, sidewalk benches, trash receptacles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area; and,
- e. The existing and proposed pedestrian circulation pattern.

B. Application Review. The Department of Development shall review the application and approve or deny the permit. The Department may deny an application for a Merchant Use Area permit where:

1. The applicant has failed to comply with any of the submission requirements contained in this Section or with the Sidewalk Design Standards Policy;

2. Any information submitted by the applicant is found to be incorrect; or

4. Staff review indicates that the sidewalk merchant use area would create an obstruction to or cause congestion of pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public. In the event the Department of Development denies a permit, the applicant may within ten (10) days of the date of the denial, resubmit the application with corrections as indicated on the notice of denial. If the applicant is denied after corrections are submitted, the applicant may appeal the denial to the Board of Aldermen. Final Notice of denial shall be sent to the applicant by United States mail. The applicant may within ten (10) days of the date of the Final Notice of Denial file an appeal of the denial of a permit. Upon receipt, the Department of Development shall prepare a report for the Board. The Board shall hear the appeal at the next regularly scheduled meeting. The Board may affirm, reverse or reverse with conditions the decision of the Department of Development.

D. Permit Issuance. A Merchant Use Area permit shall be subject to the following conditions:

1. Effective period. Each permit shall be effective for one (1) year subject to annual renewal as provided below.

2. Hold harmless provision. The permit shall include an explicit hold harmless provision holding the City harmless from any and all liability arising out of the issuance of the permit and the use of the area.

3. Site plan controlled. The permit shall be specifically limited to the area shown on the exhibit attached to the application and made part of the permit.

E. Fee. The permit is Twenty-five dollars (\$25.00) and shall not be prorated.

F. Permit Renewal. The permit renewal fee will become due and payable thirty (30) days prior to the expiration of the permit. Together with such fee, the permittee shall provide the Department of Development with a renewal application on a form provided by the department containing the location of the merchant use area. An application for renewal must include a new site plan if any changes are being made to the previously approved layout, and an updated certificate of insurance. Failure to pay the renewal fee or submit the renewal application with supporting documentation (where applicable) at least thirty (30) days prior to the expiration of the existing permit shall be grounds to reject the renewal application. In the event of rejection, the permittee shall remove all items upon the expiration of the existing permit.

G. Permit Suspension or Revocation. The City may, as deemed necessary, inspect the permit area to determine compliance with the criteria set forth in this Section and the Sidewalk Design and Use Guidelines. The City may revoke or suspend a permit if it is found that:

1. Permittee does not have insurance which is correct and effective in the minimum amount as required in this Section.

2. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal of the permit area. Such decisions shall be based upon findings that the existing conditions represent a danger to the health, safety or general welfare of the public.

3. Permittee fails to maintain or keep the sidewalk safe and clean; or

4. Permittee has failed to correct violations of the City Code of Ordinances within five (5) working days of receipt of the official's notice of same delivered in writing to the permittee.

Upon revocation or suspension of a permit, the Department of Development shall give notice of such action to the permittee in writing stating the action which has been taken and the reason therefor. The revocation or suspension shall become effective within fifteen (15) days following receipt of the notice by the permittee unless appealed as provided in this Code.

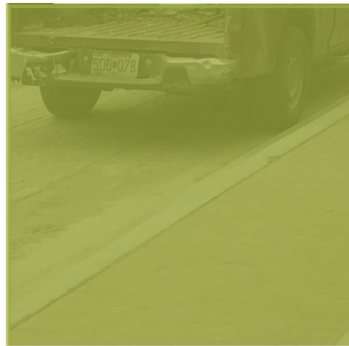
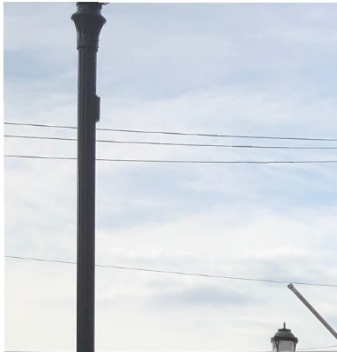
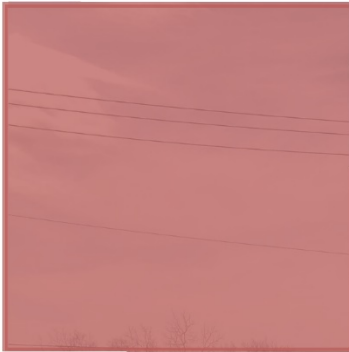
#### H. Sidewalk Sales limitations

Sidewalk sales are limited to three consecutive days and 45 cumulative days in any calendar year for any premises. The business must notify the City with the dates of such sales and maintain count for the cumulative total.

#### **Use of Streetscape Banner hangers**

Throughout the downtown areas with Streetscape improvements the streetlights have incorporated hangers for Banners. If a festival or event is scheduled in the Courtyard Park area, it may apply to use the streetlights to place banners of its' event on such streetlights. The installation of banners must be by city staff, and all banners must meet the design specifications of existing city banners in order to be installed. Any such banners may only be placed 14 days prior to the scheduled event, unless there is a prior event that will occur less than 14 days prior to proposed event.

The applicant must provide the city with the proposed design of the banners and provide assurance that the vendor making the banners understands the city's design specifications and will submit compliant banners. The applicant must also provide the proposed number of banners. No more than 20 banners may be installed (4 at the intersection of Bridge and Church, Bridge and Main, Main and Mill, Main and Commercial, as well as two at Main and 169 and two at Bridge and Meadow) and if the applicant seeks a different placement, the locations of the 20 banners must also be provided. Once the city is assured that the signs meet the design specifications, the applicant will be released to order the banners. The completed banners must be delivered to the city no later than five (5) business days prior to the proposed installation date. Once the city removes the banners, the applicant shall come pick up the banners within five (5) days of notification that the banners have been removed.





## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Approve Bill No. 3012-23, An Ordinance approving the petition for establishment of the Fairview Crossing Community Improvement District - First Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3012-23, an Ordinance approving the petition for establishment of the Fairview Crossing Community Improvement District (CID), establishing the district, and making findings and authorizing actions related to establishment of the district. First reading by title only.

**SUMMARY:**

In May of 2022, the Board approved a mixed-use development on 53.92 acres at the northeast corner of 169 Highway and 144<sup>th</sup> Street. Planning and Zoning and Board of Aldermen review of the Fairview Crossing and Fairview Crossing North developments have occurred over the ensuing months, with plat approval in early 2023.

This summer, a funding agreement between the City of Smithville and Kansas City Properties & Investments, LLC was approved in order to facilitate review of a proposed CID.

State statute outlines the process by which the Governing Body of any city, may establish a community improvement district, which begins with submission of a petition requesting formation of the district. A petition was filed on September 8, 2023. The Petition for Establishment of the Fairview Crossing Community Improvement District (the "Petition") meets the statutory requirements of a valid petition. All statutorily required notices were complied with. In conjunction with the establishment of a CID, the City must hold a public hearing.

The Petition provides that the CID will be governed by a Board of Directors (the "Board") comprised of five directors, four of which are property owner's representatives and one City representative. The initial Board is named in the Petition, but successor directors will be appointed by the Mayor with the consent of the Board of Aldermen. Further, revenues within the CID will be generated by a 1% sales tax to fund improvements within the District.

The District intends to fund all public improvements and services, in accordance with the CID Act. These include site work and grading for the public improvements, stormwater improvements, public parking improvements, utility improvements, public right-of-way improvements, landscaping, lawns and trees in public areas. Estimated costs are initially estimated to be \$3,240,000.

A map of the Cid is included as Exhibit B of the Petition.

The City's Economic Development Policy recommends a 20-year limit on CID terms and outlines a preference that the CID Board be Developer-controlled with City representation. The petition submitted by the development team requests the statutory maximum term of 27 years. The petition complies with the recommendation that the Board be developer controlled.

**PREVIOUS ACTION:**

Preliminary plat and conceptual plans were approved by both the Planning and Zoning Commission and Board of Aldermen this spring.

A Funding Agreement with Kansas City Properties & Investments, LLC was approved in July.

A public hearing was held earlier in this meeting.

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance       | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution                 | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report               | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Petition |                                   |

**AN ORDINANCE APPROVING THE PETITION FOR ESTABLISHMENT OF THE FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE DISTRICT, AND MAKING FINDINGS AND AUTHORIZING ACTIONS RELATED TO ESTABLISHMENT OF THE DISTRICT.**

**WHEREAS**, Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorized the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

**WHEREAS**, the City of Smithville, Missouri (the "City") is a fourth-class city and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

**WHEREAS**, property owners within the proposed community improvement district have filed with the Smithville City Clerk (the "City Clerk") a petition for the establishment of a community improvement district pursuant to the CID Act, entitled "Petition for Establishment of the Fairview Crossing Community Improvement District" (the "Petition") which is attached hereto as **Exhibit A** and incorporated herein by reference; and

**WHEREAS**, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the Board of Aldermen and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

**WHEREAS**, none of the signatures of the signers of the Petition were withdrawn within seven days after the Petition was filed with the City Clerk; and

**WHEREAS**, all the real property included in the Fairview Crossing Community Improvement District (the "District") is entirely located within the City of Smithville; and

**WHEREAS**, on October 17, 2023, the Board of Aldermen held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak; and

**WHEREAS**, the Petition to establish the District being fully heard before the Board of Aldermen, the Board of Aldermen now desires to approve the Petition, establish the District and take other actions related to establishment of the District.



NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, as follows:

SECTION 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Petition.

SECTION 2. The City Clerk has verified that the Petition substantially complies with all submission requirements of the CID Act.

SECTION 3. The Petition, as amended, a copy of which is attached hereto as **Exhibit A**, is hereby approved and the District is hereby established within the City as a political subdivision of the State of Missouri. The District includes the contiguous tracts of real estate as described in the Petition and shown on the map set forth in the Petition.

SECTION 4. As set forth in the Petition, the District shall be governed by a board of directors consisting of five (5) members. The initial directors shall be the persons named in the Petition, and successor directors shall be appointed by the Mayor with the consent of the Board of Aldermen.

SECTION 5. The District's Board of Directors shall have authority to establish a sales tax within the District as set forth in the Petition and in conformance with the CID Act.

SECTION 6. The District shall have and possess without limitation such powers authorized under the CID Act and as set forth or otherwise limited in the Petition.

SECTION 7. The District shall terminate twenty-seven (27) years after the effective date upon of this Ordinance.

SECTION 8. The City Clerk is hereby directed to prepare and file with the Missouri Department of Economic Development (the "Department") and the Missouri State Auditor the report specified in Section 67.1421.6 of the CID Act, substantially in the form provided by the Department.

SECTION 9. Approval of the Petition and the District by this Ordinance is conditioned upon the District entering into a cooperative agreement with the City, upon terms and conditions mutually acceptable to the City and District, which provides for implementation of the District, the process for reimbursement of eligible District costs and expenses and other matters as mutually determined by the City and District. No payment or reimbursement of District costs and expenses shall occur and no disbursement of District revenues shall occur until the cooperative agreement is approved and executed by the City and the District. Failure of the District to enter into such agreement within six (6) months following the effective date of this Ordinance shall nullify

and render void the approvals granted in this Ordinance upon such declaration by the Board of Aldermen.

SECTION 10. City staff, the City's special legal counsel, and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments, and agreements or other documents as may be necessary, desirable, convenient, or proper to perform all matters authorized herein.

SECTION 11. It is hereby declared to be the intention of the Board of Aldermen that each and every part of this Ordinance shall be separate and severable from each and every other part. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts shall be in full force and effect.

SECTION 12. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**PASSED** by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 7<sup>th</sup> day of November, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 10/17/2023

Second Reading: 11/7/2023

**EXHIBIT A**  
**PETITION TO ESTABLISH DISTRICT**

*[Attached]*

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**PETITION FOR ESTABLISHMENT OF THE  
FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT  
CITY OF SMITHVILLE, MISSOURI**

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**PETITION FOR THE CREATION OF THE  
FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT**

To the Mayor and City Board of Aldermen of the City of Smithville, Missouri:

The undersigned real property owner (the “Petitioner”), pursuant to RSMo Section 67.1421, being the owner of:

- (1) more than fifty percent (50%) by assessed value of the real property; and
- (2) more than fifty percent (50%) per capita of all owners of real property

within the boundaries of the hereinafter described proposed community improvement district, does hereby petition and request that the City Board of Aldermen of the City of Smithville, Missouri create a community improvement district as described herein under the authority of Sections 67.1401 to 67.1571, RSMo (the “CID Act”). In support of this petition, the Petitioner sets forth the following information in compliance with the CID Act:

1. District Name. The name for the proposed community improvement district (“CID” or “District”) is:  
  
Fairview Crossing Community Improvement District.
2. Legal Description and Map. A legal description and map generally depicting the boundaries of the proposed District are attached hereto as **Exhibit A** and **Exhibit B**, respectively. The proposed district consists of 63.47 +/- acres and is located entirely within the City of Smithville, Missouri.
3. Five-Year Plan. A five-year plan as required by the CID Act is attached hereto as **Exhibit C** (the “Five Year Plan”).
4. Form of District. The proposed district will be established as a political subdivision of the State of Missouri under the CID Act.
5. Board of Directors.
  - a. Number. The District shall be governed by a Board of Directors (the “Board”) consisting of five (5) members, whom shall be appointed in accordance with this petition.
  - b. Qualifications. Each Member of the Board (“Director”) shall meet the following requirements:
    - (1) be at least 18 years of age;
    - (2) be and must declare to be either an owner of real property within the District (“Owner”) or an authorized representative of an Owner, an owner of a business operating within the District (“Operator”), or a registered voter (“Resident”) residing within the District, as provided in the CID Act;
    - (3) be and have been a resident of the State of Missouri for at least one year immediately preceding the date upon which he or she takes office in accordance with Article VII, Section 8 of the Missouri Constitution; and
    - (4) except for the initial directors named in this Petition, be appointed according to a slate

submitted as described in this Petition.

c. Initial Directors. The initial directors (“Initial Directors”) and their respective terms shall be:

- i. Shane Crees - Owner’s Representative, four (4) year term
- ii. \*Cory Fautsch - Owner’s Representative, four (4) year term
- iii. \*Alicia Neth - Owner’s Representative, two (2) year term
- iv. Todd Nitsche - Owner’s Representative, two (2) year term
- v. Gina Pate – City’s Representative, two (2) year term

If there are no registered voters residing in the District on the date this Petition is filed with the City Clerk, at least one Director must be a resident of Smithville, Missouri that is registered to vote, has no financial interest in any real property or business within the District, and is not related (second degree blood or marriage) to any owner of real estate or any business in the CID. The Director(s) identified with an “\*” above satisfy such additional qualification requirements.

d. Terms. Initial Directors shall serve for the term set forth above. Each Successor Director shall serve a four (4) year term or until his/her successor is appointed in accordance with this Petition. If, for any reason, a Director is not able to serve his/her term, the remaining Directors shall elect an Interim Director to fill the vacancy of the unexpired term.

Notwithstanding anything to the contrary, any Director’s failure to meet the qualification requirements set forth above, either in a Director’s individual capacity or in a Director’s representative capacity, shall constitute cause for the Board to take appropriate action to remove said Director.

e. Successor Directors. Successor Directors shall be appointed by the Mayor with the consent of the City Board of Aldermen by resolution. The Executive Director of the District may submit a proposed slate of successor directors to the City of Smithville, Missouri’s City Clerk (the “City Clerk”), which slate may be comprised of any individuals that meet the above-listed criteria in the discretion of the Executive Director. Upon receipt of a slate of Successor Directors, the City Clerk shall promptly deliver the slate to the Mayor for consideration by the City Board of Aldermen. The slate shall serve as a non-binding recommendation of persons to be appointed by the Mayor.

6. Assessed Value. The total assessed value of all real property in the District is \$143,000.

7. Duration of District. The proposed length of time for the existence of the District is twenty-seven (27) years from the date the ordinance establishing the District is approved. The District may be terminated prior to the end of such term in accordance with the provisions of the CID Act and this Petition, and said term shall not be extended unless a new petition is submitted and approved pursuant to the terms of the CID Act.

8. Real Property and Business License Taxes. The District will not have the power to impose a real property tax levy or business license taxes.

9. Special Assessments. The District will not have the power to impose special assessments.

10. Sales Tax. Qualified voters of the District may be asked to approve a sales tax of up to one percent (1%) (“District Sales Tax”), in accordance with the CID Act, to fund certain improvements within the District and/or to pay the costs of services provided by the District. Additional details about the District Sales Tax are set forth in the Five-Year Plan attached hereto as **Exhibit C**.
11. Borrowing Limits. Petitioner does not seek limitations on the borrowing capacity of the District.
12. Revenue Limits. Petitioner does not seek limitations on the revenue generation of the District.
13. Future Five Year Plans. The District shall submit future Five (5) Year Plans meeting the requirements of Section 1421.2(3)(d), RSMo (as amended or replaced from time to time) to the City for comment and review no earlier than 180 days and no later than 90 days prior to the expiration of each then-current Five (5) Year Plan.
14. Authority Limits. Petitioner does not seek limitations on the authority of the District, except as set forth in this Petition. The District will not fund any costs until a cooperative agreement is executed between the District, the City of Smithville and the developer of record for the project.
15. Right to Terminate. The property owners within the District shall have the right to petition the City Board of Aldermen to terminate the District at any time in accordance with the CID Act.
16. City Board of Aldermen Right to Audit. The City Board of Aldermen shall have the right to audit the books and records of the District at any time upon reasonable request.
17. **Revocation of Signatures. THE PETITIONER ACKNOWLEDGES THAT THE SIGNATURE OF THE SIGNER OF THIS PETITION MAY NOT BE WITHDRAWN FROM THIS PETITION LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK.**
18. Blight Determination. Petitioner is not seeking a determination that the District is a blighted area.

WHEREFORE, Petitioner respectfully requests that the City Board of Aldermen establish the requested Fairview Crossing Community Improvement District in accordance with the information set forth in this Petition and that the Mayor appoint and the City Board of Aldermen consent to the proposed members for the Board of Directors as set forth in this Petition and take all other appropriate and necessary action that is consistent with the CID Act to establish the requested district.

**EXECUTION PAGES FOR PETITION FOR THE CREATION OF THE  
FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT**

Name of owner: KANSAS CITY PROPERTIES & INVESTMENTS, LLC

Owner's address: 13530 Mt. Olivet Road, Smithville, Missouri 64089

Owner's telephone number: (816) 719-9327

***IF SIGNER IS DIFFERENT FROM OWNER:***

Name of signer: C. Shane Crees

Title: Managing Member

Signer's telephone number: (816) 719-9327

Signer's mailing address: P.O. Box 475, Smithville, Missouri 64089

If owner is an individual: \_\_\_\_\_ Single \_\_\_\_\_ Married

If owner is not an individual, state what type of entity (Mark Applicable Box):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	General Partnership
<input type="checkbox"/>	Limited Partnership	<input checked="" type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Urban Redevelopment Corporation
<input type="checkbox"/>	Not-for-Profit Corporation	<input type="checkbox"/>	Other _____

Map and parcel number(s):

05917000700800 05917000700900
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Total Assessed value:

\$140,730



**EXECUTION PAGES FOR PETITION FOR THE CREATION OF THE  
FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT**

Name of owner: KCPI 3, LLC

Owner's address: P.O. Box 475, Smithville, Missouri 64089

Owner's telephone number: (816) 719-9327

***IF SIGNER IS DIFFERENT FROM OWNER:***

Name of signer: C. Shane Crees

Title: Manager

Signer's telephone number: (816) 719-9327

Signer's mailing address: P.O. Box 475, Smithville, Missouri 64089

If owner is an individual: \_\_\_\_\_ Single \_\_\_\_\_ Married

If owner is not an individual, state what type of entity (Mark Applicable Box):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	General Partnership
<input type="checkbox"/>	Limited Partnership	<input checked="" type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Urban Redevelopment Corporation
<input type="checkbox"/>	Not-for-Profit Corporation	<input type="checkbox"/>	Other _____

Map and parcel number(s):

05917000700500
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Total Assessed value:

\$2,140

**EXECUTION PAGES FOR PETITION FOR THE CREATION OF THE  
FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT**

Name of owner: KCPI 4, LLC

Owner's address: P.O. Box 475, Smithville, Missouri 64089

Owner's telephone number: (816) 719-9327

***IF SIGNER IS DIFFERENT FROM OWNER:***

Name of signer: C. Shane Crees

Title: Manager

Signer's telephone number: (816) 719-9327

Signer's mailing address: P.O. Box 475, Smithville, Missouri 64089

If owner is an individual: \_\_\_\_\_ Single \_\_\_\_\_ Married

If owner is not an individual, state what type of entity (Mark Applicable Box):

<input type="checkbox"/>	Corporation	<input type="checkbox"/>	General Partnership
<input type="checkbox"/>	Limited Partnership	<input checked="" type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Urban Redevelopment Corporation
<input type="checkbox"/>	Not-for-Profit Corporation	<input type="checkbox"/>	Other _____

Map and parcel number(s):


05917000700600
----------------

Total Assessed value: \$130

[Signature follows on separate page.]

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately below.

**KANSAS CITY PROPERTIES & INVESTMENTS, LLC,**  
a Missouri limited liability company

By:   
C. Shane Crees, Managing Member

Date: 8/31/2023

STATE OF Missouri )  
COUNTY OF Clay ) ss:

On this 31 day of August, 2023, before me appeared C. Shane Crees, to me personally known, who, being by me duly sworn did say that he is the Managing Member of KANSAS CITY PROPERTIES & INVESTMENTS, LLC, a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company, and said limited liability company acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 31 day of August, 2023.



HOLLY OLSEN  
My Commission Expires  
July 28, 2024  
Clay County  
Commission #20415269

  
Notary Public

My Commission Expires: 7/28/2024

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately below.

KCPI 3, LLC,  
a Missouri limited liability company

By:   
C. Shane Crees, Manager

Date: 8/31/2023

STATE OF Missouri )  
COUNTY OF Clay ) ss:

On this 31 day of August, 2023, before me appeared C. Shane Crees, to me personally known, who, being by me duly sworn did say that he is the Manager of KCPI 3, LLC, a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company, and said limited liability company acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 31 day of August, 2023.



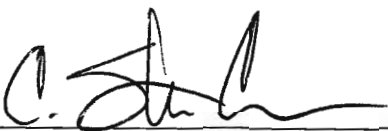
HOLLY OLSEN  
My Commission Expires  
July 28, 2024  
Clay County  
Commission #20415269

  
Notary Public

My Commission Expires: 7/28/2024

By executing this petition, the undersigned represents and warrants that he is authorized to execute this petition on behalf of the property owner named immediately below.

KCPI 4, LLC,  
a Missouri limited liability company

By:   
C. Shane Crees, Manager

Date: 8/31/2023

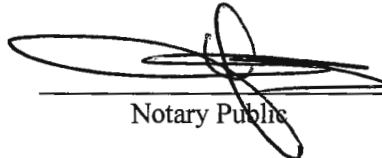
STATE OF Missouri )  
COUNTY OF Clay ) ss:

On this 31 day of August, 2023, before me appeared C. Shane Crees, to me personally known, who, being by me duly sworn did say that he is the Manager of KCPI 4, LLC, a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company, and said limited liability company acknowledged said instrument to be the free act and deed of said entity.

WITNESS my hand and official seal this 31 day of August, 2023.



HOLLY OLSEN  
My Commission Expires  
July 28, 2024  
Clay County  
Commission #20415269

  
Notary Public

My Commission Expires: 7/28/2024

## **EXHIBIT A**

### **Legal Description of the Fairview Crossing Community Improvement District**

THE COMMUNITY IMPROVEMENT DISTRICT (CID) SHALL INCLUDE ALL THE LANDS WITHIN IN THE FOLLOWING DESCRIPTIONS AS FOLLOWS:

#### **TRACT I**

ALL LAND WITHIN THE RIGHT-OF-WAY OF U.S. 169 HIGHWAY FROM STATION 11+490 METERS (37+696.77 FEET) TO STATION 11+706.19 METERS (38+406.06 FEET), ALONG THE NORTH BOUND LANES, THE INTERSECTION OF U.S. 169 HIGHWAY AND NE 144TH STREET BEING AT STATION 11+706.19 METERS (38+406.06 FEET), AND STATION 11+490 METERS (37+696.77 FEET) BEING 216.19 METERS (709.28 FEET) NORTH OF THE INTERSECTION OF U.S. 169 HIGHWAY AND NE 144TH STREET. HIGHWAY STATIONING IS IN METERS PER MISSOURI DEPARTMENT OF TRANSPORTATION HIGHWAY PLANS AND CONVERTED TO FEET FOR THE PURPOSES OF THIS DESCRIPTION.

#### **TRACT II**

A OF A STRIP OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, LOCATED IN THE CITY OF SMITHVILLE, COUNTY OF CLAY, STATE OF MISSOURI, BEING A PART OF A TRACT OF LAND DESCRIBED IN INSTRUMENT P 13158, IN BOOK 2893, AT PAGE 219, RECORDED SEPTEMBER 29, 1998, IN THE OFFICE OF THE CLAY COUNTY RECORDER OF DEEDS OFFICE, SAID STRIP OF LAND DESCRIBED BY PHILLIP JAMES SCHNITZ , PLS 2014020715 ON OCTOBER 28, 2022, AS FOLLOWS: BASIS OF BEARINGS IS SOUTH 00°57'10" WEST ALONG THE WEST LINE OF 'HILLS OF SHANNON' AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS USING MODOT VRS, 2018 GEOID, AND REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD83). COMMENCING AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF SECTION 35; THENCE SOUTH 1° 03' 09" WEST, 705.50 FEET; THENCE SOUTH 88° 56' 51" EAST, 133.27 FEET, TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN INSTRUMENT P13158, AND THE POINT OF BEGINNING; THENCE NORTH 0° 08' 44" EAST, 36.00 FEET, ON THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN INSTRUMENT P13158; THENCE SOUTH 89° 09' 18" EAST, 244.89 FEET; THENCE ON A CURVE TO THE LEFT, TANGENT WIT THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 70.00 FEET, A CHORD BEARING OF NORTH 47° 09' 02" EAST, A CHORD DISTANCE OF 96.71 FEET, AN ARC LENGTH OF 106.77 FEET, TO A POINT ON THE EAST LINE; THENCE SOUTH 3° 27' 37" WEST, 102.92 FEET ON THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN INSTRUMENT P13158, TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE NORTH 89° 09' 18" WEST, 309.68 FEET ON THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN INSTRUMENT P13158, TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND AND THE POINT OF BEGINNING. EXCEPT THAT PART IN ROAD RIGHT-OF-WAYS. SAID STRIP OF LAND CONTAIN 11,826 SQUARE FEET OR 0.27 ACRES MORE OR LESS.

AND

#### **TRACT III**

ALL OF THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE (35) IN TOWNSHIP FIFTY-THREE (53), RANGE THIRTY-THREE (33), IN CLAY COUNTY, MISSOURI, SUBJECT TO THAT PART, IF ANY, IN STREETS, ROADWAYS, HIGHWAYS OR OTHER PUBLIC RIGHT-OF-WAYS. EXCEPT THE FOLLOWING DESCRIBED TRACTS: ALL OF A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREE 00 MINUTES 27 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 50.34 FEET TO A POINT; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST, 79.22 FEET TO A SET 5/8 INCH SET REBAR AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169 AND THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LIEN OF COMMERCIAL AVENUE 328.40 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 00 DEGREES 48 MINUTES 44 SECONDS WEST, 10.0 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 330.05 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 01 DEGREES 00 MINUTES 27 SECONDS WEST ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 35, 646.85 FEET TO A 5/8 INCH SET REBAR; THENCE NORTH 89 DEGREES 11 MINUTES 16 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER 678.96 FEET TO A 5/8 INCH SET REBAR ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING BEARINGS AND DISTANCES NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 97.19 FEET; THENCE SOUTH 86 DEGREES 46 MINUTES 16 SECONDS EAST, 70.0 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 20.0 FEET; THENCE NORTH 85 DEGREES 46 MINUTES 16 SECONDS WEST 75.0 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 540.03 FEET TO THE POINT OF BEGINNING, FILED FOR RECORD AS INSTRUMENT NO. F59666 IN BOOK 1732 AT PAGE 984. AND EXCEPT: A TRACT OF LAND LYING AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CLAY, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 53 NORTH, RANGE 33 WEST; THENCE NORTH 09 DEGREES 40 MINUTES 03 SECONDS EAST, 1042.51 FEET TO A SET 5/8 INCH IRON PIN WITH CAP, SAID POINT BEING ON THE TRUE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 46 MINUTES 04 SECONDS WEST 255.81 FEET TO A SET COPPERWELD; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 11,188.72 FEET, A DISTANCE OF 44.56 FEET, AND CHORD BEARS NORTH 01 DEGREES 38 MINUTES 45 SECONDS WEST TO A SET COPPERWELD; THENCE SOUTH 88 DEGREES 55 MINUTES 34 SECONDS EAST 285.82 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE SOUTH 25 DEGREES 06 MINUTES 39 SECONDS EAST 334.31 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 28 SECONDS WEST, 418.65 FEET TO THE POINT OF BEGINNING AND EXCEPT THE FOLLOWING PLATS ALL OF HILLS OF SHANNON - FIRST PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. M29883 IN BOOK D AT PAGE 55. ALL OF HILLS OF SHANNON - SECOND PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. M72777 IN BOOK E AT PAGE 3. ALL OF HILLS OF SHANNON - THIRD PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. N19596 IN CABINET E SLEEVE 28. ALL OF HILLS OF SHANNON - FOURTH PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO.

P24772 IN CABINET E SLEEVE 97. ALL OF HILLS OF SHANNON - FIFTH PLAT, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. Q11906 IN CABINET E SLEEVE 152. ALL OF ESTATES OF WILKERSON CREEK, A SUBDIVISION IN THE CITY OF SMITHVILLE, CLAY COUNTY, MISSOURI, FILED FOR RECORD AS INSTRUMENT NO. 2019039687 IN BOOK I AT PAGE 88.4.

AND

#### TRACT IV

A TRACT OF LAND LYING AND BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CLAY, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 53 NORTH, RANGE 33 WEST; THENCE NORTH 09 DEGREES 40 MINUTES 03 SECONDS EAST, 1042.51 FEET TO A SET 5/8 INCH IRON PIN WITH CAP, SAID POINT BEING ON THE TRUE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 46 MINUTES 04 SECONDS WEST 255.81 FEET TO A SET COPPERWELD; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 11,188.72 FEET, A DISTANCE OF 44.56 FEET, AND CHORD BEARS NORTH 01 DEGREES 38 MINUTES 45 SECONDS WEST TO A SET COPPERWELD; THENCE SOUTH 88 DEGREES 55 MINUTES 34 SECONDS EAST 285.82 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE SOUTH 25 DEGREES 06 MINUTES 39 SECONDS EAST 334.31 FEET TO A SET 5/8 INCH IRON PIN WITH CAP; THENCE NORTH 88 DEGREES 55 MINUTES 28 SECONDS WEST, 418.65 FEET TO THE POINT OF BEGINNING.

AND

#### TRACT V

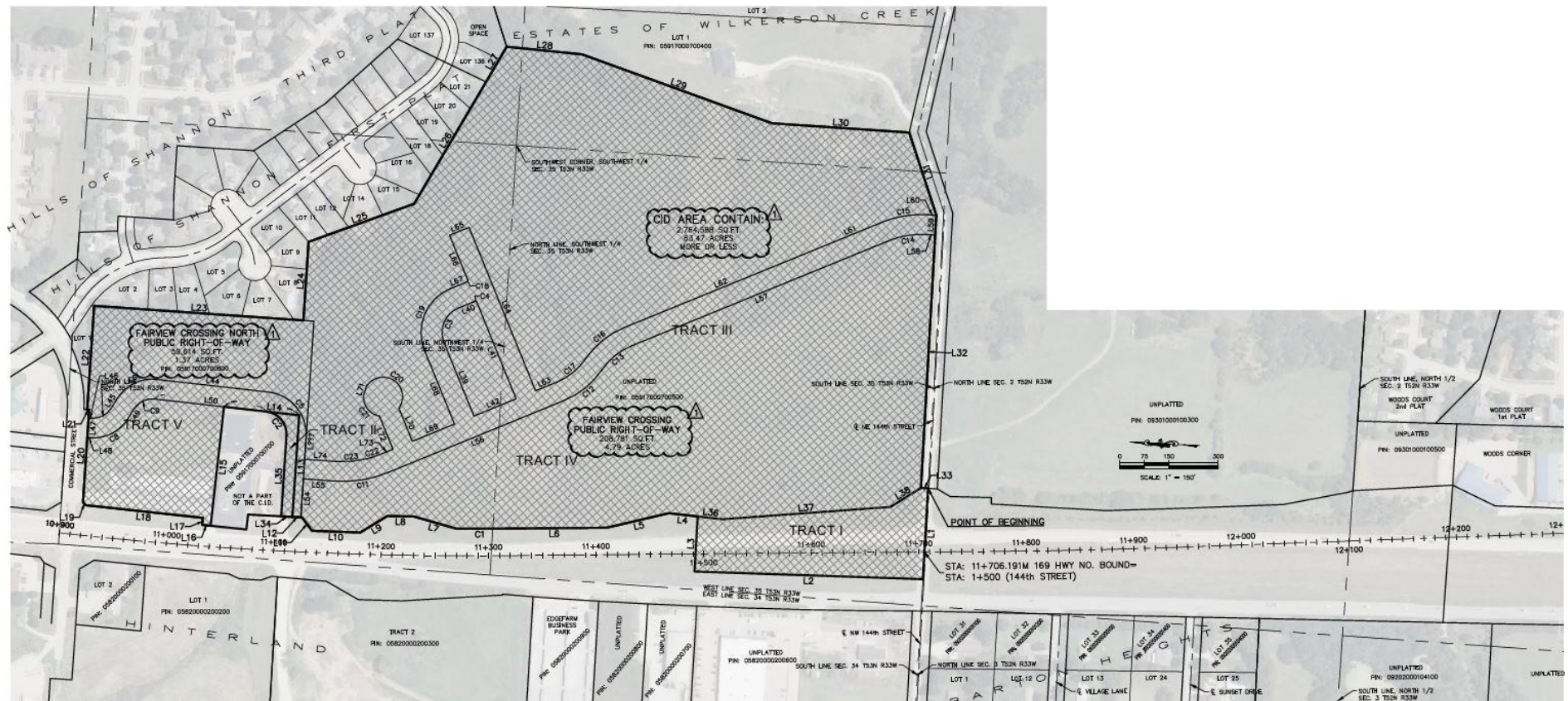
ALL OF A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREES 00 MINUTES 27 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 50.34 FEET TO A POINT; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST, 79.22 FEET TO A SET 5/8 INCH SET REBAR AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169 AND THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE, 328.40 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 00 DEGREES 48 MINUTES 44 SECONDS WEST, 10.0 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, 330.05 FEET TO A 5/8 INCH SET REBAR; THENCE SOUTH 01 DEGREES 00 MINUTES 27 SECONDS WEST ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 35, 646.85 FEET TO A 5/8 INCH SET REBAR; THENCE NORTH 89 DEGREES 11 MINUTES 16 SECONDS WEST ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, 678.96 FEET TO A 5/8 INCH SET REBAR ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY 169; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING BEARINGS AND DISTANCES NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 97.19 FEET; THENCE SOUTH 86 DEGREES 46 MINUTES 16 SECONDS EAST, 70.0 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 20.0 FEET; THENCE NORTH 85 DEGREES 46 MINUTES 16 SECONDS WEST, 75.0 FEET;



THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, 540.03 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART CONVEYED BY THE WARRANTY DEED RECORDED SEPTEMBER 29, 1998 AS DOCUMENT NO. P-13158 IN BOOK 2893 AT PAGE 219, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREES 00 MINUTES 27 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 50.34 FEET; THENCE LEAVING SAID WEST LINE SOUTH 89 DEGREES 11 MINUTES 16 SECONDS EAST, 79.22 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 169 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF COMMERCIAL AVENUE; THENCE SOUTH 03 DEGREES 13 MINUTES 44 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 169, 409.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 86 DEGREES 37 MINUTES 23 SECONDS EAST, 345.29 FEET; THENCE SOUTH 03 DEGREES 22 MINUTES 37 SECONDS WEST, 150.00 FEET; THENCE NORTH 86 DEGREES 37 MINUTES 23 SECONDS WEST, 237.26 FEET; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, PARALLEL WITH SAID EAST RIGHT-OF-WAY LINE, 40.39 FEET; THENCE NORTH 86 DEGREES 37 MINUTES 23 SECONDS WEST, 107.64 FEET TO THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 03 DEGREES 13 MINUTES 44 SECONDS EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 109.61 FEET TO THE TRUE POINT OF BEGINNING.

## EXHIBIT B

## General Boundary Map of the Fairview Crossing Community Improvement District



**EXHIBIT C**  
**FIVE YEAR PLAN**

**(Attached)**

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**FIVE YEAR DISTRICT MANAGEMENT PLAN**

**OF THE**

**FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT**

**CITY OF SMITHVILLE, MISSOURI**

**The information and details outlined in the following pages represent the strategies, and activities that it is anticipated will be undertaken during the initial five-year duration of the Fairview Crossing Community Improvement District in Smithville, Missouri. It is an integral and composite part of the petition to establish the Fairview Crossing Community Improvement District.**

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## **Introduction**

The Fairview Crossing Community Improvement District (the “District”) is created pursuant to Section 67.1401 through 67.1571 of the Revised Statutes of Missouri (the “CID Act”). Section 67.1421, RSMo, requires that the petition for the creation of the District be accompanied by a five-year plan which includes a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of the costs of these services and improvements to be incurred. This Five-Year District Management Plan (the “Plan”) is intended to satisfy this statutory requirement and is appended to the Petition for Formation of the District as an integral part thereof.

### **Section 1 - Why Create a Community Improvement District?**

The District will encompass a 63.47 +/- acre plot of land located northeast of the intersection of Northeast 144<sup>th</sup> Street and U.S. Highway 169 in Smithville, Missouri (the “Development”). The purpose of the District is to undertake certain improvements and services within the District, as discussed below, and to use or make available its revenue to pay the costs thereof, including without limitation debt service on any notes, bonds or other obligations issued and outstanding from time to time to finance all or any of such costs.

### **Section 2 - What is a Community Improvement District?**

A community improvement district is an entity that is separate from the City of Smithville and is formed by the adoption of an ordinance by the City Board of Aldermen following a public hearing before the City Board of Aldermen regarding formation of the District. A CID may take the form of a political subdivision of the State of Missouri, or a nonprofit corporation that is formed and operated under Missouri corporation laws. CIDs are empowered to provide a variety of services and to construct and/or finance a number of different public improvements, and in a blighted area, private improvements, as set forth more particularly in the CID Act. CIDs derive their revenue from taxes and assessments levied within the boundaries of the CID. Such revenues are then used to pay the costs of the services or improvements. A CID is operated and managed by a board of directors, whose members may be appointed or elected. Board members serve for a designated period of time, and the Board positions are again elected or appointed at the expiration of each term as provided in the petition creating such CID.

### **Section 3 - Management Plan Summary**

The District in this case will take the form of a separate political subdivision of the State of Missouri, which will be governed by a Board of Directors that will consist of five (5) members appointed by the Mayor of Smithville with the consent of the City Board of Aldermen pursuant to a slate submitted in accordance with the Petition.

#### *District Formation:*

CID formation requires submission of signed petitions from a group of property owners:

- collectively owning more than fifty percent (50%) by assessed value of the real property within the District, and
- representing more than fifty percent (50%) per capita of all owners of real property within the District.

In this case, the Petition to which this Plan is attached has been signed by the owners of 100% of the assessed value and 60% of the per capita property owners within the District.

*Location:*

The Development is located at the northeast intersection of Northeast 144<sup>th</sup> Street and U.S. Highway 169 in Smithville, Missouri and consists of approximately 63.47 +/- acres, as more particularly described in the Petition.

*Assessed Value of District:*

The total assessed value of the properties within the District on the date of the Petition is \$143,000.

*Improvements and Services:*

The purpose of the District is to provide funding for the construction of certain public improvements and the provision of certain services pursuant to RSMo Section 67.1461 within the District's boundaries. The improvements initially contemplated include site work and grading associated with Public Improvements, stormwater improvements, public parking improvements, utility improvements, public right-of-way improvements, landscaping, lawns, and trees which are in public areas (collectively, the "Public Improvements"). The particular items included within the Public Improvements may be modified from those listed herein as allowed pursuant to a cooperative agreement between the District, City and developer of the project. The costs of the Public Improvements to be financed by the District shall include all associated with design, architecture, engineering, financing costs incurred to finance such Public Improvements, and legal and administrative costs of same. The District may also provide funding for the District's formation and its ongoing operation and administration costs on an annual basis.

It is also anticipated that all costs, including attorneys' fees, associated with formation of the District, including, but not limited to, the preparation of the CID Petition, the negotiation and drafting of any agreements entered into upon formation of the District in furtherance of the District's purposes, and the initial implementation of the District ("Formation Costs") will be reimbursed to the advancing party, or paid directly, from funds generated by the District.

The District will enter into a cooperative agreement with the City and the developer of the project, and such agreement will set forth the restrictions and limitations associated with funding the Public Improvements and the approval of any additional improvements that are not set forth in this initial Five-Year Plan. The cooperative agreement will also contain provisions which permit the District to fund services after all Public Improvement Costs have been reimbursed to the appropriate party.

*Method of Financing:*

It is proposed that the District will impose a sales and use tax of up to one percent (1%) (the "District Sales Tax"), which is in addition to any other state, county or city sales and use tax. The District Sales Tax is payable on the same retail sales that are subject to taxation pursuant to Sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or by public utilities and providers of communications, cable, or video services. All costs of the District shall be financed in the manner and amount determined by the Board of Directors from the amounts on deposit with the CID. Amounts advanced to the District by the Petitioner, or its successors or assigns, to cover the costs contemplated hereunder will be reimbursed by the District upon the availability of funds. All financing costs, including interest costs, associated with any loan obtained by

the District, or notes, bonds, or other obligations issued by District to finance Improvements and/or Services may be paid from CID Sales Tax revenues. It is proposed that the District Sales Tax will be imposed for twenty-seven years.

*Estimated Costs:*

Attached as **Exhibit A** to this Plan is a table setting forth the estimated cost of the Improvements and the Services, and a table setting forth the projected cash flow for the first five years of the District's existence.

*City Services:*

The CID Act mandates that existing City services will continue to be provided within a CID at the same level as before the District was created (unless services are decreased throughout the City) and that District services shall be in addition to existing City services. The District anticipates that City services will continue to be provided within the District at the same level as before the District was created, and the District will not cause the level of City services within the District to diminish.

*Duration:*

The District will operate for a maximum term of twenty-seven (27) years from the date the ordinance establishing the CID is approved. Notwithstanding that the District is at the time providing Services, but subject to the contractual rights of any third parties, the District may be terminated prior to the end of such maximum term if the Improvements have been completed and the costs thereof paid for or reimbursed in full with CID Sales Tax revenue. The petition process must be repeated for the District to continue beyond such maximum term.

**Section 4  
District Boundaries**

The legal description of the District is attached as Exhibit A to the Petition.

**Section 5  
Facilities and Services to Be Provided**

As explained above, during the first five years, the purpose of the District is to provide revenue sources in support of contracting with any private property owner to effectuate the Improvements, and providing or contracting for the Services.

**Section 6  
Governing the Community Improvement District**

*City Board of Aldermen:*

Following the submission of the Petition, the City Board of Aldermen will conduct a public hearing and then consider an ordinance to create the District.

*Board of Directors for District:*

The District will be governed by a Board of Directors that will consist of five members appointed by the Mayor of Smithville with the consent of the City Board of Aldermen pursuant to the terms of the Petition. It is anticipated that if the District submits names of suggested successor directors

to the City in writing at least thirty (30) days prior to the expiration date of the terms of the applicable directors, the Mayor shall appoint such directors as successor directors, with the consent of the City Board of Aldermen, unless the Mayor provides the District with a reasonable written explanation that such suggested successor directors do not meet applicable legal requirements or lack the competency to serve as directors.

*Annual Budget:*

The District's budgets will be proposed and approved annually, within the limitations set forth in this Plan, by the District's Board of Directors. Budgets will be submitted annually to the City Board of Aldermen of the City of Smithville for review and comment in accordance with the CID Act. The District will operate at all times in accordance with the District Rules and Regulations (Section 7) and the Bylaws of the District.

**Section 7**  
**District Rules and Regulations**

1. The District shall operate at all times in accordance with Bylaws that may be adopted by the Board of Directors. The District shall at all times conduct its proceedings in accordance with Robert's Rules of Order, except as otherwise provided in any Bylaws.
2. The Board of Directors of the District will meet at least on an annual basis.



**EXHIBIT A TO FIVE YEAR PLAN OF THE  
FAIRVIEW CROSSING COMMUNITY IMPROVEMENT DISTRICT**

**ESTIMATED COSTS OF IMPROVEMENTS AND SERVICES<sup>1</sup>**

	<b><u>Cost*</u></b>
<b><u>Site Work / Infrastructure**</u></b>	<b><u>\$3,240,000</u></b>
Land Acquisition	
Construction of Fairview Drive	
Construction of 147 <sup>th</sup> Street	
Improvements to 169 Highway	
Stormwater Improvements	
Construction of public right of way	
Extensions of public utilities	

<b>Subtotal:</b>	<b>\$3,240,000</b>
<b>10% Contingency:</b>	<b>\$324,000</b>
<b>District Formation Costs:</b>	<b>\$30,000</b>
<b>Annual Operating Costs (5 years)</b>	<b>\$2,500 (per year)</b>
<b>Grand Total:</b>	<b>\$3,606,500</b>

\*Excludes financing costs incurred to undertake such costs.

\*\*Only items permitted by the CID Act shall be eligible to be financed with District Sales Tax.

**CASH FLOW PROJECTION<sup>2</sup>**

<b>CID Year</b>	<b>CID Sales Tax Revenue</b>
1	\$45,750
2	\$94,665
3	\$177,808
4	\$241,422
5	\$246,251

<sup>1</sup> These costs are estimates and may fluctuate based on actual costs incurred for purposes permitted under the CID Act. Costs to be funded by the District will be limited as set forth in a cooperative agreement among the City of Smithville, the District and the developer of the project.

<sup>2</sup> Any annual revenue generated will be utilized to pay any costs of the District as approved in the District annual budget.



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3013-23, Short Term Rentals – 1st Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3013-23. Short Term Rentals for first reading by title only.

**SUMMARY:**

This ordinance would establish certain rules and regulations concerning the operation of Short Term Rentals within the city limits.

Short Term Rentals (AirBnB, VRBO, etc.) have been increasing in number in Smithville. Other cities have experienced various problems with the rentals (excessive noise, parking, etc.) that have generated complaints from citizens. It is anticipated that in advance of the World Cup in 2026, there will be a significant increase in the number of Short Term Rentals in the metro region. The rules in the proposed ordinance will limit the total number of rentals available in the city, as well as limit the number on any given block or in an apartment complex. The Planning Commission held a public hearing on the matter in September and discussed the proposed ordinance in both the September and October meetings. Following Planning Commission review and changes, the Commission recommended approval of the ordinance.

**PREVIOUS ACTION:**

Planning Commission review and approval in September and October.

**POLICY ISSUE:**

Comprehensive Plan Action Item BE2.3: Explore strategies and opportunities to support Airbnb and other short-term rental activity, enhance Smithville's hospitality infrastructure, and capture visitor spending.

**FINANCIAL CONSIDERATIONS:**

Limited impact from permit revenue

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution           | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report         | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other                |                                   |

**AN ORDINANCE ENACTING A NEW CHAPTER 625 OF THE CODE OF ORDINANCES PERTAINING TO SHORT TERM RENTALS**

WHEREAS, the Planning and Zoning Commission, in July of 2023 began discussions concerning the impact of short-term rentals on the city; and,

WHEREAS, the Commission asked staff to conduct some additional research and to prepare a specific draft ordinance to be discussed at the September Planning and Zoning meeting; and,

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the matter at its September meeting that was properly advertised in advance of the meeting; and

WHEREAS, following the Public Hearing, the Commission discussed the ordinance and recommended staff make several changes to be presented for their review at the next meeting; and,

WHEREAS, the Planning and Zoning Commission reviewed the proposed short term rental ordinance and recommends its' approval.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

Section 1. That a new Chapter 625 be added to the Code of Ordinances to be read and numbered as follows:

**Chapter 625 Short Term Rentals**

**625.010 Definitions:**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**Short-Term Rental, Complete** is any independently complete dwelling unit in a detached single family dwelling unit, a two-family attached dwelling unit, townhouse or apartment that is available for rent for terms or periods of less than 30 consecutive nights.

**Short-Term Rental, Partial** Short-term rentals inside an owner-occupied primary residence of any type. (room rentals)

**Apartment** is any residential building that contains three or more attached units, excluding those defined as a Townhouse.

**Townhouse** is any single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

**625.020 Applicability:**

The standards of this article apply to short-term rental permits as defined herein. No Short-term Rental shall be operated in the city of Smithville except in compliance with this chapter.

**625.030 Responsible agent required:**

Each owner of a short-term rental property is responsible for compliance with all the provisions of this chapter. The owner may act as the Responsible Agent for the unit or may designate a person or company to serve as a Responsible Agent who will be jointly liable and responsible for compliance. The Owner and/or Responsible Agent shall have access and authority to assume management of the unit and take remedial measures to ensure compliance with all provisions herein. Any changes to the name, address, or telephone number(s) of the local Responsible Agent or owner must be submitted to the City within five (5) business days of the change(s).

**625.040 Business and occupation licenses required:**

Business and Occupation licenses as described in Section 610 of the Code of Ordinances are required for All Short-term Rentals, but owners or responsible agents may hold one business license for multiple permitted locations.

**625.050 Advertising requirements:**

The responsible agent shall provide a list of and links to advertisements on all online platforms and update the city within five (5) business days of any change(s). The occupation license number issued by the city shall be listed on all advertisements and online platforms. It shall be considered a violation of this ordinance to advertise online or offline without posting the occupation license number in a prominent place on such advertisement.

**625.060 Refuse collection:**

All short-term rentals shall maintain regular refuse collection services from the City in structures required to be included in the city utility bill, or from an otherwise licensed refuse collector in all other structures.

**625.070 Safety:**

In order to ensure the safety of the occupants and owners of any short-term rental unit, the following requirements must be included in the unit, including any retrofitting required in an existing structure in order to meet the minimum building code requirements for the building where the unit is located.

1. Smoke and Carbon monoxide detectors are required in accordance with the building code as if the structure was new.
2. Ground-Fault Circuit interrupters and Arc-Fault circuit interrupters are required in accordance with the building code as if the structure was new.
2. Emergency contact information of the owner or manager must be permanently displayed in the unit and provided to the primary guest on file.

3. If the unit is in an apartment building, a fire escape path plan must be posted on any door that does not open to a yard or public way.
4. At least one operational fire extinguisher is required to be visible from and accessible to the kitchen area.

**625.080 Number of permits issued, density limited:**

In order to prevent a significant impact on the affordability of housing in the city of Smithville, the total number of permits/licenses that may be issued at any time shall be limited to not more than 3% of the total housing stock within the city limits. In addition to the total number of licenses to be issued, the following density protections are required:

1. The number of licenses issued for units in any structure other than an apartment shall be limited to one per each block face. For purposes of this limitation, a block face shall be measured from intersection to intersection on any given street, and both sides of said street shall be included in this one block face.
2. The number of licenses issued for units located in an apartment complex shall be one (1), or a maximum of 12.5% of the total units available, whichever is more.
3. Any existing short-term rental shall be granted 60 days to obtain a permit for the short-term rental following ordinance approval notwithstanding these limitations on the number of permits. If the owner of any existing unit fails to file an application for such permit within the initial 60 days grace, these number and density limitations shall apply.

**625.090 Transient guest tax required:**

All short-term rentals must collect/remit a transient guest tax equal to that of hotels/motels within the city limits.

**625.100 Maximum number of adult guests:**

The total number of adult guests allowed per unit shall equal (2) adults per bedroom plus (2) adults in common living areas (sleeper sofa, air mattress, etc.).

**625.110 Events:**

Short-term rentals are prohibited from hosting weddings, banquets, parties, charitable fundraising, or other similar gatherings. Small, informal noncommercial gatherings of family and friends of short-term rental guests are permitted, provided the gathering does not disturb the surrounding neighborhood, including but not limited to creating parking or noise issues.

**625.120 Insurance requirements:**

Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$500,000 or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.

**625.130 Transferability:**

The short-term rental permit shall be permitted to transfer upon the sale of the property. The requirements of 625.030 are applicable, and compliance is mandatory to affect the transfer of the permit.

**625.140 Noise management plan:**

All short-term rentals shall maintain a noise management plan. The noise management plan must include the continuous operation of noise monitoring device(s) while the registered property is rented. The on-site posting of the quiet hours and the penalties for violating the City noise ordinance shall be posted in a prominent location inside the short-term rental.

**625.150 Annual Rental permits and inspections required:**

A Short-Term Rental Permit is required for each such unit located within the City of Smithville. Lawful, Short-term rentals in existence prior to the adoption of this ordinance that obtain a permit within sixty (60) days of implementation of this ordinance are not subject to the initial inspection requirements, but full compliance is required, and inspections shall be required on any applications following those sixty days, including the renewal of the permit. All other rental units not in existence prior to the passage of this ordinance shall be inspected for compliance with this chapter and approved prior to issuance of a permit. All Rental inspections shall be conducted by City staff following approval of any application or renewal application and payment of the annual Short-term Rental permit fee of \$50.

**625.160 Applications required, contents:**

Applications for short-term rental permits must be made to the Development Department on forms provided by the department. Applications shall include the following information:

1. The name, phone number, and email address for the property owner and the responsible agent if different than owner.
2. The number of bedrooms and the total occupancy allowed in the unit.
3. A list of online platforms that will be used to solicit booking transactions for the dwelling unit, along with a link to each such platform's page for the unit. If any additions or changes to the list of platforms occur during the term of the license, an updated list, with links must be sent to the Development Department within (5) business days of the change.
4. Certification that the property is current on all property tax and code violations fees/penalties. Certification may be in the form of a receipt from the County Collector for taxes.
5. The applicant must certify that the proposed dwelling unit is not subject to any contractual restrictions precluding the dwelling unit from being used for short-term rentals, including but not limited to homeowner association agreements, condominium bylaws, restrictive covenants, or building restrictions.
6. The owner shall provide a certificate of insurance in compliance with Section 625.120.
7. The owner shall provide a copy of the noise management plan in compliance with 625.140.
6. The owner, applicant and responsible agent must acknowledge that they will not discriminate in guest use or rental of a short-term rental and will comply with all applicable anti-discrimination laws, including but not limited to Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).

**625.170 Review and approval of short-term rental permit applications:**

After the submission of the application, City officials will review the application to determine that all requirements of this section and other codes have been, or can be, met. Upon approval of the initial application, the applicant must schedule an inspection of the rental unit to ensure compliance with all the requirements and codes as identified in this ordinance.

**625.180 Violation, penalties, and enforcement:**

It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this section. Any person violating any of the provisions or failing to comply with any of the requirements of this Section is subject to the violation, penalty, and enforcement provisions of this section and Chapter 100.220 of this code. The penalties for a permit holder for failing to comply with any of the requirements and provisions of this ordinance shall be as follows:

First Offense \$50.00

Second Offense \$200.00

Third Offense and each offense thereafter: \$500.00

**625.1190 Revocation of permit:**

In addition to any fine or penalty that may be imposed pursuant to any provision of this chapter, a short-term rental may be suspended or revoked as provided in this section. The City may suspend or revoke a short-term rental permit granted pursuant to this Chapter following a hearing for any violation of the City Code or violation of this chapter. The Development Department shall commence the revocation proceedings if any of the following occur:

1. The short-term rental operator has been found guilty of two (2) or more offenses that occurred in a three (3) month period.
2. A short-term rental operator submits an application or other document as part of the short-term rental review process that contains or represents fraud, misrepresentation, or false information.
3. The short-term rental operator has violated or is currently violating this chapter that significantly endangers public health, safety, or welfare.
4. The short-term rental operator fails to report and pay transient guest tax, sales tax, or property taxes.
5. Notice of a public hearing pursuant to this section shall be given to a short-term rental operator in writing at the address shown on the short-term rental application and to the other parties identified in the short-term rental application. Such notice shall be mailed via regular mail at least fourteen (14) calendar days prior to the date set for the public hearing before the Planning Commission. At the revocation hearing, the Planning Commission shall consider the following:
  - a. The nature and seriousness of the violation.
  - b. Impact of the violation on the neighborhood or community.
  - c. Corrective action, if any, taken by the short-term rental operator or the designated Responsible Agent.
  - d. Prior violations.
  - e. The likelihood of recurrence of the violation or violations.
  - f. The entirety of the circumstances surrounding the violation.
  - g. Length of time the licensee has held a license.

- h. The Planning Commission may either suspend for a specific term or revoke a Short-term Rental Permit by a simple majority vote of the Planning Commission.
- i. The short-term rental operator can appeal the decision of the Planning Commission to the Board of Aldermen within 30 days.
- j. The findings of the City Council shall be deemed final.

Section 2. This ordinance shall take effect and be in full force from and after its passage according to law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST:

\_\_\_\_\_  
Linda Drummond, City Clerk

First Reading: 10/17/2023

Second Reading: 11/07/2023



**MEETING DATE:** 10/17/2023**DEPARTMENT:** Administration/Finance**AGENDA ITEM:** Resolution 1277, A Resolution Adopting Amendments to the Schedule of Fees

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1277, A Resolution Adopting Amendments to the Schedule of Fees

**SUMMARY:**

As a part of the FY2024 Budget Process, staff presented proposed changes to the FY2024 Comprehensive Schedule of Fees. The proposed Schedule of Fees and proposed Utility Rates were presented on July 18, 2023, to the Board of Alderman for review, evaluation, and staff direction.

The proposed Schedule of Fees reflect the direction provided by the Board of Aldermen. Unless otherwise specified, these fees will be effective November 1, 2023. These revisions to the Schedule of Fees include adjusted water and wastewater rates as outlined in the materials for the public hearing earlier in the agenda.

**PREVIOUS ACTION:**

The Board of Alderman approved changes to the Schedule of Fees as a part of the FY2023 Budget process in Resolution 1133 on October 18, 2022.

**POLICY ISSUE:**

FY2024 budgeted revenues include updated fee assumptions as a part of the Schedule of Fees process.

**FINANCIAL CONSIDERATIONS:**

Schedule of Fees revisions, which include rate adjustments to Utility rates, will provide necessary revenue support for program expenditures.

**ATTACHMENTS:**☐ Ordinance☒ Resolution☐ Staff Report☒ Other: Schedule of Fees☐ Contract☐ Plans☐ Minutes

## RESOLUTION 1277

### A RESOLUTION ADOPTING AMENDMENTS TO THE SCHEDULE OF FEES.

**WHEREAS**, the City of Smithville has adopted and set forth a comprehensive listing of fees hereby known as the Schedule of Fees; and

**WHEREAS**, the Schedule of Fees currently outlines fees and charges pertaining to Water and Wastewater Utility Rates, Police Department Fees, Development Department Fees, Park and Recreation Fees, Public Works (Street Division) Fees, and Monthly Solid Waste Fees; and

**WHEREAS**, the City engaged Raftelis Financial Consultants for a utility rate study to provide recommendations on proposed utility rates and rate structure changes and staff use the rate model to update and propose rate adjustments on an annual basis; and

**WHEREAS**, the City held a Public Hearing on wastewater rates on October 17, 2023; and

**WHEREAS**, the Board of Aldermen have discussed and approved of the other fee changes referenced above; and

**WHEREAS**, the Board of Aldermen of the City of Smithville desires to adopt the following changes to the existing Schedule of Fees which should be followed by the City:

#### Changes to Utility Customer **Residential Water Rates**

- Water Meter Service Charge ( $\frac{3}{4}$ " Meter) - **\$12.78** / Month to **\$14.70** / Month
- Water Meter Service Charge (1" Meter) - **\$12.78** / Month to **\$14.70** / Month
- Water Meter Service Charge (3/4" Meter) *Senior Rate* - **\$12.50** / Month
- Water Meter Service Charge (1" Meter) *Senior Rate* - **\$12.50** / Month
- Water Meter Service Charge (2" Meter) - **\$60.35** / Month to **\$69.40** / Month
- Water Meter Service Charge (3" Meter) - **\$118.43** / Month to **\$136.19** / Month
- Water Meter Service Charge (4" Meter) - **\$184.77** / Month to **\$212.49** / Month
- Water Meter Service Charge (6" Meter) - **\$368.82** / Month to **\$424.14** / Month
- Water Usage Rate - **\$9.04** / 1,000 Gallons to **\$10.40** / 1,000 Gallons
- Wholesale Water Rate - **\$5.40** / 1,000 Gallons to **\$6.21** / 1,000 Gallons

- Water Only (Outside City Limit) Customers - **\$12.78** / Month to **\$22.05** / Monthly and **\$9.04** / 1,000 Gallons to **\$15.60** / 1,000 Gallons.

#### Changes to Utility Customer **Commercial Water Rates**

- Water Meter Service Charge (¾" Meter) - **\$12.78** / Month to **\$14.70** / Month
- Water Meter Service Charge (1" Meter) - **\$20.09** / Month to **\$23.10** / Month
- Water Meter Service Charge (2" Meter) - **\$60.35** / Month to **\$69.40** / Month
- Water Meter Service Charge (3" Meter) - **\$118.43** / Month to **\$136.19** / Month
- Water Meter Service Charge (4" Meter) - **\$184.77** / Month to **\$212.49** / Month
- Water Meter Service Charge (6" Meter) - **\$368.82** / Month to **\$424.14** / Month
- Water Usage Rate - **\$9.04** / 1,000 Gallons to **\$10.40** / 1,000 Gallons

#### Changes to Utility Customer **Residential Wastewater Rates**

- Wastewater Service Charge (¾" Meter) - **\$18.43** / Month to **\$21.19** / Month
- Wastewater Service Charge (1" Meter) - **\$18.43** / Month to **\$21.19** / Month
- Wastewater Meter Service Charge (¾" Meter) *Senior Rate* - **\$18.01** / Month
- Wastewater Meter Service Charge (1" Meter) *Senior Rate* - **\$18.01** / Month
- Wastewater Service Charge (2" Meter) - **\$89.08** / Month to **\$102.44** / Month
- Wastewater Service Charge (3" Meter) - **\$189.20** / Month to **\$217.58** / Month
- Wastewater Service Charge (4" Meter) - **\$273.85** / Month to **\$314.93** / Month
- Wastewater Service Charge (6" Meter) - **\$545.59** / Month to **\$627.43** / Month
- Wastewater Usage Rate - **\$7.69** / 1,000 Gallons to **\$8.84** / 1,000 Gallons
- Sewer Only (Non-Water) Customers Outside City Limits - **\$64.00** / Month to **\$81.68** / Month.

#### Changes to Utility Customer **Commercial Wastewater Rates**

- Wastewater Service Charge (¾" Meter) - **\$18.43** / Month to **\$21.19** / Month
- Wastewater Service Charge (1" Meter) - **\$29.29** / Month to **\$33.68** / Month
- Wastewater Service Charge (2" Meter) - **\$89.08** / Month to **\$102.44** / Month
- Wastewater Service Charge (3" Meter) - **\$189.20** / Month to **\$217.58** / Month
- Wastewater Service Charge (4" Meter) - **\$273.85** / Month to **\$314.93** / Month

- Wastewater Service Charge (6" Meter) - **\$545.59** / Month to **\$627.43** / Month
- Wastewater Usage Rate - **\$7.69** / 1,000 Gallons to **\$8.84** / 1,000 Gallons

#### Changes to **Police Department** Related Fees

- Fingerprinting Services: **\$15.00** / Services to **\$10.00** Per Fingerprinting Card

#### Changes to **Parks and Recreation Department** Related Fees

- New Fee: Senior Center Weekend Rental (Half Day Morning, 9:00 AM to 3:00 PM): \$125.00 Rental Fee + \$200.00 Damage Deposit.
- New Fee: Senior Center Weekend Rental (Half Day Evening, 4:00 PM to 11:00 PM): \$125.00 Rental Fee to \$200.00 Damage Deposit.
- Newly Offered Time: Half-Day Evening (4:00 PM to 11:00 PM) for Senior Center Weekday Rental: \$100.00 Rental Fee + \$200.00 Damage Deposit.

#### Changes to **Sanitation** Related Fees

- Monthly Residential Trash & Recycling Charge - **\$19.29** / Month to **\$20.16** / Month

#### Changes to **Animal Control** Related Fees

- New Fee: Two-Year Spayed or Neutered Dog License: \$20.00
- New Fee: Two-Year Unaltered: \$40.00
- New Fee: Three-Year Spay or Neutered Dog License: \$30.00
- New Fee: Three-Year Unaltered: \$60.00

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:**

**THAT** the existing policies and procedures as amended are the policies and procedures which should be followed effective November 1, 2023, by the City.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



## **FY2024 Proposed Comprehensive Listing Schedule of Fees**



**Prepared by the Finance and Administration Departments**



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# COMPREHENSIVE SCHEDULE OF FEES

## Administration

### Occupational License

Annual Gross Receipts (\$0 to \$100,000.00)	\$50.00 / License
Annual Gross Receipts (\$100,000.01 to \$150,000.00)	\$75.00 / License
Annual Gross Receipts (\$150,000.01 and Over)	\$100.00 / License

### Liquor Licenses

Temporary Permit — By the Drink	\$37.50
Tasting Permit	\$37.50
Malt Liquor — Original Package	\$75.00
Non-Intoxicating Beer — Original Package	\$22.50
Intoxicating Liquor — Original Package	\$150.00
Malt Liquor — By Drink	\$75.00
Malt Liquor and Light Wines — By Drink	\$75.00
Non-Intoxicating Beer — By Drink	\$37.50
Intoxicating Liquor (All Kinds) — By Drink	\$450.00
Sunday Sales (Additional Fees)	\$300.00

### Adult Businesses

Adult Business License Fee	\$300.00 / Year
Manager's License Fee	\$20.00 / Year
Entertainer's License Fee	\$20.00 / Year
Server's License Fee	\$20.00 / Year

### Other Licenses & Fees

Fireworks Sales Permit	\$1,500.00
Peddler/Solicitor Permit	\$50.00 / 30 Day Permit
Festival and Non-Permanent Vendor	\$10.00
Notary Fee	\$2.00
Photocopies	\$0.10 / Page + Cost



## Police Department

Officer Hourly Services — 4 Hours Minimum \*

\$60.00 / Hour

\* Excludes the Smithville School District

Fingerprinting Card

\$10.00 / Per Card

Police Report\*

\$10.00 / Report

Copy of Video — Cloud Link\*

\$10.00 / Video\*\*

**\*Exception to Charge:** If the charge carries the possibility of fifteen (15) days or more in jail/confinement, the defendant shall not be charged any fee for obtaining a police report or any video relevant to the traffic stop or arrest. In addition, the \$10.00 fee is waived for victims listed in any report.

**\*\*Due to video upload constraints and cost, video provision via external storage (i.e. USB/DVD) is not available.**

## Development Department

### Filing and Permits

Minor Plats	\$25.00
Single-Phase Subdivisions	\$350.00 + \$2.00 / Lot

### Multiphase Subdivisions

Preliminary Plat	\$300 + \$2.00 / Lot
Final Plat	\$150 + \$2.00 / Lot
Street/Alley Vacation	\$250.00
Subdivision Variance	\$450.00
Infrastructure Construction Permit	2% of Cost

### Building Permits

Finished Building/Residential	\$0.60/ft <sup>2</sup>
Unfinished Building/Residential	\$0.30/ft <sup>2</sup>
Demolition	\$35.00
Grading	\$100.00
Deck	\$45.00
Outbuilding — Greater than 120 ft <sup>2</sup>	\$45.00
In-Ground Pool	\$45.00
Above Ground Pool	\$25.00
Fence	\$25.00
Poultry Housing (Required Annually Before Sept 1st)	\$30.00
Miscellaneous	\$15.00

### Mechanical Permits

New Residential Structure	\$65.00
Minimum/Origination Fee	\$30.00
Rough Inspection	\$10.00
Finish/Final Inspection	\$10.00
Extra Inspection	\$25.00
Fixtures — Each	\$5.00
Water Heater — Commercial	\$10.00
Boiler	\$5.00
Furnace	\$5.00
Forced Air	\$5.00

## Development (Continued)

### Mechanical Permits (Continued)

Fireplace	\$5.00
Air Conditioner	\$5.00
Oven/Range	\$5.00
Exhaust	\$5.00
Heat Pump	\$5.00

### Plumbing Permits

New Residential Structure	\$67.00
Minimum/Origination Fee	\$30.00
Ground Rough Inspection	\$10.00
Rough Inspection	\$10.00
Finish/Final Inspection	\$10.00
Extra Inspection	\$25.00
Fixtures — Each	\$5.00
Water Heater — Residential	\$5.00
Lawn Irrigation	\$30.00
Backflow Devices	\$2.00

### Electrical Permits

New Residential Structure	\$125.00
Minimum/Origination Fee	\$30.00
Rough Inspection	\$10.00
Finish/Final Inspection	\$10.00
Extra Inspection	\$25.00
Appliances — Each	\$10.00
Outlets — Each	\$0.25
Circuits — Each	\$2.00
Service (Up to 200 Amp)	\$15.00
Service (201 Amp to 400 Amp)	\$20.00
Service (401 Amp to 600 Amp)	\$40.00
Service (Over 600 Amp)	\$75.00
New Service	\$25.00

## Development (Continued)

### Plan Review Fees - Residential (New Structures & Additions)

0 - 2,000 Square Feet	\$100.00
2,001 - 4,000 Square Feet	\$125.00
4,001+ Square Feet	\$150.00

### Plan Review Fees - Residential (Alterations/Basement Finish)

Non-Structural	\$50.00
Structural Changes & Egress Changes	\$65.00
Structural/Decks	\$25.00

### Plan Review Fees - Commercial (New Structures & Additions, Non-Industrial)

0 - 2,500 Square Feet	\$385.00
2,501 - 4,500 Square Feet	\$650.00
4,501 - 10,000 Square Feet	\$1,300.00
10,001 - 50,000 Square Feet	\$1,850.00
50,001 - 100,000 Square Feet	\$3,250.00
100,001+ Square Feet	Actual Hours Worked

### Plan Review Fees - Commercial (New Structures & Additions, Industrial)

0 - 100,000 Square Feet	\$600.00
100,001+ Square Feet	Actual Hours Worked

### Plan Review Fees - Commercial Tenant Finish

Non-Structural Finish	\$150.00
Structural Finish	\$200.00

## Development (Continued)

### Merchant Use of Downtown Sidewalk

Sidewalk Café Permit	\$50.00 / Year
Downtown Sidewalk Sign Deposit	\$50.00

### Temporary Signs

Downtown Banners — Each	\$25.00
Flexible Materials	\$25.00
Rigid Materials	\$10.00
Relabeling Fee	\$5.00

### Permanent Signs

Projecting or Wall	\$125.00
Ground or Roof	\$250.00
Pole	\$500.00
Replacement	\$25.00

### Sign with Electronic/LED/Digital Functions

Single Color, Alphanumeric, Manual Change *	\$175.00
Single Color, Alphanumeric, Automatic Change *	\$275.00
Multiple Colors *	\$375.00

\* In addition to Permanent Sign Fees

## Parks and Recreation

### Athletic Field Rental Fees

Practice (Without Lights)	\$15.00 Per Field / Per Hour
Practice (With Lights)	\$25.00 Per Field / Per Hour
Tournament (Without Lights)	\$150.00 Per Field / Per Day
Tournament (With Lights)	\$250.00 Per Field / Per Day
Field Dragging and Chalking for Tournaments	Included in Tournament Fee

### Youth Recreation Program Fees

Basketball League	\$75.00 / Child
Baseball League	\$75.00 / Child
Softball League	\$75.00 / Child
T-Ball League	\$55.00 / Child
Soccer League	\$75.00 / Child
Soccer Clinic	\$55.00 / Child
Volleyball League	\$75.00 / Child

### Adult Recreation Program Fees

Softball League	Fee Set on Annual Basis
Volleyball League	Fee Set on Annual Basis
Kickball Tournament Fee	Fee Set on Annual Basis
Gravel Grinder Bike Race — 25 Mile Length	Fee Set on Annual Basis
Gravel Grinder Bike Race — 50 Mile Length	Fee Set on Annual Basis
Gravel Grinder Bike Race — 100 Mile Length	Fee Set on Annual Basis
Gravel Grinder Bike Race — 200 Mile Length	Fee Set on Annual Basis

### Park Amenities

Shelter House Fee	\$50.00 Per Day
Smith's Fork Park Scout Camping Area	\$25.00 / Night

## Parks and Recreation (Continued)

### Event Application Fee & Staffing Service Fees

Event Application Fee (Tournament, Green Space, Courtyard Park)	\$25.00 Per Application
City Staff Services for Non-City 1 Day Events (Trash Service & Restroom Cleaning Services)	Optional \$30.00/hour Per City Staff Member (In Addition to Event Fee)
City Staff Services for Non-City Multi-Day Events (Trash Service & Restroom Cleaning Services)	Mandatory \$30.00/hour Per City Staff Member (1 Hour Per Day Minimum) (In Addition to Event Fee)
Parade Fee (Paid By Parade Organizer)*	\$100.00/Parade + \$200.00 Damage Deposit

\*Parade fees are waived for parades organized by the Smithville R-II School District. The \$200.00 damage deposit must still be paid for all parade applicants (including the School).

### Courtyard Park/Downtown Space

City or City Co-Sponsor	Free
Courtyard Park Tier 1 (Category II, Public Event)	\$100.00/Day + \$200.00 Damage Deposit
Courtyard Park Tier 1 (Category II, Private Event)	\$250.00/Day + \$200.00 Damage Deposit
Street Closure (Adjacent Streets - Courtyard Park, Public)	\$125.00/Day + \$200.00 Damage Deposit
Street Closure (Adjacent Streets - Courtyard Park, Private)	\$275.00/Day + \$200.00 Damage Deposit
Street Closure (Entire Downtown, Public)	\$150.00/Day + \$200.00 Damage Deposit
Street Closure (Entire Downtown, Private)	\$300.00/Day + \$200.00 Damage Deposit

### Park Green Space Use (Public Event)

Heritage Park Green Space (NE Corner)	\$100.00/Day + \$200.00 Damage Deposit
Helvey Park Green Space (West Area)	\$100.00/Day + \$200.00 Damage Deposit
Smith's Fork (N of Restroom Showers, S of Ballfields)	\$100.00/Day + \$200.00 Damage Deposit

### Park Green Space Use (Private Event)

Heritage Park Green Space (NE Corner)	\$250.00/Day + \$200.00 Damage Deposit
Helvey Park Lake Green Space (West Area)	\$250.00/Day + \$200.00 Damage Deposit
Smith's Fork (N of Restroom Showers, S of Ballfields)	\$250.00/Day + \$200.00 Damage Deposit

**Smith's Fork Campground - Items For Purchase**

Campsite Rental	\$40.00 Per Night
Ice	\$4.00 Per Bag
Firewood	\$8.00 Per Bundle

**Senior Center (Weekend Rental)**

Half Day Morning (9:00 AM - 3:00 PM)	\$125.00 + \$200.00 Damage Deposit
Half Day Evening (4:00 PM - 11:00 PM)	\$125.00 + \$200.00 Damage Deposit
Weekend Full Day (9:00 AM - 11:00 PM)	\$250.00 + \$200.00 Damage Deposit

**Senior Center (Weekday Rental)**

Half Day Evening (4:00 PM - 11:00 PM)	\$100.00 + \$200.00 Damage Deposit
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**Senior Center (Reoccurring Weekly Rental)**

Resident and Local Businesses (Monday - Thursday)	\$100.00 / Month + \$200.00 Damage Deposit
Non-Resident (Monday - Thursday)	\$250.00 / Month + \$200.00 Damage Deposit

**Facility Rental Discounts**

City Employee Rental (Senior Center, Shelters, Green Spaces: During Non-Peak Rental Times)	50% Discount + Required Deposit
---	---------------------------------



**Service Fees and Charges**

Credit Card Processing Fee	2.50%
Non Sufficient Funds (NSF) and Returned Items	\$30.00

**Miscellaneous**

Meals on Wheels	\$3.35 / Day
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## Animal Control

### Dog License

Annual Spayed or Neutered	\$10.00
Annual Unaltered	\$20.00
Two-Year Spayed or Neutered	\$20.00
Two-Year Unaltered*	\$40.00
Three-Year Spayed or Neutered	\$30.00
Three-Year Unaltered*	\$60.00
Replacement Dog Tag	\$5.00

\*Multi-year dog licenses shall only be issued to applicants who also have a valid multi-year vaccine certificate.  
Consult your veterinarian for details on the availability of a multi-year vaccine.

### Impoundment

1 <sup>st</sup> Occurance	\$25.00
2 <sup>nd</sup> Occurance	\$50.00
3 <sup>rd</sup> + Occurance	\$100.00
Surrender Fee (Chief of Police Permission Required)	\$150.00

### Daily Caretaker Fee - Dog Pound

Dogs at Large	\$20.00 / Day
Dogs Held For Observation	\$45.00 / Day

### Adoption Fees

Dogs	\$200.00 / Dog
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## Public Works (Utilities) (Continued)

### Water Impact Fee

5/8 x 3/4 or 1 Inch Meter	\$3,100.00
2 Inch Meter	\$9,900.00
3 Inch Meter	\$21,660.00
4 Inch Meter	\$38,980.00
6 Inch Meter	\$86,610.00

### Wastewater Impact Fee

5/8 x 3/4 or 1 Inch Meter	\$2,800.00
2 Inch Meter	\$8,960.00
3 Inch Meter	\$19,600.00
4 Inch Meter	\$35,280.00
6 Inch Meter	\$78,400.00

### Other Impact/Connection Fees

North Force Main Connection Fee	\$279.00 Per Lot
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### Water Service Connection Taps

3/4 Inch, 1 Inch or 2 Inch Meter	\$75.00 + Meter Supplies Fee On Request
4 Inch Meter	\$100.00 + Meter Supplies Fee On Request
6 Inch Meter	\$120.00 + Meter Supplies Fee On Request
8 Inch Meter	\$120.00 + Meter Supplies Fee On Request

### Water Services

Residential Account	\$100.00
Commercial, Industrial, Homebuilder Account	\$150.00
Landlord Account	\$150.00
Temporary Hydrant Meter Deposit	Current Meter Replacement Cost
Temporary Hydrant Meter Deposit (Fire Hydrant)	\$500.00
Service Fee - Hydrant Meter (3 Weeks of Use)	\$50.00

### Stormwater Fees & Miscellaneous Fees

Stormwater Service Charge	\$20.00 / Month
Misc Fees - Requested Services	\$30.00 / Hour

## Public Works (Utilities) (Continued)

### Residential Water Fees

Water Meter Service Charge (¾" Meter)	\$14.70 <del>\$12.78</del> / Month
Water Meter Service Charge (1" Meter)	\$14.70 <del>\$12.78</del> / Month
Water Meter Service Charge (¾" Meter) - <i>Senior Rate</i>	\$12.50 <del>\$11.77</del> / Month
Water Meter Service Charge (1" Meter) - <i>Senior Rate</i>	\$12.50 <del>\$11.77</del> / Month
Water Meter Service Charge (2" Meter)	\$69.40 <del>\$60.35</del> / Month
Water Meter Service Charge (3" Meter)	\$136.19 <del>\$118.43</del> / Month
Water Meter Service Charge (4" Meter)	\$212.49 <del>\$184.77</del> / Month
Water Meter Service Charge (6" Meter)	\$424.14 <del>\$368.82</del> / Month
Water Usage Rate	\$10.40 <del>\$9.04</del> / 1,000 Gallons
Wholesale Water Rate*	\$6.21 <del>\$5.40</del> / 1,000 Gallons
Late Penalty	10% of Past Due Amount
Reconnection Fee (Following Disconnection of Service)	\$50.00
Reconnection Fee (Snowbird Applicants)	\$50.00
Consumption Data Log	\$100.00

\*Water is sold to PWSD #8 at the Rate Per 1,000 Gallons Listed Above (Per the Most Current Contract With PWSD #8).

### Residential Wastewater Fees

Wastewater Meter Service Charge (¾" Meter)	\$21.19 <del>\$18.43</del> / Month
Wastewater Meter Service Charge (1" Meter)	\$21.19 <del>\$18.43</del> / Month
Wastewater Meter Service Charge (¾" Meter) - <i>Senior Rate</i>	\$18.01 <del>\$16.02</del> / Month
Wastewater Meter Service Charge (1" Meter) - <i>Senior Rate</i>	\$18.01 <del>\$16.02</del> / Month
Wastewater Meter Service Charge (2" Meter)	\$102.44 <del>\$89.08</del> / Month
Wastewater Meter Service Charge (3" Meter)	\$217.58 <del>\$189.20</del> / Month
Wastewater Meter Service Charge (4" Meter)	\$314.93 <del>\$273.85</del> / Month
Wastewater Meter Service Charge (6" Meter)	\$627.43 <del>\$545.59</del> / Month
Wastewater Usage Rate	\$8.84 <del>\$7.69</del> / 1,000 Gallons
Late Penalty	10% of Past Due Amount

### Non-Resident (Outside City Limit) Utility Customers

Sewer Only (Outside City Limit) Customers*	\$81.68 <del>\$64.00</del> / Month
Water Only (Outside City Limit) Customers*	\$22.05 / Monthly + \$15.60 / 1,000 Gallons

\*Rate is 1.5 Times the Average Customer Usage

## Public Works (Utilities) (Continued)

### Commercial Water Fees

Water Meter Service Charge (¾" Water Meter)	\$14.70 <del>\$12.78</del> / Month
Water Meter Service Charge (1" Water Meter)	\$23.10 <del>\$20.09</del> / Month
Water Meter Service Charge (2" Water Meter)	\$69.40 <del>\$60.35</del> / Month
Water Meter Service Charge (3" Water Meter)	\$136.19 <del>\$118.43</del> / Month
Water Meter Service Charge (4" Water Meter)	\$212.49 <del>\$184.77</del> / Month
Water Meter Service Charge (6" Water Meter)	\$424.14 <del>\$368.82</del> / Month
Water Usage Rate	\$10.40 <del>\$9.04</del> / 1,000 Gallons
Late Penalty	10% of Past Due Amount
Reconnection Fee (Following Disconnection)	\$50.00
Consumption Data Log Request	\$100.00

### Commercial Wastewater Fees

Wastewater Meter Service Charge (¾" Water Meter)	\$21.19 <del>\$18.43</del> / Month
Wastewater Meter Service Charge (1" Water Meter)	\$33.68 <del>\$29.29</del> / Month
Wastewater Meter Service Charge (2" Water Meter)	\$102.44 <del>\$89.08</del> / Month
Wastewater Meter Service Charge (3" Water Meter)	\$217.58 <del>\$189.20</del> / Month
Wastewater Meter Service Charge (4" Water Meter)	\$314.93 <del>\$273.85</del> / Month
Wastewater Meter Service Charge (6" Water Meter)	\$627.43 <del>\$545.59</del> / Month
Wastewater Usage Rate	\$8.84 <del>\$7.69</del> / 1,000 Gallons
Late Penalty	10% of Past Due Amount

**State Department of Natural Resources Fees****Monthly State Fees - "Sewer & Water" Customer Accounts**

Monthly State Fees ( $\leq$ 1" Meter)	\$0.50 / Month
Monthly State Fees ( $>$ 1" and $\leq$ 2" Meter)	\$2.00 / Month
Monthly State Fees ( $>$ 2" and $\leq$ 4" Meter)	\$9.41 / Month
Monthly State Fees ( $>$ 4" Meter)	\$18.91 / Month

**Monthly State Fees - "Water Only" Customer Accounts**

Monthly State Fees ( $\leq$ 1" Meter)	\$0.44 / Month
Monthly State Fees ( $>$ 1" and $\leq$ 2" Meter)	\$1.75 / Month
Monthly State Fees ( $>$ 2" and $\leq$ 4" Meter)	\$8.50 / Month
Monthly State Fees ( $>$ 4" Meter)	\$16.50 / Month

**Monthly State Fees - "Sewer Only" Customer Accounts**

Monthly State Fees ( $\leq$ 1" Meter)	\$0.06 / Month
Monthly State Fees ( $>$ 1" and $\leq$ 2" Meter)	\$0.25 / Month
Monthly State Fees ( $>$ 2" and $\leq$ 4" Meter)	\$0.91 / Month
Monthly State Fees ( $>$ 4" Meter)	\$2.41 / Month

Excavation Fees

One Time (Non-Franchise) ROW Excavation Permit	\$20.00 Permit + Calculated Cost of Street Cut*, Curb Cut, and Sidewalk Cut
Annual Excavation Permit (Paid By Franchises of Facilities Within the ROW)	\$250.00 Permit + Calculated Cost of Street Cut*, Curb Cut, and Sidewalk Cut
	*\$20.00 Minimum Cost for any size Street Cut

Trash & Recycling Fees

Regular Residential Trash & Recycling	\$20.16 <del>\$19.29</del> / Month
Senior Discount (Available To Ages 65 and Older)	\$16.40 / Month
Additional Cart — Each	\$10.00 / Month
Residential Yard Waste (Resident Must Opt-In)	Included In Residential Trash Fee
Extra Trash Bag Tags - Each	\$1.50 Per Tag
Extra Trash Bag Tags - Sheet of 5	\$6.50 Per Sheet
Late Penalty	10% of Past Due Amount





## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 1278, Approval of the Employee Compensation Plan Amendment

---

**REQUESTED BOARD ACTION:**

Approval of Resolution 1278, amending the Employee Compensation Plan.

**SUMMARY:**

The Employee Compensation Plan sets the pay scale and includes job descriptions for all city positions.

Included in the packet is an updated pay grade schedule to be implemented in the first full pay period of the 2023 fiscal year. Based on Board direction, the approval of the amended pay grade schedule will include a 3% increase to the minimum and maximum salaries for each range. This results in an increase in each employee's salary of 3% to ensure each employee stays in the same place within their respective range.

This compensation plan is effective November 1, 2023 and will remain in effect until such time a subsequent compensation plan supersedes it. It is the policy of the City of Smithville to maintain fair and competitive salary ranges consistent with the economic constraints of the City and the labor market in which we compete to attract and retain qualified personnel at all levels of the organization.

**PREVIOUS ACTION:**

The Plan is revised annually for adjustments and changes. The Plan was last revised in 2022. A comprehensive review of the compensation and benefits plans of the City was completed in 2021.

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input type="checkbox"/> Ordinance                                    | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution                        | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                                 | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Employee Compensation Plan |                                   |

## **RESOLUTION 1278**

### **A RESOLUTION ADOPTING AMENDMENTS TO THE EMPLOYEE COMPENSATION PLAN.**

**WHEREAS**, the City of Smithville has adopted and set forth the compensation in the City of Smithville for regular employees hereby known as the Employee Compensation Plan;

**WHEREAS**, City staff, in open and public discussions with the Board of Aldermen, has made recommendations to the Board regarding the modifications for the following items of the existing Employee Compensation Plan:

- 3% increase in range adjustments for all pay ranges (with associated changes to employee compensation)

**WHEREAS**, the Board of Aldermen of the City of Smithville desires to adopt the changes to the existing Employee Compensation Plan which should be followed by the City in the administration of the City's personnel program; and

**WHEREAS**, the Board of Aldermen of the City of Smithville wish to restate that the plan as amended is not intended to be a contract between the City and its employees and does not create contractual rights for employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:**

**THAT** the existing policies and procedures as amended are the policies and procedures which should be followed effective November 1, 2023 by the City in the administration of the City's personnel program.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

# 2023 Smithville Employee Salary Schedule

Pay Grade	Recommended Title	Department
5		
10		
	Maintenance Worker I - Parks Maintenance Worker I - Public Works Administrative Assistant I - Public Works	Parks and Recreation PW PW
15		
	Permit Technician Finance Specialist I Administrative Assistant II- Utilities O&M Technician/ Plant Operator I	Development Finance PW PW
20		
	Police Administrative Assistant/Prosecutor Assistant Maintenance Worker II - Parks Maintenance Worker II- Public Works O&M Technician/ Plant Operator II Recreation Coordinator	Police Parks and Recreation PW PW Parks and Recreation
25		
	Police Recruit	Police
30		
	Code Inspector I Finance Specialist II	Development Finance
35		
	Police Officer Building Inspector I Code Inspector II O&M Technician/ Plant Operator III Crew Leader -Public Works Crew Leader -Parks Engineering Technician I	Police Development Development PW PW Parks and Recreation PW
40		
	Building Inspector II Finance Analyst Detective Water Treatment Plant Shift Supervisor	Development Finance Police PW
45		
	Building Inspector III Recreation Manager Engineering Technician II	Development Parks and Recreation PW
50		
	Police Sergeant Water Treatment Plant Manager Utilities Operations Manager Assistant to the Public Works Director	Police PW PW PW
55		
	Streets Superintendent	PW
60		
	Police Captain Utilities Superintendent	Police PW
65		
	Assistant City Administrator Development Director Finance Director Parks and Recreation Director Police Chief Public Works Director	Administration Development Finance Parks and Recreation Police PW

November 1, 2023

Salary Range

Adjustment

1.03

SALARY RANGE			
	Minimum	Market	Maximum
\$	15.76	\$ 18.12	\$ 22.06
\$	32,778.72	\$ 37,695.53	\$ 45,890.21
\$	17.60	\$ 20.23	\$ 24.64
\$	36,602.90	\$ 42,087.88	\$ 51,244.07
\$	19.01	\$ 21.85	\$ 26.61
\$	39,531.14	\$ 45,453.16	\$ 55,352.33
\$	19.95	\$ 22.95	\$ 27.94
\$	41,497.86	\$ 47,725.82	\$ 58,105.74
\$	20.95	\$ 24.09	\$ 29.33
\$	43,573.85	\$ 50,107.74	\$ 61,012.12
\$	22.21	\$ 25.54	\$ 31.10
\$	46,196.14	\$ 53,123.38	\$ 64,683.34
\$	23.54	\$ 27.07	\$ 32.96
\$	48,971.41	\$ 56,313.84	\$ 68,551.23
\$	24.95	\$ 28.69	\$ 34.93
\$	51,899.64	\$ 59,679.12	\$ 72,659.50
\$	27.45	\$ 31.57	\$ 38.43
\$	57,100.53	\$ 65,666.70	\$ 79,936.37
\$	29.10	\$ 33.47	\$ 40.74
\$	60,531.37	\$ 69,622.00	\$ 84,743.92
\$	32.01	\$ 36.81	\$ 44.82
\$	66,584.51	\$ 76,571.09	\$ 93,222.68
\$	36.81	\$ 42.34	\$ 51.54
\$	76,571.09	\$ 88,065.49	\$ 107,208.27
\$	42.34		\$ 63.51
\$	88,065.49		\$ 132,098.24



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** RES 1279, Amendment to the Employee Handbook

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1279, amending the Employee Handbook.

**SUMMARY:**

There are four proposed amendments to the Employee Handbook. The first is Section 3-2 Alcohol & Controlled Substance Use, Abuse & Testing Policy. In this section staff has requested that additional language be added to incorporate CBD (hemp oil) products into the policy.

The second update is revising Section 5-2 Duration, this update reduces the introductory duration for entry-level personnel in the law information department. The reduction from twelve months to six months will align with other city staff introductory periods. The six month introductory period will begin after successful completion of the Field Training Program.

The third update is revising Section 7-2 Employee Performance Appraisals. Staff is recommending a change to the performance appraisal process to implement a coaching and training model. The new model will replace the previous evaluation system.

The fourth revision Article 9 Paid Holidays to add clarifying language for absences immediately prior to or following a City Paid Holiday. Staff has been operating under this interpretation.

**PREVIOUS ACTION:**

The Employee Handbook is reviewed and updated annually. The most recent changes were adopted by the Board on October 18, 2022, effective November 1, 2022.

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

- ☐ Ordinance
- ☒ Resolution
- ☐ Staff Report

- ☐ Contract
- ☐ Plans
- ☐ Minutes

☒ Other: Employee Handbook Redline Version, Employee Handbook Clean version

## RESOLUTION 1279

### A RESOLUTION ADOPTING AMENDMENTS TO THE EMPLOYEE HANDBOOK

**WHEREAS**, the City of Smithville has adopted and set forth principles and procedures to be followed by the City in the administration of the City's personnel program. These principles and procedures were adopted to establish an efficient, equitable and functional system of personnel administration to govern the appointment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment; and,

**WHEREAS**, the update of Section 3-2 is recommended to incorporate CBD (hemp oil products); and,

**WHEREAS**, the update of Section 5-2 is recommended to revise the duration of the introductory period for entry-level law enforcement personnel to 6 months after the completion of the Field Training Program; and,

**WHEREAS**, the update of Section 7-2 is recommended to replace the performance appraisal process to implement a coaching and training model; and,

**WHEREAS**, the deletion of Article 9 is recommended to add language for absences immediately prior to or following a City Paid Holiday; and,

**WHEREAS**, the Board of Aldermen of the City of Smithville desires to adopt the changes to the existing policies and procedures as the principles and procedures which should be followed by the City in the administration of the City's personnel program; and,

**WHEREAS**, the Board of Aldermen of the City of Smithville states that each existing policy and procedure not specifically amended are hereby readopted in conjunction with the amendments set forth as the principles and procedures which should be followed by the City in the administration of the City's personnel program; and,

**WHEREAS**, the Board of Aldermen of the City of Smithville wish to restate that the policies and procedures as amended is not intended to be a contract between the City and its employees and does not create contractual rights for employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:**

**THAT**, the existing policies and procedures as amended are the policies and procedures which should be followed effective October 18, 2023 by the City in the administration of the City's personnel program.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



# **Employee Handbook**

**Effective October 18, 2023**

**PERSONNEL POLICIES HANDBOOK  
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**The** City promotes the use of formal and/or informal employee performance evaluations for the purposes of coaching and training employees to identify development opportunities, recognize achievements, and for the efficiency and productivity of the City workforce.

**If an employee's performance continues** to fall below expected and normal standards despite coaching, training and informal evaluations, a performance improvement plan may be implemented at the discretion of the Department Director. A performance improvement plan is a tool to give an employee with performance deficiencies the opportunity to succeed.

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## ARTICLE 1 GENERAL PROVISIONS

### *Section 1-1 Purpose of Rules*

It is the purpose of these rules to set forth the principles and procedures which will be followed by the City in the administration of the City's personnel program. They are intended to establish an efficient, equitable and functional system of personnel administration which governs the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment. They are not intended to be a contract between the City and its employees and do not create contractual rights for employees. The City reserves the right to change the Handbook at any time. Unless otherwise approved by the Board of Aldermen and subject to these policies and any applicable law, all City employees are employed on an at-will basis. This means that employment is not guaranteed for any specific duration of time, and the City retains the right to terminate an individual's employment at any time, with or without cause. No oral representations made by a City employee with respect to continued employment can alter this relationship. Likewise, no statement made in this Personnel Policies Handbook is intended to alter the at-will nature of employment with the City.

### *Section 1-2 Positions Covered by the Rules*

These rules shall apply to all positions in all departments of the City and to such other positions as may be provided herein subject to applicable Missouri law.

### *Section 1-3 Administration of the Rules*

The City Administrator, under the general supervision of the Mayor, shall be charged with the overall responsibility for the administration of these rules.

## **ARTICLE 2 DEFINITION OF TERMS**

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

### **Anniversary Date**

Date of appointment or promotion to a position in the City; service or date of transfer to a different class in the City service for current period of continuous service.

### **Appointing Authority**

The City Administrator or a designee of the City Administrator, or any person having the power by state law or other lawfully delegated authority to make appointment to positions in the City service.

### **Appointment**

The designation to a position in the City service of a person who has qualified for the appointment through an appropriate selection process.

### **Board of Aldermen**

The duly elected Board of Aldermen of the City or a designee when appropriate.

### **City Administrator**

The duly selected City Administrator of the City or a designee when appropriate.

### **Class**

One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity.

### **Classification**

The original assignment of a position to an appropriate class based on the nature, difficulty, and responsibility of work to be performed, work experience and minimum education.

### **Date of Employment**

The date an employee starts work as a new hire or rehire.

### **Date of Termination**

The date an employee separates from employment.

### **Demotion**

The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

### **Department**

Any of the departments under the jurisdiction of the Board of Aldermen, now or as hereafter established.

**Department Head**

The chief operating manager of any department.

**Domestic Partner**

A partner that is not legally married to or is not the domestic partner of anyone else; the domestic partners intend to remain each other's sole domestic partner indefinitely; the domestic partners live together in the same principal residence and intend to do so indefinitely; the domestic partners are committed to each other and share joint responsibilities for their common welfare and financial obligations and the domestic partners are not related by blood, closer than would prohibit marriage in the state in which they reside.

**Exempt Employee**

An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) or who is not covered by the act, particularly as it relates to overtime.

**Full-time Employee**

An employee occupying a position included in the adopted annual budget that is neither specified part-time nor temporary employment, nor limited for a period of less than the budget year. Also, any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The hours of work are approximately 2080 per year.

**Grievance**

A complaint relating to employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a supervisor, other than discipline.

**Human Resources Department**

A subset of the Administration Department, typically the Assistant City Administrator.

**Immediate Family**

A spouse (to include domestic partner), parents (to include step-, in-laws and parents of domestic partner), siblings (to include half- and step-), children (to include step and foster), in-laws (to include daughter/son and brother/sister), Grandparents (to include step) and Grandchildren (to include step).

**Introductory Employee**

A full-time or part-time employee serving an introductory working test period.

**Introductory Period**

A working test period during which a newly appointed full-time or part-time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

**Job Description**

A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

**Layoff**

Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

**Mayor**

The duly elected Mayor of the City or a designee when appropriate.

**Non-Essential Personnel**

Employees whose job duties do not directly relate to the health, safety, and welfare of the community, ensure continuity of key City operations, or protect City properties.

**Part-Time Employee**

An employee who is regularly scheduled through the year, that may be specified in the annual budget as part-time and who work less than full-time employees, and are not temporary/seasonal employees.

**Position**

A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.

**Promotion**

The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

**Qualifying Period**

The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

**Reclassification**

The official determination that a position be assigned to a class different from the one to which it was previously classified based on a gradual change in the position to include duties clearly outside of the current class or an immediate change in a position brought about by a division or department reorganization or redistribution of duties. Whether an employee shall be retained in a position after reclassification of the job shall be determined by the employee's qualifications for the position as reclassified.

**Repositioning**

The official determination that a class of positions be assigned to a different pay range based on "internal equity" (relationship with other City classes) or "external competitiveness" (relationship with wage and salaries paid in the comparable selected labor markets).

**Resident**

A person whose principal place of domicile is within the corporate boundaries of the City.

**Temporary/Seasonal Employee**

Terms used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently or according to the needs of the department. Such position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from date of hire and shall have such date made a part of the employee's personnel file.

**Transfer**

The movement of an employee from one department, division, or unit of the City government to another, from one position to another position of the same class, or to another class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

**Vacancy**

A duly created position which is not occupied and for which funds have been provided.



## **ARTICLE 3 GENERAL EMPLOYEE POLICIES**

### *Section 3-1 Equal Employment Opportunity*

It is the intent of the City that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, age, disability, or any other characteristic protected by law. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of employees.

### *Section 3-2 Alcohol & Controlled Substance Use, Abuse & Testing Policy*

#### **A. Policy Objectives**

It is the policy of the City to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of the City to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled substance abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by using alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for the collection and testing of urine and breath specimens, for the reporting of certain drug-related offenses, for protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

#### **B. Applicability**

This policy applies to all applicants and employees, including but not limited to managers, department heads, supervisors, full-time employees, part-time employees, off-site employees, and persons who perform safety-sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess a CDL license for the operation

of a commercial vehicle and all law enforcement and emergency services personnel, as well as others in safety-sensitive positions in the jurisdiction. All contractors of the City shall be required to state in writing that they comply with the provisions of the act and its implementing regulations while engaged in services for the City or in activity while on City property as a condition of the award of any such contracts for services or work and the continuation of same.

#### C. Definitions

1. Policy Administrator: a City employee designated by the Board of Aldermen.
2. Commercial Vehicle: as defined in the Missouri statutes requiring a commercial drivers' license.
3. Delay: any failure to immediately report to the test site to participate in the required testing under this policy.

#### D. Policy Administrator

Unless otherwise designated by the City, the designated policy administrator for the City is the City Administrator, who shall be designated as the controlled substance and alcohol policy administrator. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The policy administrator shall develop and maintain a current list of the Positions that are governed by this policy. The list shall be available for inspection in the offices of the City Administrator. Individuals who are applying for positions with the City and affected employees shall be notified of the positions that are covered by this policy.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

#### E. Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions for alcohol-related conduct: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) from consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or because of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the human resources department of such consumption upon reporting to work and prior to engaging in any work-related activity, or earlier if possible and shall provide a letter from the employee's physician stating that the employee does not suffer from any such side effects and therefore is capable of safely completing the employee's job description. Failure to report shall be cause for disciplinary action up to and including termination from service.

#### F. Controlled Substance & Alcohol Testing Provisions

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing; random testing (except as provided herein); reasonable suspicion testing; post-accident testing; return-to-work testing; and follow-up testing to rehabilitation programs.

1. Pre-Employment Testing: Pre-employment urine drug testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers upon an employee's written authorization.
2. Reasonable Suspicion Testing: Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made based on documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the

controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case, no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

3. **Post-Accident Testing:** Post-accident testing shall be required to test employees after a vehicular accident has occurred in which a fatality has occurred, or when a traffic citation is issued to a City employee after an accident, or when disabling damage to one or more vehicles requires towing from the accident site to occur, or testing may be required where any accident (vehicular or involving equipment) results in injury to a person requiring medical assistance beyond first aid. Testing shall include both breath alcohol and urine drug testing of the employee(s). Post-accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, no later than before eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident. Transportation shall be provided by the employee's immediate supervisor.
4. **Random Testing:** Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.
5. **Return-to-Work Testing:** Return-to-work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. The employee must test negative and be evaluated and released to return to work by a SAP reasonably approved by the City before being permitted to return to work.
6. **Follow-up Testing:** Follow-up testing of employees returning to work shall be required. Employees shall submit to frequent, unannounced random urine drug and breath alcohol testing at least six (6) times in the following twelve (12) months after returning to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date. Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee-requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the reasonable control of the employee. The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

7. Failure to Test: Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all the consequences that flow related to positive testing.

Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all the consequences that flow. Any employee and/or applicant may be accompanied by a designated City employee to the testing facility and observed up until the time of the testing. However, with regard to post-accident and reasonable suspicion testing, employees shall be accompanied by a designated City employee to the testing facility and observed up until the time of the testing.

#### G. Testing Controls

1. Alcohol: Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty-four (24) hours. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.
2. Controlled Substances: Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following federally-controlled substances:
  - a. Marijuana (THC metabolite)
  - b. Cocaine
  - c. Amphetamines
  - d. Opiates (including heroin)
  - e. Phencyclidine (PCP)
  - f. Methadone
  - g. Barbituates
  - h. Benzodiazepines
  - i. Tricyclic antidepressant
  - j. Methamphetamine

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis. Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review

Officer (MRO). The employee shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

CBD (hemp oil) products are not approved or regulated by the FDA. CBD oil can contain THC. The City cannot comment, condone, or guide employees who choose to use such products. All CBD oils are not created equal and therefore may, in fact, cause a positive drug screen. All positive drug tests will follow the same corrective actions outlined in this policy.

#### H. Employment Assessment

An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by a SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. The City's disciplinary policy provides guidance to the discipline that may be imposed.

#### I. Rehabilitation Effort

Any employee who is determined to need assistance for a controlled substance or alcohol-related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the City, at no cost to the City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City.

Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City.

The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City; and
2. the employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. the employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and
4. the employee agrees to unannounced random testing for City- determined periods of time subsequent to the employee's return to work consistent with this policy; and

5. the employee agrees to submit to return-to-work testing demonstrating that the employee is negative under controlled substance and/or alcohol test standards; and
6. the employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from City service without recourse.

#### J. Contractual Support Professionals

Other than as set forth herein, any testing done by the City or at the City's direction shall be done by an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The City may contract for the required alcohol testing or may perform the testing using qualified City personnel who utilize appropriate testing equipment.

The City shall engage the services of an independent contractor to serve the City as the MRO who is properly credentialed and trained in compliance with the federal regulations, who shall not be an employee of the City. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the City needs to comply with the federal reporting requirements.

The City shall appoint a SAP for the providing of services under this policy and in compliance with the federal regulations.

#### K. Education & Training

The City shall provide all employees with a copy of this policy and access to materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing, noting the date of receipt and acknowledgement by signature witnessed by the supervisor providing the materials.

The City shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited work-related activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing,

documentation and record keeping. The training may also provide components related to City-sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems.

#### L. Confidentiality

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO, and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the City and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

#### M. Disciplinary Issues

Unless otherwise specified in this policy, the City's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy, up to and including termination.

Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.

This policy does not displace any other penalties that may be imposed or be incurred because of violation of City policy or state and federal laws, or as provided in the workers' compensation laws.

#### N. Coordination with Other Laws & Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, leave policies, benefit programs and other related policies of the City. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

If any part of this policy is judicially determined to conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

#### O. Amendments



This policy is subject to amendment by the City from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

P. Drug Awareness Program

Employees are made aware of the drug-free workplace policy and the dangers of drugs in the workplace through the display and distribution of informational material. For employees performing safety-sensitive functions, which include any duties related to the safe operation of City vehicles or equipment, the information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. Supervisors shall receive training on the physical, behavioral, and performance indicators of probable drug use. The program also includes information about the availability of drug counseling and rehabilitation as provided by the Employee Assistance Program.

Q. City's Right to Test

An individual may not be hired to perform a safety-sensitive function unless the individual passes a drug test of urine for evidence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. All new hires and re-hires of full-time, part-time, or temporary/seasonal employees may be required to take a urine or other medical test and to agree in writing to allow the results of those tests to be furnished to and used by the City. Those persons who do not pass such test(s) shall not be employed.

*Section 3-3 Health and Safety*

All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall be given to safety in all work situations.

A. All employees shall:

1. be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;
2. actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately;
3. refrain from engaging in horseplay, wrestling, hazing of co-workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;
4. wear protective equipment, use protective devices and wear safety belts in all City vehicles so equipped;
5. report to supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a City vehicle is a responsibility or privilege of the job;
6. be properly licensed at the time of employment or assignment to a vehicle (if they are responsible for driving City vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating City vehicles.

- B. The City will pay for immunizations when approved by the City Administrator.
- C. The City may retain a physician(s) to perform services for the City. These services may include post-offer employment physicals, disability retirement physicals, examinations and/or treatment of on-the-job injuries, and verification of illness and/or injury, among other services. An employee may be directed by his supervisor to see the retained physician(s) at the expense of the City, and it will be the responsibility of the employee to make any scheduled appointments with the retained physician(s). For charges not covered by Workers' Compensation, the City will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the City's health insurance plan, with the employee responsible for any portion not paid by the health plan.
- D. Safety eye glasses and safety boots or shoes shall be provided for all employees whose jobs warrant such protection as designated by the department head. The City will provide a limited number of styles meeting safety standards from which employees may select.
- E. Safety shoes, boots and glasses will be repaired or replaced by the City as necessary. Replacements and repairs may be made without cost to the employee if the shoes, boots or glasses are damaged during the employee's job performance or when an eyeglass prescription changes. Employees must present their damaged shoes, boots and glasses to the supervisor to obtain permission before obtaining replacements.

#### *Section 3-4 Smoking Cessation and Smoking Permitted Areas*

The City maintains a tobacco-free environment for the preservation and protection of the health of our employees and the public. "Tobacco Product" means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. The term includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco use is prohibited inside City-owned office buildings, while operating City-owned vehicles and equipment, and while performing the duties of the job.

Smoking Permitted Areas are limited to one each at City Hall, Street Department building/Water Plant, Parks Department building, and Wastewater Plant. Smoking Permitted Areas are designated by department heads and approved by the City Administrator, identified by signage, and may be utilized by employees only prior to the employees' scheduled start of work time, during authorized employee breaks, or after the employees' scheduled ending work time.

#### *Section 3-5 Applicants and Employees with Disabilities*

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision-impaired and written materials for the hearing-impaired.

In determining whether an applicant or employee with a disability shall be accommodated, the following shall apply. The applicant or employee must make a documented request for reasonable accommodation. The department head and human resources department shall consult with the disabled individual regarding an appropriate accommodation. If the accommodation does not impose an undue hardship, the accommodation shall be implemented.

Assessing the reasonableness of the possible accommodations shall include the following factors:

1. how well it accommodates the needs of the individual with a disability;
2. how reliable it is;
3. whether it can be made available in a timely manner;
4. and whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

The City Administrator, under the supervision of the Mayor, shall make the final decision as to whether the accommodation is reasonable and does not present an undue hardship.

Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure described in Article 17 of this manual. Applicants shall use the procedure found under the special policy of the City relating to disabilities and the accessibility of services.

### *Section 3-6 Attitude and Appearance*

A friendly and courteous attitude by City employees toward the public and coworkers is required at all times. Similarly, employees are expected to deliver prompt, thorough, and efficient service to citizens to the best of their ability. All employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific department rules and regulations concerning proper clothing, personal hygiene, and grooming. For certain employees, the department should require shirts with the City of Smithville logo.

### *Section 3-7 Uniforms; Clothing Provisions*

The City will provide for the uniform and special clothing needs of its employees. The needs will be met by the purchase or lease of the appropriate uniforms and clothing, and generally may include dry cleaning services where necessary. The employee will be responsible for the proper care and use of clothing and uniforms and the laundering of same, if appropriate.

A uniform allowance may be provided to employees to purchase any additional required special clothing. It will be the responsibility of the employee to adhere to required uniform policies approved by the City.

### *Section 3-8 Commercial Drivers' License*

The law requires employers to make certain that drivers of "commercial vehicles," including certain City vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, City employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

The City may provide employees with the training and assistance necessary to comply with the licensing requirements as follows:

1. up to four (4) hours training on the written testing materials;
2. up to two (2) hours training on the pre-trip portion of the test on a vehicle similar to the one the driver would drive during the testing;
3. and/or making an appropriate vehicle in the class an employee must be licensed in available to the employee for road testing and allow time for the testing.

Employees shall be required to have and maintain the necessary class of drivers' licenses at their expense.

### *Section 3-9 Weapons*

To improve the overall safety of the workplace, employees (other than City Police Officers) are not permitted to bring weapons to work or carry weapons in City vehicles. Prohibited weapons include guns, switchblades, or other knives (deemed to be dangerous or illegal), hunting bows, explosives, or other items which could be construed as weapons, such as paintball/air soft guns. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

Nothing in this Section shall preclude the Mayor and any member of the Board of Aldermen, or any Committee appointed by the Board of Aldermen who holds a valid State of Missouri concealed carry endorsement from carrying a licensed concealed firearm in compliance with the Missouri concealed carry law at a meeting of the City Board of Aldermen or City Committee of which they are a member.

### *Section 3-10 Workplace Violence and Threats*

The City is concerned about the safety of its employees and is committed to maintaining a work environment that is secure and free from incidents of violence or threats of violence. The City will not tolerate incidents of violence because such incidents are contrary to and interfere with City objectives. Acts of aggression are often precursors to actual violence so the City will give

immediate attention and serious consideration to all reports of incidents of aggression and will initiate appropriate actions.

This policy defines aggression broadly as any of the following: unwelcome forceful physical touching; intimidating, threatening or hostile actions; intimidating, threatening or hostile communications, whether oral, written, or nonverbal, made in person or communicated by any other means; vandalism; arson; sabotage; throwing objects; unauthorized possession or use of a weapon on City property; or any other acts or communications of a similar nature. This policy also covers interpersonal conflicts occurring away from work that may create the risk of aggression resulting from such conflicts being carried out while at work. All City employees are required to immediately report any acts or threats of aggression to the human resources department, the City Administrator, and the Chief of Police. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

### *Section 3-11 City's Right to Search*

When the City has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the City to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to City premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and a violation of City policy which will subject the employee to disciplinary action up to and including termination.

## **ARTICLE 4 PAYROLL**

### *Section 4-1 Pay Periods; Pay Days*

Pay days shall be on a bi-weekly schedule with pay day on the Friday after the completion of the pay period. Pay periods shall run from Sunday through the following second Saturday.

### *Section 4-2 Direct Deposit*

All employees are required to participate in direct deposit as a condition of employment. Employees are allowed to select the financial institution that will receive the direct deposit.

Employees must complete a Payroll Direct Deposit application form to participate. The completed application authorizes the City to deposit (credit) the employee's net pay into a designated checking or savings account. It also authorizes an employee's account to be debited only when an error has occurred in a payment to the employee.

Payroll direct deposit of the employee's net pay will begin the pay cycle following the acceptance of a properly completed application form. The City will conduct payroll direct deposit through the automated clearing house system (ACH), utilizing an originating depository financial institution.

The rules of the National Automated Clearing House Association (NACHA) and its member local Automated Clearing House Associations shall apply, as limited or modified by law.

## ARTICLE 5 INTRODUCTORY AND QUALIFYING PERIODS

### *Section 5-1 Purpose*

An introductory working period shall be an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee or rehired employee to the position, and for replacing any employee whose performance does not meet the required work standards. A new employee who has not successfully completed an introductory period and/or extension thereof, shall not have access to grievance or appeal privileges.

### *Section 5-2 Duration*

All original appointments and re-employments to full-time and part-time positions shall be tentative and subject to an introductory period. For entry-level personnel in the law enforcement department, this period shall be for 6 months after the successful completion of the Field Training Program. . All other appointments shall be subject to an introductory period of at least six (6) months.

### *Section 5-3 Evaluation and Counseling*

During the employee's introductory period work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by the supervisor, department head and other appropriate City officials. Supervisors shall observe the employee's work performance and shall counsel an introductory employee whose work performance is marginal or inadequate. Employees should be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

### *Section 5-4 Extension of Introductory Period*

With the approval of the City Administrator or of a department head, the original introductory period may be extended to a maximum of fifty (50) percent of the original length of time if circumstances warrant an extension.

### *Section 5-5 Termination During Introductory Period*

An employee terminated during the introductory period shall not have access to grievance procedures. The department head shall fill out the appropriate personnel action forms when a decision on termination has been made, and such termination will be official when such forms are signed by the City Administrator and filed with the human resources department. If the introductory employee fails to meet required standards of performance, such employee is to be dismissed. During the introductory period for new employees, the employee is not eligible to use sick or vacation leave, except with the direct permission of the department head, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the introductory period will be paid to introductory employees.

At the end of each employee's introductory period, the department head shall complete a probationary report and notify the City Administrator and the human resources department in writing that either:

1. the employee has successfully completed the introductory period and can perform the duties of the position satisfactorily, and is henceforth to be considered a full-time employee with all the rights and privileges due such an employee; or
2. the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from city employment, or if promoted from another position, returned to the previous or similar classification.



## **ARTICLE 6 COMPENSATION PLAN**

### *Section 6-1 Authority to Establish Salaries*

The City shall establish pay ranges for the officers and employees under the jurisdiction of the City.

### *Section 6-2 The Compensation Plan*

The compensation plan for the City service shall include:

1. a schedule of standard salary ranges and rates of pay indicating the minimum and maximum rates of pay for each classification approved for City use, or as otherwise established by law;
2. a list of classes of positions with the salary range number and minimum and maximum rates of pay shown for each class of positions;
3. supplements, amendments, and/or revisions, from time to time, as passed by the City; and
4. job descriptions of each position.

### *Section 6-3 Standards for Determination of Pay Ranges*

Pay ranges shall be related directly to the salary schedule set by the Classification and Compensation Study completed and approved by the Board of Aldermen on January 18, 2022. Placement of an employee in specific pay ranges shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility of work, market analysis, and internal equity. The minimum and maximum rates of each pay range shall be reviewed annually with the adoption of each budget, considering the above factors, cost-of-living factors, and the financial policies and economic considerations of the City.

### *Section 6-4 Amendment of the Compensation Plan*

Any department head in the City service may initiate a written request to the City Administrator for the amendment of the pay plan. The City Administrator shall study and make a determination concerning the request and shall notify in writing, the person and department concerned of the disposition of the request.

Prior to the preparation of each annual budget, as well as at other times, the City shall make comparative salary studies as deemed necessary concerning factors affecting the level of salaries in the City service. Based on the information derived from such wage and salary studies, the City shall adopt such repositioning of classes pertinent to the internal equity and external competitiveness of the overall compensation program.

In arriving at such salary recommendations, the City Administrator shall take into consideration the advice and suggestions of department heads and appointing officers as to the duties, degree of responsibility, and working conditions involved. Recommendations made for the amendment of the compensation plan for repositioning or reclassification of specific classes of positions shall

be considered by the City. When adopted by the City, these amendments shall become part of the compensation plan and shall become the current official salary schedule applicable to the respective classes of positions as enumerated therein, and shall be used by all departments in connection with all payrolls, budget estimates, and official records and reports relating to salaries and wages of positions in the City service.

#### *Section 6-5 Total Remuneration*

Any salary rate established for an employee shall be the total remuneration for the employee, exclusive of overtime services, not including reimbursement for official travel or other authorized allowances. Except as otherwise provided in this article, no employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the pay plan for services rendered, either in the discharge of ordinary duties or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.

In any case in which part of the compensation for services in a City position, exclusive of overtime services, is paid by another department, division, or an outside agency such as the City, state, or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

#### *Section 6-6 Dual Employment Prohibited*

No full-time employee holding a position in the City service shall be eligible for employment in any additional position in the City service.

#### *Section 6-7 Special Assignments*

Employees assigned to undercover work which causes the individual to mock employment with an organization other than the City shall reimburse the City for any earnings in excess of earnings provided by the City.

#### *Section 6-8 Application of the Compensation Plan*

The compensation plan, containing standard salary ranges for respective classes of positions, shall be applied to all such classes of positions in accordance with the following:

1. Rates: all rates prescribed in the ranges of pay represent the total remuneration, including pay in every form authorized for full-time employment. Where employment in a position is on a part-time basis, that is, where the week's work is less than an ordinary work week, or where the day's work totaled weekly on a continuing basis consists of less than the ordinary work week total, or where the day's work on a continuing basis consists of less than the ordinary number of working hours of an ordinary working day, such service shall be compensated on the basis of the equivalent hourly rate for full-time employment.
2. Minimum and maximum salaries: under each salary schedule there are set forth a minimum and a maximum salary rate. Except as otherwise provided in these rules, appointment to

any position shall be offered at the minimum rate. Any appointment may also include negotiation based on experience and education and the approval of the City Administrator. Advancement may be accomplished based on meritorious service and efficiency evidenced through annual performance appraisals or increased certifications.

3. Part-time and temporary employment: Part-time or temporary employees shall be compensated based on the equivalent hourly rate paid for full-time employment and shall be paid for only those hours which they work.

#### *Section 6-9 Salary Advancements*

Merit salary advances may be made to employees who have not reached the maximum in the salary range only in accordance with the following rules. Merit increases must be substantiated by "successful" or better performance as documented through the performance appraisal process.

Merit increases may be given as approved by the City Administrator and/or department heads within the budget approved by the Board of Aldermen.

Department heads may establish, subject to the approval of the City Administrator, career development plans for positions within their departments. The purpose of the establishment of these plans shall be to provide career paths for employees to reward experience and reduce turnover. Any approved career development plan must be turned in to the human resources department for proper filing.

#### *Section 6-10 Pay Rate Adjustments*

The following personnel actions may affect the pay status of an employee in the manner provided:

1. Transfer: when an employee is transferred between departments and divisions of the City government or between classes with the same maximum salary rate, the salary rate of the employee will remain unchanged unless the current rate is below the minimum pay rate established for the class to which the employee is transferring.
2. Promotion: when an employee is promoted from a position in one class to a position in another class having a higher maximum salary, the salary rate of the promoted employee may be increased to the higher new minimum salary.
3. Demotion-Involuntary: when an employee is involuntarily demoted from a position in one class to a position in a class having a lower maximum salary rate, the salary rate of the employee shall be reduced to within the pay range established for the class to which the employee is demoted, and the employee shall not be eligible for promotion or a merit salary increase for a period of one (1) year from the date of demotion.
4. Voluntary Reduction: when an employee is voluntarily reduced from a position in one class to a position in a class having a lower pay range, the rate of pay for the employee shall be reduced if necessary to place it within the pay range assigned to the lower class. The employee shall not be eligible for promotion or a merit salary increase, if not at the top of the range, for a period of six (6) months from the effective date of reduction.
5. Reclassification: when a position is reclassified to a class having a lower maximum salary rate than an employee's current position, and this action is for the benefit of the City and the incumbent, and is not a demotion, the employee shall retain the same rate of pay in

the new position as the employee had in the previous position. This action shall not affect the employment anniversary date. When a position is reclassified to a class having a higher maximum salary rate than an employee's current position, the employee's salary may be increased at least to the minimum of the new range or if already at or above the minimum, may be raised further.

#### *Section 6-11 Temporary Assignment to Higher Level Position*

Employees who are promoted temporarily, for a period of five (5) consecutive days or longer to perform all the duties of a supervisory position in a class with a higher maximum salary than said employee's current salary shall have their salaries temporarily increased to the minimum salary range of the supervisory position for the time said employee performed the supervisory duties.

#### *Section 6-12 Overtime and Compensatory Time*

Supervisors shall develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. All overtime or arrangements for overtime work shall be approved by the department head in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments. Overtime is based on work hours in excess of forty (40) hours in a 168-hour period during seven (7) consecutive 24-hour periods (standard work week). A standard work week shall commence at 12:00 a.m. Sunday morning and continue until 11:59 p.m. the following Saturday. Hours worked in excess of a standard work week or duty tour by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one-half (1½) times the straight hourly equivalent rate for the classification or by the award of compensatory time off equal to one and one-half (1½) times the overtime hours worked at the discretion of the City Administrator. Hours worked shall only include hours actually worked on the City's behalf. [For clarity, hours worked is as defined in the FLSA and does not include vacation, personal, military leave, emergency leave, jury leave, disability leave and sick leave hours.]

Compensatory time shall be allowed for nonexempt employees only with approval from their supervisor prior to the hours being worked. If approved by a supervisor, the employee must take compensatory time in the same pay period in which it was accrued. For exempt employees, overtime is considered part of their job responsibility and does not justify overtime pay or compensatory time. Notwithstanding the foregoing, compensatory time off may be granted to exempt employees for overtime work under exceptional circumstances as the City Administrator may authorize.

Department heads may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare, that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action as herein provided.

Notwithstanding the above, Law Enforcement personnel, under the provisions of the 207(k) exemptions of the Fair Labor Standards act (FLSA), shall be paid overtime for hours worked in excess of 80 hours during a 14-day work period, which for purposes hereof, will be the same as the pay period.

In the instances of Traffic Enforcement Overtime. Police officers will be paid at the rate of two times their rate while working on the Traffic Enforcement Project approved by the Board of Aldermen prior, regardless of hours worked during the pay period.

#### *Section 6-13 Call-Back and On-Call Time*

*Callback Definition:* A call back occurs whenever an employee is required to return to work after they have left work at the end of normal shift for that day.

Employees who have left their normal workplace and who are called back to work shall be credited for actual time worked regardless of the number of individual calls or a minimum of two (2) hours, whichever is greater, except the minimum guarantee shall not apply to calls which occur within two (2) hours of a scheduled reporting time. All call-back time shall count as hours worked, including minimum guarantee time. Employees shall accumulate time from the time they begin to perform services for the City until they complete the services or are relieved from duty.

Employees who are required to appear in court in conjunction with their duties for the City shall be treated as called-back employees if the court appearance does not fall within their work schedules.

*On-Call Definition:* Some employees will be required to rotate on an on-call basis to provide adequate call-back coverage. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.

Department Heads in consultation with Human Resources are responsible for determining the need for On-Call availability and for assigning employees to On-Call status. The supervisor of the employee assigned to On-Call status shall maintain a roster of all qualified employees who may be required to be On-Call. An equitable rotation policy shall be followed in requiring employees to be On-Call.

Employees scheduled and performing on call duty shall be paid one (1) hour regular pay for each weekday and two (2) hours pay for each weekend day and holiday in an on call status regardless of whether or not they are called in to work. Employees who are on call are required to answer the call to return to work within one hour.

## **ARTICLE 7 PERFORMANCE APPRAISAL**

### *Section 7-1 Responsibilities*

The City Administrator, in conjunction with the human resources department, shall develop and maintain an employee appraisal system for the purposes of evaluating individual work performance, identifying training needs and employee development opportunities, and for improving the efficiency and productivity of the City workforce. The human resources department shall develop and cause to be maintained formal procedures to (1) ensure timely completion of employee performance appraisal forms, (2) periodically review the evaluations of employees within department and work units to ensure the equitable administration of the system, and (3) make such studies and recommend such modifications or revisions as may be necessary to improve the system or process.

No later than ten (10) calendar days before an evaluation is due, the department head shall notify the person responsible for the evaluation.

Each department head or supervisor who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.

No public disclosure of an employee's performance appraisal record shall be made except as set required by law or without the permission of the employee and the City Administrator. Such record shall be made available upon request to the employee; to an appointing authority when needed in connection with a potential action for promotion, transfer, demotion, or dismissal of the employee; or other appropriate officer when needed in connection with an adverse action, grievance, or other relevant matter requiring such information; and to official investigatory agencies after a determination by the City Administrator that such disclosure is in the public interest.

### *Section 7-2 Employee Performance Appraisals*

Prior to the expiration of an employee's introductory or qualifying period, completed performance appraisal forms must be submitted to Human Resources. Original appointees must obtain an appraisal of successful or better to complete the period. Failure to obtain an evaluation of acceptable or better shall result in dismissal or extension of the introductory period as provided in Article 6.

Failure of a promotional appointee (current employee given a promotion as set forth herein) to obtain an evaluation of acceptable or better shall result in the reassignment of the employee to a position in the class held prior to the promotional appointment provided a vacancy exists.

The City promotes the use of formal and/or informal employee performance evaluations for the purposes of coaching and training employees to identify development opportunities, recognize

achievements, provide for improvements and growth, identify deficiencies, and for the efficiency and productivity of the City workforce.

If an employee's performance continues to fall below expected and normal standards despite coaching, training and informal evaluations, a performance improvement plan may be implemented at the discretion of the Department Director. A performance improvement plan is a tool to give an employee with performance deficiencies the opportunity to succeed.

## **ARTICLE 8 WORK SCHEDULES AND ATTENDANCE**

### *Section 8-1 Regular Working Hours; Exceptions*

Regular working hours for all full-time employees shall be forty (40) hours in any five (5) consecutive eight (8) hour days, except as noted below, provided approved prior to implementation by the City Administrator.

Department Heads shall arrange work schedules to meet the needs of the City service and may allow variable or flexible work schedules, providing that all work schedules for full-time employees shall not be less than eighty (80) hours in each bi-weekly pay period.

### *Section 8-2 Work Schedules Determined by Department Head*

The work schedules for employees shall be determined by the department head. Department heads shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules.

### *Section 8-3 Required Attendance*

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

### *Section 8-4 Closure of Buildings*

The City Administrator, Mayor, or their designee shall be the only person authorized to release non-essential persons due to closure of a building. Employees shall be compensated their regularly scheduled pay for the day of closure if the closure is determined prior to their scheduled start time and if the employee does not have pre-approved leave time scheduled. Employees shall be compensated for the remainder of their days' pay if the closure is made after the start of their scheduled start time and the employee reported to work.

### *Section 8-5 Telecommuting Work Schedule*

Eligible employees may qualify for telecommuting. Eligibility and terms for telecommuting are outlined in Section 20-8.

## **ARTICLE 9 PAID HOLIDAYS**

All full-time and part-time employees (see below), shall receive compensation for the following holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans' Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas Day
11. Two floating holidays

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. Employees required to work on a holiday shall be compensated in money for time worked on the holiday.

All full-time employees shall receive pay for 8 hours on any holiday. All part-time employees shall receive pay for 4 hours on any holiday. Any hours actually worked on the holiday will count in addition to the hours granted for the holiday.

The Mayor shall be the only person authorized to declare special holidays or days off as an unusual need or circumstance may occur.

Any employee absent without authorized leave on the day preceding and/or following a holiday shall not receive regular compensation for the holiday. Employees may not work additional hours prior to or following a holiday to prevent use of leave time on regularly scheduled work days immediately preceding and/or following a holiday. An employee must work their fully assigned shifts or be absent using vacation leave, sick leave with a physician's note, or pre-approved sick leave for a doctor's appointment, on the employee's regularly scheduled workday immediately preceding the holiday, on the day of the holiday (if scheduled to work), and the employee's regularly scheduled workday immediately following the holiday to receive his/her holiday pay.

Given the nature of the Public Works, Utilities and the Police Department, the department heads and the Chief of Police or their designee shall be responsible for scheduling employees to work holidays.

Employees shall be granted two (2) floating holidays. Employees with a beginning date of employment after June 30, will only receive one (1) floating holiday for that calendar year.



Floating holidays must be used within the same calendar year as they are accrued and cannot be carried over to the next calendar year. They must be taken in their entirety and may not be used in increments. To take a Floating Holiday, employees must give their supervisor a minimum of seventy-two (72) hour notice. Employees will not be paid for any unused Floating Holidays upon separation of employment, and they may not be taken once a separation date has been announced.

## ARTICLE 10 VACATION LEAVE

### *Section 10-1 Amount*

Every full-time employee in the City holding a permanent status shall be allowed annual vacation leave with pay. Vacation leave shall be credited bi-weekly as follows:

1. until their fifth (5th) anniversary date of continual service, full-time employees will accrue 104 hours annually, distributed evenly over 26 pay periods; and
2. After their fifth (5th) anniversary date of continual service, until their tenth (10th) anniversary date of continual service full-time employees will accrue 136 hours annually, distributed evenly over 26 pay periods; and
3. After their tenth (10th) anniversary date of continual service, until their fifteenth (15th) anniversary date of continual service, full-time employees will accrue 168 hours annually, distributed evenly over 26 pay periods; and
4. After their fifteenth (15<sup>th</sup>) anniversary date of continual service, full time employees will accrue 200 hours annually, distributed evenly over 26 pay periods.

Every part-time employee in the City classified service holding a permanent status shall be allowed annual vacation leave with pay. Vacation leave shall be credited bi-weekly at a rate half that of a full-time employee.

Vacation time may be taken at any time following its accumulation, except during an introductory period.

### *Section 10-2 Accrual*

Vacation leave credit may be carried from one year to the next. Provided however, that the maximum amount of vacation time which may be accumulated shall be an amount equal to one and one-half (1½) times the amount of vacation time which can be earned in any one (1) year.

Vacation leave shall not accrue while the employee is absent from work without pay or is receiving benefits from a retirement system, long-term disability insurance, or Workers' Compensation.

If an employee leaves City service and is re-employed any time after a period of ninety (90) days, vacation is considered as for any new employee. Otherwise, the employee may accrue vacation commensurate with total years of service.

### *Section 10-3 Payment Upon Separation*

Any full-time Employee leaving the municipal service who has given the required notice and who is not terminated for cause, shall be compensated for credited and unused and accrued vacation leave as set forth in Section 10-2 above, to the date of his or her separation, provided he has been in the City service for at least one (1) year.

#### *Section 10-4 Holidays Occurring During Vacation Period*

Any official holiday as set forth in Article 9 which may occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

#### *Section 10-5 Use of Vacation Leave*

Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and (except as set forth in Section 12-6) within the discretion of the department head, be charged against vacation leave allowance.

#### *Section 10-6 Vacation Schedules*

Each department head shall schedule vacation leave with regard to the seniority of employees, in accordance with operating requirements and, insofar as possible, with the requests of the employees. Vacations shall be scheduled by each department head to minimize overtime costs and departmental disruptions while allowing as much flexibility to the employees as possible.

Vacation shall, under normal circumstances, be taken in continuous increments of at least four (4) hours.

#### *Section 10-7 When Taken*

Introductory employees are not eligible for vacation leave pay, although vacation leave accrues from the first month of employment. Full-time employees are eligible to receive vacation leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

#### *Section 10-8 No Hours*

If an employee does not have any accrued vacation or sick hours, that employee may take unpaid time off with the approval of the department head. That employee should request a "No hours" status in the payroll system.

#### *Section 10-9 Mandatory Vacation*

To maximize work integrity and personal well-being, one (1) workweek of continuous vacation must be used annually after two (2) years of employment. A workweek is defined as 40 hours for full time employees and may include holiday time.

Any employee may appeal the requirement of vacation time taken to the City Administrator for reconsideration in accordance with this policy. The City Administrator shall either consider the request or assign a designee to consider the request within 10 business days. Appeals shall be in writing and provided to the City Administrator. Consideration shall be given to unusual or

uncontrollable circumstances, or the inability of the department to approve an employee's vacation request for the minimum use requirement.

#### *Section 10-10 Vacation Buyback*

Employees may request to receive payment for a portion of their unused vacation leave. Vacation leave that is bought back cannot substitute for an employee's mandatory vacation requirement. Employees will have an opportunity to request pay out of up to 40 hours of vacation time accrued on an annual basis. In order to request payment for unused vacation leave, the employee must maintain a minimum balance of 40 hours. Buyback will occur at the end of the calendar year. Written request must be submitted to the City Administrator 30 days prior to the end of the calendar year.

Payment for the requested and approved vacation buyback will be distributed with the first paycheck of the calendar year through a separate direct deposit. The payout will be subject to all federal, state, and statutory deductions. This payment will be included as taxable wages, and reported on your W-2 form.

If an employee requests and is granted the vacation buyback, eligibility to receive donated sick time from the Shared Leave Pool (Section 11-5) is forfeited for the following calendar year.

## ARTICLE 11 SICK LEAVE

### *Section 11-1 Amount*

All full-time City employees shall earn sick leave with full pay at the rate of four (4) hours for each pay period. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the introductory period, except with permission of the City Administrator.

All part-time City employees classified service holding a permanent status shall earn sick leave with full pay at the rate of two (2) hours for each pay period. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the introductory period, except with permission of the City Administrator.

Sick leave may never be taken in advance of accrual.

An employee may be eligible for sick leave for the following reasons:

1. personal illness or physical incapacity;
2. quarantine of an employee by a physician;
3. illness in the immediate family requiring the employee to remain at home; or
4. to keep a doctor's appointment.

An employee who is unable to report for work because of the above reasons shall report the reason for his absence to the supervisor within one (1) hours from the time he or she is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician, certifying that the employee's condition prevented the employee from appearing for work.

At the department head's request, an employee will be required to present documentation to justify any sick leave taken, regardless of the amount of days used.

An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.

Abuse of sick leave privilege can result in dismissal.

As required by the 1978 amendments to Title VII of the Civil Rights Act of 1964, pregnancy and pregnancy-related conditions shall be treated the same as any other illness or short-term disability.

Any change in an employee's physical condition such as an injury, illness, pregnancy or other condition that may possibly affect the ability of such employee to safely carry out his/her duties as an employee of the City of Smithville, such employee will be responsible in notifying his/her supervisor of such injury, illness, pregnancy or condition.

Family and medical leave shall be granted pursuant to provisions of the Family and Medical Leave Act of 1993 (FMLA) (See Section 13-6).

### *Section 11-2 When Taken*

Sick leave with pay will be granted for absence from duty because of actual personal illness, non-compensable bodily injury or disease, exposure to a contagious disease, or to keep a doctor or dentist appointment. Exceptions to this provision may be granted by the department head with the approval of the City Administrator if the employee has no accumulated comp time or vacation time.

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved.

Introductory employees are not eligible for sick leave pay, although sick leave accrues from the first month of employment. Full-time employees are eligible to receive sick leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall report this fact to the immediate supervisor. Departments may require specific time frames for notice for work-related purposes. Sick leave may not be granted unless reported to the appropriate supervisor during the specified time frame.

An employee must keep the department head informed of the condition for the absence. The department head may require the employee to submit for any absence the treating physician's written notice of medical reason for the absence from work. Failure to comply with the provisions of this section shall result in denial of sick leave. Abuse of sick leave shall be cause for dismissal.

Transfer of vacation time to sick time shall only be allowed, pending management approval, for illness incurred while on vacation that resulted in a hospitalization.

Any authorized absence due to injury or illness covered by Workers' Compensation insurance shall not be charged against an employee's accrued sick leave.

### *Section 11-3 Accrual*

Full-time employees may accumulate sick leave with pay to a maximum of 1,000 hours. Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from Workers' Compensation, long-term disability insurance, or a retirement program sponsored by the City.

### *Section 11-4 Return to Work/Fitness for Duty Medical Examinations*

Medical examinations when required by the City shall be conducted at the City's expense by a physician designated by the City. The City shall pay for the cost of the examination only. Any

referral or additional charge outside the examination is the employee's responsibility. The City may require a medical examination of an employee before a return to work after an illness or injury or a fitness for duty examination, if the requirement for the examination is job-related, consistent with business necessity, and if the City has a reasonable belief that:

1. the employee's ability to perform essential job functions may be impaired by a medical condition; or
2. an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.

The City strives to assist employees to return to work at the earliest possible date following an injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

#### *Section 11-5 Shared Leave Policy*

##### **A. Purpose**

The purpose of this section is to establish a Shared Leave Program to provide additional paid leave to employees who are eligible to earn leave benefits who have exhausted all of the accrued leave time due to a serious personal or immediate family illness or injury which is life threatening, catastrophic or resulting in a permanent disability.

##### **B. Use of Information**

The Employee acknowledges that any information and documents presented to the City in support of an application for withdrawal from the Shared Leave Pool may be used by the City for any reasonable employment related matter.

##### **C. Definitions**

Shared Leave Pool Employee Pool – Defined as a City-wide pool which receives voluntary contributions of vacation or sick credits from employees eligible and converts it into leave credits to be used by eligible employees on behalf of themselves.

Shared Leave Committee – The “Shared Leave Committee” is a City-wide committee appointed by the City Administrator based on employee applications. It is comprised of four (4) fulltime employees which must include a Human Resources representative.

For the purposes of this policy the term “immediate family member” shall mean parent(s), Spouse or Significant other, child(ren) (including stepchild(ren) or foster child(ren)).

Donation of Vacation or Sick Time – Any employee that earns leave benefits is eligible to donate vacation or sick credits to the employee pool subject to the following conditions:

- 1) Contributions must be of at least one hour and employee must maintain an accrual of at least 40 sick hours.

- 2) Contributions will be converted to leave credits on an hour-for-hour basis.
- 3) Contributions made cannot subsequently be returned to the employee.
- 4) Employees may donate to the pool a maximum of 40 sick hours in any one calendar year.
- 5) Employees may not donate to the pool after having been terminated, resigned or have given notice of his/her retirement.
- 6) Employees may donate to the pool by submitting a Shared Leave Donations Form to their supervisor. Supervisors should submit the completed, approved form in order for the leave time to be made available to the respective pool the following pay period.

D. Eligibility to Make Withdrawals from Shared Leave Pool

The employee or immediate family member must have experienced an illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. The illness or injury does not have to be job related. The employee must have exhausted all of his or her accrued leave time (sick, vacation and compensatory leave) before being eligible to withdraw from the pool. The employee must have exhausted all workers' compensation indemnity payments (if applicable) before being eligible to withdraw from the employee pool. The employee cannot receive Shared Leave benefits while eligible to receive long term disability benefits. The employee is not required to have previously contributed to the pool before he or she can withdraw leave. The maximum amount of shared leave an employee may receive is four hundred eighty (480) hours.

E. Process

Employees (or a designated representative) may request leave from the pool by submitting a Shared Leave Request Form to their respective department supervisor. A doctor's statement describing the illness or injury must accompany the request and must include the diagnosis of the illness or injury, and a prognosis. A medical certification stating why the employee's absence is required for the personal attention and care of an immediate family member must also accompany the request.

Department Responsibilities

- 1) Securing adequate medical documentation from the employee, which justifies whether the illness is life threatening, catastrophic, or resulting in a permanent disability.
- 2) Work with Human Resources to ensure that the employee has exhausted all accrued leave time, and (if applicable) workers' compensation indemnity payments.
- 3) Forwarding each Shared Leave request form and supporting documentation to Human Resources. After review for eligibility, Human Resources will send to the Share Leave Committee.
- 4) Notifying the employee of approval or disapproval to receive shared Leave. Notifying the Payroll/HR Department immediately upon becoming aware when a leave recipient's medical emergency terminates.



## Shared Leave Committee Responsibilities

- 1) Reviewing Shared Leave request on an as needed basis and ensuring employees meet the eligibility requirements for receiving benefits.
- 2) Reviewing and recommending approval or disapproval of requests based on eligibility requirements for receiving benefits, to the City Administrator.
- 3) Monitoring the Shared Leave pool balances and determining the amount of leave eligible employees will receive.
- 4) Recommending policy changes to the City Administrator.
- 5) Keeping the City Administrator informed of Shared Leave activities.

## City Administrator Responsibilities

- 1) Reviewing Shared Leave requests.
- 2) Approving or disapproving recommendation based on submitted application and such other data relevant to the request.
- 3) Forwarding Shared Leave approval and documentation to Human Resources.
- 4) Advising Shared Leave Committee and Department Head of rejected request.

## Human Resources Representative Responsibilities

- 1) Maintaining records, along with Human Resources.
- 2) Verifying the employee has exhausted all allowable leave time and (if applicable) worker's compensation indemnity payments.
- 3) Keeping records of pool balances and providing this and other pertinent data to the Shared Leave Committee.

## Awarding of Shared Leave Benefits

In those cases where the employee is eligible to receive benefits, the payment of benefits will be handled as follows:

The amount of Shared Leave the employee is eligible to receive will be based on the doctor's statement, which contains the medical diagnosis and prognosis. The maximum amount of Shared Leave an employee may receive four hundred eighty (480) hours per qualifying illness or injury. The amount of Shared Leave an employee is eligible to receive for care of an immediate family is not to exceed four hundred eighty (480) hours per qualifying family illness or injury. Additional medical documentation must be submitted to the Shared Leave Committee for review each month for continued eligibility.

The amount to be granted, however, will be determined on a month-by-month basis and is dependent upon the pool balances and number of eligible recipients. Each recipient will receive a proportionate share of Shared Leave each month, provided it does not exceed the amount they are eligible to receive.

If the pool balance cannot accommodate the amount the employee is eligible to receive, a pool drive will be initiated. The employee will continue to receive additional leave each succeeding month (to the extent of the then existing pool balance) until they reach the amount they are eligible for, (providing they are still experiencing the qualifying illness or injury).

The Shared Leave Committee has the right to require an updated medical statement/records from the employee on an as needed basis. However, additional medical documentation must be submitted to Human Resources for review each month for the continued eligibility of Shared Leave.

Any amount of Shared Leave granted for the month but not needed will be returned to the respective pool.

Employees may accrue vacation and sick leave credits while using donated leave, but must exhaust those accrued hours before using additional donated leave.

An employee who uses Shared Leave from the pool is not required to pay back any Shared Leave received.

F. Shared Leave Committee Membership and Terms

The City Administrator shall accept applications and appoint four (4) fulltime, City of Smithville employees as the "Shared Leave Committee". At least one member must be a representative of Human Resources. Members shall serve two (2) year terms. Terms shall be calendar years expiring on December 31st. Two (2) members' terms shall expire each year.

## **ARTICLE 12 SPECIAL LEAVE**

### *Section 12-1 Approval Authority*

Department heads may approve requests for special leave as defined hereinafter in accordance with procedures established by the City Administrator.

### *Section 12-2 Court Leave*

Full-time employees subpoenaed as a witness in a civil or criminal case or selected to serve on a jury shall be granted paid leave during their absence, provided, however, that all payments provided by a court for jury service shall be turned over to the employee's department head and transmitted to the City Treasurer for deposit as miscellaneous revenue. Essential personnel such as law enforcement employees and department heads may be required to request to be excused from jury duty by the court. Introductory employees are not eligible to receive paid court leave.

### *Section 12-3 Military Leave*

This policy is intended to comply with the Uniformed Services Employment and Reemployment Rights Acts, Title 38 U.S.C., Sections 4301-4333, currently in effect and as amended and to the extent any provision hereof is inconsistent with such statute, this policy is deemed to be amended to comply with said law.

#### A. Eligibility

Employees who have been in City service for at least one (1) year immediately preceding leaving the service of the City directly to enter the active uniform service of the United States during a national emergency, drafted into such service, or employees subject to compulsory service who voluntarily enlist, shall be granted a military leave of absence without pay to extend to three (3) months beyond the date of termination of active uniform service. The term "uniform service" as used herein shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service, as well as all auxiliary branches of said services in which either men or women shall be called on to serve, but shall not include services as civilian employees of any of the services. The term "national emergency" as used herein shall exist during such period as determined by the federal government.

An employee meeting the eligibility requirements shall have the employee's base military pay supplemented by the City to an amount not to exceed the employee's regular City pay for a period of up to six (6) months while in emergency active duty. The remainder of military leave shall be without pay.

#### B. Disposition of Vacation and Sick Leave

An employee who leaves the City service directly for such military leave may elect to be paid for any accrued vacation as the employee may be entitled to if separating from the City service. The decision shall be noted on the personnel action form effecting the leave. If the employee elects not to be paid for vacation leave, accrued vacation credits shall be reinstated upon return of the employee. Accrued sick leave shall be reinstated upon return of the employee in either case.

#### C. Restoration

An employee returning from military leave shall be entitled to restoration to the former position held prior to the leave provided the employee makes application within three (3) months after release from duty and has been honorably discharged and is physically and mentally capable of performing the essential duties of the position involved. If the position vacated no longer exists at the time the employee qualifies for return to work, such person shall be entitled to be reemployed in another existing position of the same class.

#### D. Salary

An employee returning from military leave may be re-employed at the same salary range attained when granted a military leave. The employee may be eligible for a merit increase upon completion of one (1) year of service which shall include time between the last merit increase and the date military leave was granted.

#### *Section 12-4 Military Training Leave of Absence*

All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties on all days during which they are employed with or without pay under the orders or authorization of competent authority on active training duty, duty with troops, field exercises, or instruction for a period not to exceed a total of fifteen (15) calendar days on the basis of an 8-hour workday in any one (1) federal fiscal year (Oct. 1 - Sept. 30). Employees exceeding the limit of one and a half times their normal bi-weekly scheduled hours in any one (1) federal fiscal year (Oct. 1 - Sept. 30) may elect to use accrued vacation leave or take unpaid leave. At the time the employee's accrued vacation leave becomes exhausted, employees may substitute accrued sick leave in place of accrued vacation time. Employees requesting this leave of absence, with or without pay, shall provide documentation of the orders or authorization of competent authority for the time period for which military leave will be taken.

All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government who are required to attend monthly training sessions which conflict with their normal work schedules shall give advance notification to their supervisors in accordance with departmental rules and regulations.

#### *Section 12-5 Maternity Leave*

Maternity shall be treated as any other non-duty temporary disability covered under the rules pertaining to sick leave and family and medical leave. If at any time during pregnancy an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her department head. At such times as deemed necessary by the department head, pregnant employees shall submit to their department head a doctor's statement indicating the employee's physical ability to perform her job. Employees returning to work after childbirth shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. The duration of maternity leave shall be determined by reference to the family and medical leave provisions of this article.

#### *Section 12-6 Family and Medical Leave*

It is the policy of the City to provide Family and Medical Leave (FML) in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and subsequent amendments. This policy outlines the information provided in "Employee Rights and Responsibilities Under the Family and Medical Leave Act", a compliance poster issued by the Wage and Hour Division of the U.S. Department of Labor (Revised January 2009).

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for the following reasons:

1. for incapacity due to pregnancy, prenatal medical care or child birth;

2. to care for the employee's child after birth, or placement for adoption or foster care;
3. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. for a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post- deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Employees on approved family or medical leave are allowed: 1) to continue group health and other insurance, if any, during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to the prior job or an equivalent one in terms of salary, accrued benefits and other job conditions. The employee is required to continue to pay his/her contribution to dependent or family coverage or other elective benefit costs. If on paid leave, premiums will be deducted from pay as usual. If some or all of the leave will be without pay, information on how and when to make premium payments will be provided to the employee.

Employees must attempt to schedule family and medical leave so as not to disrupt City operations. If leave is for the birth or placement of a child or for planned medical treatment the employee must give notice at least thirty (30) days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health-care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested to care for family members, a certification may be required to state that the employee is unable to perform the functions of the job, that the leave will assist in a family member's recovery, or that there is a medical need for a reduced schedule.

Employees are required to substitute accrued vacation and/or sick (run concurrently) leave for any part of the twelve (12) week period to which they are entitled under the family and medical leave provisions. Vacation and sick leave benefits will accrue during an FMLA leave while the employee is on paid status. Vacation and sick leave benefits will not accrue during an FMLA leave while the employee is on un-paid status.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees returning from medical leave shall provide a certification from a health-care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums which the City paid for the employee to keep group insurance in effect during the leave.

#### *Section 12-7 Occupational Injury Leave*

Any employee who sustains an on-the-job injury shall immediately report such injury, regardless of severity, to the immediate supervisor. The employee and the immediate supervisor shall prepare required reports of such injuries and submit same to the department head and personnel & safety officer within twenty-four (24) hours of the accident or the next business day after notification by the injured employee.

Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages. Payment for lost time commences after three regularly scheduled full days off from work. The first three (3) full work days off are covered by the City, but if the employee is unable to return due to injury for more than fourteen (14) calendar days, whether consecutive or nonconsecutive, after the date of injury, the City Workers' Compensation program then covers partial loss of wages for the first three (3) days. No adjustments to any leave balances nor recoupment of this money will be undertaken by the City.

Supervisors shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.

### *Section 12-8 Absence Without Leave*

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the City. In addition, any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the City subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

### *Section 12-9 Bereavement Leave*

All full-time exempt and non-exempt employees (excludes temporary and part-time employees) are eligible for bereavement leave of up to 24 hours in the event of the death of an immediate family member. Bereavement leave with pay is allowed for family care and bereavement, which includes making arrangements required by the death of a member of the employee's immediate family and attending the funeral of a member of the employee's immediate family. Immediate family is defined as below:

1. Spouse (including domestic partner)
2. Parents (including step-, in-laws and parents of domestic partner)
3. Siblings (including half- and step-)
4. Children (including step- and foster)
5. In-Laws (to include daughter/son and brother/sister)
6. Grandparents (including step-)
7. Grandchildren (including step-)

### *Section 12-10 Education Leave*

Full-time employees may be granted absence from duty on a non-pay status for education instruction when recommended by a department head and approved by the City Administrator if the successful completion of such instruction will contribute to the City service.

### *Section 12-11 Special Assignment Leave*

Full-time employees may be granted absence from duty on a non-pay status for special assignment with another agency or government with return to the City completed in a definite amount of time when recommended by a department head and approved by the City Administrator.

### *Section 12-12 Paid Administrative Leave*

Employees under an employer-initiated investigation may be placed on paid administrative leave through the completion of the investigation. All employer-initiated investigations will be handled by Human Resources in conjunction with the City attorney and any other necessary entities.

Paid administrative leave may be used in extraordinary circumstances upon approval of the City Administrator and Mayor.





## **ARTICLE 13 OTHER FRINGE BENEFITS**

### *Section 13-1 Life Insurance Coverage*

Full-time employees will be enrolled, without cost, in the basic group life insurance coverage program, if any, approved by the Board of Aldermen. The basic life insurance coverage is as approved by the Board of Aldermen. Current tax laws make any benefits above a certain amount taxable income to the employee. Optional life insurance at lower set coverages may be available for dependents.

### *Section 13-2 Health Insurance Coverage*

Full-time employees will be offered, at a cost, a health insurance coverage program, if any, approved by the Board of Aldermen. The health insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored health insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Health insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored health insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect health insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's health insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

### *Section 13-3 Vision Insurance Coverage*

Full-time employees will be offered, at a cost, a vision insurance coverage program, if any, approved by the Board of Aldermen. The vision insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored vision insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Vision insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored vision insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect vision insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's vision insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

#### *Section 13-4 Dental Insurance Coverage*

Full-time employees will be offered, at a cost, a dental insurance coverage program, if any, approved by the Board of Aldermen. The dental insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored dental insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Dental insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored dental insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect dental insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's dental insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

#### *Section 13-5 Voluntary Insurance Coverage*

Voluntary insurance programs for all employees may be offered, at a cost, if any, approved by the Board of Aldermen. The voluntary insurance coverage is as approved by the Board of Aldermen. Voluntary insurance programs include, but are not limited to, accident policies, cancer policies, dependent care coverage, flexible spending accounts, additional life insurance and short-term disability. Enrollment in the voluntary insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

### *Section 13-6 Retirement Plans*

Full-time employees working the required minimum number of hours or more per year will be enrolled as participating members of the appropriate local government retirement plan (LAGERS) and contributions to the plan will begin after six (6) months of employment. Contribution levels are based on a percentage of the employee's salary as appropriated by the Board of Aldermen. The plan is subject to the rules of the appropriate local government retirement plan. For any full-time employee that has fulfilled their six (6) month waiting period with a previous LAGERS employer and has not forfeited that service through a refund or lump sum, contributions will begin immediately upon hire.

### *Section 13-7 Long-Term Disability Insurance*

As provided under LAGERS retirement plan, full-time employees may be eligible for Long Term Disability Insurance.

### *Section 13-8 Employee Assistance Program*

Full-time Employees are eligible to utilize services provided by the Employee Assistance Program (EAP) as part of the group health plan as approved by the Board of Aldermen. The services are outlined in the EAP brochure available in Human Resources.

## **ARTICLE 14 SEPARATION AND DISCIPLINARY ACTIONS**

### *Section 14-1 Resignations*

Any employee who is in good standing may resign from the service of the City by presenting their resignation in writing as contained herein. Employees holding positions which are covered by the Fair Labor Standards Act (FLSA) must present such notice of resignation not less than two (2) weeks prior to their effective date. Employees holding positions which are exempt, other than department heads and the City Officials as set forth in Chapter 105 of the Smithville Code, from coverage under the Fair Labor Standards Act must present notice of resignation no less than four (4) weeks prior to their effective date. Such resignation may be withdrawn by the employee at any time prior to the effective date with the approval of the City Administrator and department head, or if the resignation is that of a department head or a City Official as set forth in Chapter 105 of the Smithville Code, then with the approval of the Board of Aldermen. Department heads and the City Officials as set forth in Chapter 105 of the Smithville Code must present notice of resignation no less than four (4) weeks prior to the effective date.

Any employee who fails to provide notice as set out in the paragraph above shall be deemed to have relinquished all accrued vacation time and compensatory time and shall no longer be eligible for any benefits related to payment for hours not worked including holiday pay.

### *Section 14-2 Termination*

An employee may be terminated at will with or without cause.

Upon leaving the City service, each employee may be invited to attend an exit interview with his/her supervisor to receive feedback about employment in the City service.

### *Section 14-3 Reduction in Force; Layoffs*

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving proper notice. However, no full-time employee shall be separated from any department while there are introductory, part-time, or temporary employees serving in the same department. An appointing authority may, with the approval of the City Administrator, appoint an employee who is to be laid off to any existing vacancy in a lower class for which the employee is qualified. All other factors being equal, employees shall be laid off in reverse order of their total service with the City. The City will provide two (2) weeks' notice or equivalent compensation to persons being laid off and holding positions which are non-exempt under FLSA. For persons laid off and holding FLSA exempt positions, excluding department heads, the City will provide four (4) weeks' notice or equivalent compensation.

### *Section 14-4 Return of City Property*

All employees separating from the City service for any reason shall, prior to separation, return all City-owned property and equipment issued to the employee. Failure to do so will result in the withholding of benefits otherwise due the employee.

### *Section 14-5 Discipline*

Nothing in this policy or in this Employee Handbook (including a description of various types of discipline which may be administered) is intended to limit, in any way, the City's right to terminate an employee at-will at any time, with or without cause, and with or without advance notice. The fact that different levels of discipline are mentioned in this Employee Handbook shall not be construed as the City's adoption of a policy of "progressive discipline" before termination may occur.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Whenever conduct of an employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee.

Any action which reflects discredit upon the City service or is a direct hindrance to the effective performance of the City government functions shall be considered cause for disciplinary action against any employee of the City.

A serious offense or repeated disciplinary problems may require immediate termination of employment. While employment may be terminated at any time without cause, serious misconduct of the following nature may result in immediate termination of employment for the first offense. Some circumstances constituting cause for disciplinary action are listed below, although charges may be based upon cause and complaints other than those listed.

1. Any off-duty conduct which impairs the employee's ability to do the job in a satisfactory manner.
2. Adjudication or plea of guilty to any felony, or a misdemeanor involving a crime against persons, property or involving moral turpitude.
3. Two (2) or more convictions or pleas of guilt during a three (3) year period of misdemeanors, State/Municipal alcohol related offenses, and/or State/Municipal traffic charges (if the employee operates vehicles or equipment).
4. Intoxication or the consumption of intoxicating beverages or illegal drugs while on duty or while on City property, or violation of the City substance policy.
5. Abusive or improper treatment to a person in custody.
6. Offensive conduct or language toward the public or toward City officers or employees.
7. Falsification of employment application or other City records, or the altering or falsifying of time cards, work records, or job records.
8. Incompetence or inability to perform the duties required.
9. Intentional damage or negligence in the care and handling of City property.
10. Violation of any official regulation or direction made or given by his superior, where such violation or failure to obey amounted to an act of insubordination or a serious breach of proper discipline, or resulted, or might reasonably have been expected to result, in loss or injury to the City or to the public.

11. Acts or omissions of acts unbecoming an incumbent of the particular office or position held which render a reprimand, suspension, demotion, or discharge necessary or desirable for the economical or efficient conduct of the business of the City or for the best interest of the City government.
12. Violation of any of the provisions of the ordinances or any administrative regulation of the City.
13. Inducing or attempting to induce any officer or employee in the City service to commit an illegal act, to act in violation of any lawful order and reasonable departmental or official regulation or order, or to participate therein.
14. Solicitation or receipt in whole or in part from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment, influence, or bribery to secure advantage in any City activity or circumstances.
15. Use or attempted use of political influence to obtain special treatment for an examination, promotion, or wage increase.
16. Failure to pay just debts due or owing, including taxes, licenses, or fines due the City, or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance to the City, superiors, embarrassment to the City, to supervisors, or embarrassment to the service.
17. Absence from duty, without leave, contrary to these rules, or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked and canceled by the proper authority.
18. Unauthorized use of City vehicles, tools, equipment, manpower, or materials for personal benefit. Any authorized use must be clearly approved by the appropriate supervisor.
19. Excessive use of City telephones for the conduct of personal business during working hours or for unauthorized long-distance calls.
20. Tardiness and/or abuse or excessive use of sick leave privileges.
21. Failure to properly report accidents or personal injuries.
22. Failure to maintain a satisfactory attendance record.
23. Failure to report wrongdoings of other City employees.
24. Failure to maintain any license or certification if possession of such a license or certification is a condition of employment.
25. Intentional failure or refusal to carry out lawful instructions.
26. Misappropriation, destruction, theft or conversion of City property.
27. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
28. Employee subsequently becomes physically or mentally unfit for the performance of his/her duties.
29. Acts of misconduct while on duty.
30. Neglect or carelessness resulting in damage to City property or equipment.
31. Violation of Federal or State Statute or City ordinance.
32. Soliciting and/or the acceptance of gifts or the attempted use of a City Position for personal gain.
33. Other conduct which is detrimental or prejudicial to the best interest of City Government.
34. Any other violations of these rules and regulations deemed sufficient to warrant discipline by appropriate supervisors.

### *Section 14-6 Disciplinary Actions Defined*

Any of the following disciplinary actions may be imposed by the City depending upon the City's judgment of the necessary action to address employee conduct in violation of appropriate standards. The City, at its discretion, may determine that disciplinary action less than dismissal may be appropriate in some circumstances.

#### A. Oral reprimand

An employee may receive an oral reprimand for the first minor disciplinary offense. This action is normally taken by the employee's supervisor with notation to the employee's personnel file.

#### B. Written reprimand

A written reprimand may be transmitted through the appropriate department head to the employee and shall state the specific actions leading to the reprimand. This action is normally taken by the employee's supervisor.

#### C. Suspension

Suspension is the temporary removal from duty status without pay of an employee for a specified or indefinite period. Suspension shall be approved by the department head and City Administrator prior to completion of the action.

1. An employee may be suspended for an indefinite period when the department head determines such action is necessary and in the best interest of the City and in cases where an employee is charged and awaiting trial for a criminal offense involving matters apparently prejudicial to the reputation of the City.
2. When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.
3. Whenever an employee is suspended pending trial or investigative outcomes and is subsequently exonerated, the employee shall be reinstated without loss of pay or benefits.
4. An employee may be suspended for a definite period of time for a specific cause.

#### D. Demotion

An employee may be moved to a position in a class with a lower maximum salary rate for misconduct. Demotions shall be approved by the department head and City Administrator prior to completion of the action.

#### E. Dismissal

Discharge of a full-time employee should be recommended in cases involving recurring disciplinary offenses or a single offense involving a serious breach of discipline. Dismissal shall be approved by the department head and City Administrator prior to completion of the action.

#### F. Referral

At any step of the disciplinary process the employee's supervisor may refer the employee to the Employee Assistance Program (EAP).

#### G. Personnel File

Documentation of all disciplinary actions will be placed in the employee's personnel file.

#### *Section 14-7 References*

The City does not provide former employees with references regarding work performed for the City.

#### *Section 14-8 Authority of Board of Aldermen and Mayor*

No language in this Personnel Handbook granting authority to the City Administrator or any other person shall in any way be interpreted as intending to remove from the Mayor or the Board of Aldermen their hiring and/or removal authority under R.S.Mo. § 79.240, under other provisions of the Smithville Code or otherwise.



## **ARTICLE 15 APPEALS AND GRIEVANCES**

### *Section 15-1 Grievance Policy*

It shall be the policy of the City to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the preparation of grievances at any supervisory level, employees are assured of freedom from restraint, interference, discrimination, or reprisal. If an employee has access to more than one (1) complaint process, the employee must choose which process to pursue at the beginning of the grievance and may only utilize one (1) process.

#### **A. Representation**

An employee may be accompanied by another employee of the employee's choosing in the presentation of a grievance.

#### **B. Grievance Procedure**

1. Oral report: An employee who has a grievance shall first present the grievance to the immediate supervisor within three (3) working days of the action or incident in question. If the grievance is against the immediate supervisor, the employee may report it to the next level of supervision as outlined in number 3 below, within five (5) working days of the incident.
2. Written report: If the oral grievance presentation fails to settle the grievance the employee may within six (6) working days submit a written grievance report of the action or incident in question to the immediate supervisor. Within three (3) working days after receiving such grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory, the employee may, within five (5) working days after receiving the reply, submit an appeal in writing to the department head. The department head shall confer with the aggrieved employee before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within five (5) working days of the date on which the appeal was received by the department head.
4. Appeal to City Administrator: If the appeal to the department head fails to resolve the grievance, the employee may, within five (5) working days of receipt of the decision on the grievance, submit an appeal in writing to the City Administrator. Within fifteen (15) working days of the receipt of such an appeal, the City Administrator or a designee shall meet with the employee to discuss matters pertinent to the grievance. The decision of the City Administrator, under supervision of the Mayor, shall be final and no further right of appeal shall be provided to employees. The City Administrator shall forward one (1) copy of the course of action to be followed to the employee concerned and to the department head within fifteen (15) days after the meeting with the employee.

### C. Classification Grievances

All grievances pertaining to the classification of an employee shall be made in writing to the City Administrator through the department head. The decision of the City Administrator, under supervision of the Mayor, shall be final in all matters of classification, and the employee shall not have further right of appeal.

### D. Compensation Grievances

The pay range established for a given class of work shall not be subject of the grievance procedure.

### *Section 15-2 Appeal Policy*

Appeals of terminations or other disciplinary actions for cause may only be taken by department heads and the City Officials as set forth in Chapter 105 of the Smithville Code (in this subsection "Appellant"), and shall be in the form of a written appeal report and shall be made to the Board of Aldermen within five (5) working days of the effective date of the termination or other disciplinary actions. At the next regularly scheduled meeting of the Board of Aldermen following the receipt of the appeal, the Board of Aldermen shall decide whether to grant a hearing before the Board of Aldermen and if so, shall thereafter proceed with the appeal hearing before the Board of Aldermen, or Board of Aldermen may summarily affirm the termination. The decision on its consideration of the appeal and hearing shall be closed to the public. Notwithstanding the above, the Board may choose to decide on its consideration of the appeal and the actual appeal at a later date. If so, the Appellant shall be given notice of the hearing. The Board shall rule on the appeal based on the report of the City Administrator, as well as evidence and testimony presented at the hearing. The decision by the Board of Alderpersons shall be final.

### *Section 15-3 Conduct of Investigation*

In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provision of these rules, the City may conduct such investigation, including but not limited to involving the production of records or reports by a City department.

## **ARTICLE 16 RECORDS AND REPORTS**

### *Section 16-1 Personnel Records*

Human Resources shall be the central repository for all personnel files and records.

### *Section 16-2 Reports*

Every appointment, transfer, promotion, demotion, dismissal, sick leave, vacation leave and other temporary or permanent changes in the status of employees in the City service shall be reported in writing. The City Administrator shall prescribe the time, manner, form, and method of making any written report as may be stipulated in any of these rules.

### *Section 16-3 Public Records*

Employment records of an employee are not public records, except to the extent required by Missouri Open Records Law.

## ARTICLE 17 TRAVEL EXPENSES

Travel to conduct City business should be accomplished in the most economical and efficient manner possible. This policy governs allowable expenses, by which travel is obtained and the required procedures and documentation.

This policy applies to any elected or appointed official or City employee who travels as well as anyone who arranges, approves, pays for or processes transactions related to travel.

### A. General Guidelines

The City pays or reimburses reasonable and necessary expenses for City travel, with proper approval by the City.

Travel is often part of the job and travel arrangements and payments are intended to be neutral to the employee with no advantage or benefit to the employee.

The City's reimbursement policies are based on IRS guidelines for an accountable plan, which allows the City to reimburse employees for authorized business expenses without creating a taxable event for the employee.

It is your responsibility to demonstrate that the expenses you incur or approve are reasonable and necessary. As needed, you should include explanations and documentation to fully substantiate travel expenses.

The standard you should apply is that each travel expense should stand on its own without the need to seek further explanation. In other words, an individual who did not take or approve a trip could review the trip documentation and readily understand what expenses were incurred and why and how they relate to transacting City business.

As a traveler or approver, you are responsible for being familiar with and adhering to City travel rules and policies. Deliberate disregard for City travel rules or policies or intentionally filing or approving a fraudulent or misleading expense report are grounds for disciplinary action including termination of employment.

Where feasible and appropriate, you should have the City pay travel expenses before the trip, such as airfare and registration. Eligible expenses you incur are reimbursable after the travel has occurred.

The City has two credit cards (Procurement Card and Fuel Card) that may be used to pay for travel expenses. Collision damage coverage is provided by the card issuer when the Procurement Card is used to pay for rental cars.

## B. Types of Travel Expenses

### 1. Vehicle

For travel by vehicle, use City issued fuel credit cards to purchase fuel for City owned vehicles.

Reasonable expenses for oil, washing, filters and other necessary services are allowable as long as you attach receipts to your expense report or provide other justification, such as for a coin operated car wash.

It is the intent of the City to use City vehicles whenever possible in lieu of use of personal vehicles for City travel purposes. When a City vehicle is not available or appropriate, mileage shall be reimbursed at the standard mileage rate set by the Internal Revenue Service for use of a personal vehicle for official City business when traveling more than fifteen (15) miles outside City limits.

### 2. Air Travel

You are expected to exercise prudent care in arranging airfare in order to obtain the lowest feasible fare. Only coach fare is allowed. You should obtain the lowest reasonable, logical airfare. Air travel arrangements should be made on the basis of what benefits the City and not on accruing frequent flyer miles for an individual.

### 3. Lodging

Lodging shall be reimbursed when travel extends beyond seventy-five (75) miles from the City, or a greater than ninety (90) minute one-way trip.

You are expected to select the location, type and cost of lodging that best meet the needs of the City and your work requirements. Reasonable and necessary amounts are allowed for the cost of lodging at the single room rate, in accordance with the U.S. General Services Administration lodging rates. In areas where comparable accommodations are available at significantly different prices you should seek prior approval for selecting higher priced lodging and document the reason(s) for selecting the higher priced lodging.

Key issues that determine hotel acceptability to the City include accountability, transparency, price, safety, convenience, ease of booking and payment, oversight and issue resolution.

When traveling on City business in Missouri, your lodging is exempt from state sales tax. At the time of check-in, provide a copy of the Missouri Sales and Use Tax Exemption Certificate.

An itemized statement furnished by the lodging provider and documentation of payment are required for all lodging expenses.

#### 4. Meals

Employees may claim the applicable per diem rate for each eligible meal (breakfast, lunch or dinner) while in travel status. Tips on meals are part of the per diem and may not be claimed separately. Employees may not use the Procurement Card to pay for meals while in travel status. Employees must pay for meals from their own funds. Their actual expense may differ from the applicable meal per diem.

Travel status begins when you leave your residence or domicile to travel on City business. Travel status ends when you return to your residence or domicile. You are not in travel status if any part of your trip involves a commute. When your official domicile and residence are different, the travel status begins and ends on whichever is less.

To qualify for a meal per diem when no overnight lodging is indicated, you must be in travel status for twelve (12) hours or more.

Eligible meal is defined as follows:

- a. Breakfast –if travel status begins no later than 7:00 a.m.
- b. Lunch –if travel status begins no later than 10:00 a.m. and continues past 2:00 p.m. until you return.
- c. Dinner –if travel status begins no later than 5:00 p.m. and continues past 7:00 p.m. until you return.
- d. The per diem rate is set in accordance with the U.S. General Services Administration meals and incidental expenses breakdown.

When attending a meeting or conference you may claim the applicable meal per diem for those meal times where you document that no meal was provided.

#### 5. Miscellaneous Expenses

You may request reimbursement for reasonable and necessary business expenses you actually incur related to travel, including:

- a. Taxis or other ground transportation to or from the airport and to or from meetings away from your hotel.
- b. Parking.
- c. Transportation to attend official events outside the hotel or to get a meal.
- d. Toll charges for bridges and turnpikes.
- e. Incidental expenses such as postage, small emergency supplies, telephone, internet, fax, and other like charges when necessary for transacting City business while traveling. Attach proof of payment to your expense report.

Expenses incurred for your sole benefit, such as any type of insurance, Individual Business Travel Card late payment fees or finance charges, travel loan finance charges, personal credit card fees or dues, entertainment such as television or movie charges, bar bills, fitness

membership fees, extra meals or snacks, bulk food/beverage purchases, newspapers, magazines and other like charges are not allowed as reimbursable travel expenses.

Items which have been properly purchased and invoiced directly to the City of Smithville are not reimbursable and should not be included on an expense report.

#### C. Reimbursement Process

A monthly expense report is required to request reimbursement of travel expenses. Attach itemized receipts for each item for which reimbursement is requested.

Expenses reports must be submitted within 90 days after the end of the trip on which the expenses are paid or incurred or the reimbursement may be taxable to the employee. For expenses reported more than 90 days after the end of the trip, you must document the reason for the delay. Reimbursement is subject to the availability of funds and the City has the discretion to deny reimbursement.

The person incurring the expenses must sign the form and submit it for approval.

#### D. Other Requirements

##### 1. Resident City Other Than Official Domicile

If your residence is in some place other than the City of Smithville (your official domicile), you are not allowed expenses while in your resident city or mileage for travel between your resident city and your official domicile. You may request reimbursement for a meal charge you incur within your resident city if incurred as part of a City sponsored conference or business meeting. This represents meals served to officials and employees at conferences and meetings while they are interacting and conducting City business. Any additional travel expense incurred because you reside in a place other than the official domicile is not eligible for reimbursement.

##### 2. Alternate Travel Arrangements

Employees may request approval to travel by alternative means or under an alternative time frame. Examples are traveling by personal vehicle to a meeting and extending the time of travel before and/or after the meeting. The City will pay or reimburse no more than what it would have had the employee traveled by conventional means and under normal time constraints. Your request must include the following information:

- a. Your reason for requesting this arrangement
- b. Documentation of what your expenses would have been had you traveled in a conventional manner
- c. A clear demonstration that this alternate arrangement is not to the detriment of the City.

- d. Whether or not your alternate arrangement will have you traveling at times that normally would be work times. In these cases, you may need to seek approved time off.
- e. If you elect to drive a personal vehicle rather than fly, you must provide a comparison between the estimated total cost to drive and the estimated total cost to fly. If approved the City will reimburse the lower of your actual cost to drive or the estimated cost to fly.

Additional provisions regarding alternate arrangements include:

- a. Only authorized passengers are permitted to ride in City owned vehicles, including vehicles rented under the City's name. Non-City individuals such as volunteers, spouses, and children should not be passengers in a City vehicle unless they are involved in the conduct of City business.
- b. If an employee personally rents a vehicle for City business travel because they want to take an "unauthorized passenger" with them in the rental, the employee must purchase liability and collision coverage through their personal auto insurance or directly from the rental company. In the event of an accident, the employee's coverage or insurance purchased from the rental agency would provide primary coverage. Any expenses incurred beyond the rental charge and fuel are not allowable for reimbursement.

### 3. Spouse and Family Expenses

Expenses for a spouse and family at an official business function are allowable under the following circumstances:

- a. This expense must be for a legitimate business reason where attendance of the spouse is required to represent the City. City employees and officials may be reimbursed for expenses incurred by their spouses or other members of their family only as provided in City policy.
- b. Approval of these expenses should be attached to the applicable expense documents.

### 4. Exceptions

As this policy is approved by the Board of Aldermen, any exceptions to the policy must be in writing and approved by a majority vote of the Board of Aldermen.



## **ARTICLE 18 PROHIBITIONS AND PENALTIES**

### *Section 18-1 Participation in Political Activities*

Employees are prohibited from bringing their political affiliations to bear on their official duties. Specifically, the following political activities of employees are prohibited:

1. Campaign fund raising, or other partisan political activities on City premises while in the performance of duties and responsibilities as an employee of the City.
2. Abuse of official position for political ends.
3. Use of official working time or unauthorized use of City resources for political activity.
4. Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
5. Performing political activities at the direction of a supervisor, department head, or other City official.

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

### *Section 18-2 Discrimination and Sexual Harassment*

No appointment, promotion, demotion, removal, or advancement in employment shall be made based on race, religion, creed, national origin, sex, age, non- disqualifying physical or mental disability, or any other characteristic protected by law.

Sexual harassment of employees is a serious matter and is prohibited in the work-place by any person and in any form. No department head, supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties, or any condition of employment or career development. Other sexually harassing conduct whether committed by department heads, supervisors, or non-supervisory personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual.

Any department head, supervisor, or other employee who is found, after appropriate investigation, to have discriminated against an employee or harassed any employee as prohibited in the preceding paragraphs shall be subject to appropriate disciplinary actions up to and including termination.

It is the policy of the City to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the City prohibits sexual harassment by and of its employees.

Sexual harassment is misconduct which interferes with work productivity and deprives employees of the opportunity to work in an environment free of unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors, and such other verbal or physical misconduct. Sexual harassment is a prohibited practice and is a violation of the law. The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human Rights has also issued regulations regarding sexual harassment under the Missouri Human Rights Act.

Sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include:

1. Verbal: suggestive comments about a person's clothing, body, or sexual activity; humor or jokes about sex or about gender-related characteristics; sexual innuendos and comments; direct or indirect threats linked to sexual propositions or sexually- explicit questions.
2. Nonverbal: suggestive or insulting sounds (leering, whistling); display of sexually- explicit pictures or photographs; obscene gestures; staring at a person's physical features.
3. Physical: intentionally brushing a person in passing; inappropriate touching, patting, or tickling; pinching or squeezing; coerced sexual activity and sexual assault.
4. Written: suggestive notes, letters; suggestive E-mail messages, text messages.

If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to any supervisor or directly to the human resources department. If the supervisor is the offending person, the aggrieved person should report to the next higher level of management or directly to the human resources department.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. If you feel you have experienced or observed any form of unlawful harassment, please take the following actions:

1. promptly advise the offender(s) that the conduct is unwelcome and request that it be stopped immediately;
2. document the incident as to date, time, place, witnesses, and nature of the incident; and
3. report the incident to the EEO Officer immediately.

In all cases, the EEO Officer or his or her designated representative will be available to hear complaints. The EEO Officer shall be the City Administrator.

Employees are encouraged to use the City's grievance procedure to address sexual harassment problems.

Employees intentionally making false claims are subject to discipline as set forth herein.

#### *Section 18-3 Nepotism; Restriction on Employment of Relatives*

A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the City service over which the employee exercises jurisdiction or control, any person to whom he/she is a relative by consanguinity or affinity within the fourth degree, by consanguinity or affinity, or who is an immediate family member. A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the City service in violation of law.

Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of the immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section.

#### *Section 18-4 Outside Employment*

No full-time employee shall accept outside employment, whether part-time, temporary, or permanent, without notification first being given to the appropriate department head or the City Administrator. Each change in outside employment shall require separate notification. When such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service, the department head or City Administrator shall take appropriate disciplinary action to prevent such interference, and the City Administrator may terminate the employee if such conflict may result in significant impairment to the municipal service. Employees may not engage in any private business activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with official duties.

### *Section 18-5 Conflict of Interest*

Except as otherwise authorized by law, no employee in the City service shall hold a financial interest in a firm, institution, corporation, or other establishment supplying goods or services to the City. No employee shall be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to the City when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of that organization. No employee shall receive any payment, gifts, favors, or other consideration from any person, firm, institution, corporation, or other establishment supplying goods or services to the City. Conflicts also reach to spouses' and dependent children's interests. Notwithstanding the above, holding less than 5% of the stock in a publicly traded company shall not be deemed a conflict of interest for purposes hereof.

### *Section 18-6 Disability and Reasonable Accommodation*

The City is committed to providing an accessible and supportive environment for employees with disabilities. Equal access for qualified employees with a disability is an obligation of the City under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), and the ADA Amendments Act of 2008 (ADAAA). The City does not discriminate on the basis of disability against otherwise-qualified individuals in any program, service or activity offered by the City. The City is committed to ensuring that no otherwise qualified individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids or other appropriate services; however, accommodations cannot result in an undue hardship to the City or fundamentally alter the essential functions of the job.

Employees are responsible for initiating requests for any desired disability related workplace accommodations. Supervisors/department heads are responsible for receiving requests for workplace accommodations, informing employees of the process and referring requests to the City Administrator, who will work with Human Resources regarding the request. Supervisors are also responsible for initiating a discussion concerning accommodations when they have reason to believe that an employee's disability precludes the employee from initiating a request. Supervisors should inform the City Administrator and human resources department of all requests for accommodations. The City Administrator, in conjunction with the human resourced department, is responsible for evaluating the request, determining what type of documentation is necessary, and determining if the requested accommodation is appropriate and effective.

As used in this Section:

1. Disability: The term "disability" means, with respect to an individual — (1) a physical or mental impairment that substantially limits one or more major life activities of such individual, (2) a record of such an impairment; or (3) an impairment that is episodic or in remission if it substantially limits a major life activity when it is active.
2. Substantial Limitation: An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The determination of whether an impairment substantially limits a major life activity depends

on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

3. Major Life Activity: A major life activity is defined as the act of caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
4. Qualified Individual with a Disability: An employee or applicant for employment who, with or without a reasonable accommodation can perform the essential functions of the position.
5. Reasonable Accommodation: A modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position. Examples of reasonable accommodations may include, but are not limited to: (1) making existing facilities readily accessible to and usable by persons with disabilities; (2) job restructuring, modifying work schedules, reassignment to a vacant position; or (3) acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.
6. Essential Job Function: The fundamental duties of the position or the primary reasons the position exists. The City does not have to eliminate an essential function from the position, nor does it have to lower quality or performance standards to make an accommodation, as long as those standards are applied uniformly to employees with or without a disability. The City does not have to create a new position to accommodate an employee.
7. Undue Hardship: An accommodation or action requiring significant difficulty or expense when considered in light of factors such as the City's size, financial resources, and the nature and structure of its operation. Undue hardship also refers to an accommodation that is unduly expensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position.

Applicant and employee requests for reasonable accommodations shall be made to his or her supervisor. Supervisors receiving a request should immediately contact the City Administrator and human resources department for guidance.

#### *Section 18-7 Penalties*

Any employee found guilty of any violation of this section shall be subject to any disciplinary action up to and including dismissal as defined by these rules, and such other penalties as may be deemed appropriate and consistent with the laws of the City and the State of Missouri.

## **ARTICLE 19 MANAGEMENT RIGHTS**

### *Section 19-1 Retained Rights*

The City shall retain the sole right and authority to operate and direct the affairs of the City in all its various aspects. Among these rights are the City's right to determine its mission and set standards for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the City; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

## **ARTICLE 20 ELECTRONIC COMMUNICATION POLICY**

### *Section 20-1 Purpose*

To ensure the responsible and acceptable use of electronic communication systems including, but not limited to internal and external electronic mail (e-mail), and the internet while continuing to support the needs of citizens and City employees.

### *Section 20-2 Policy*

The City views the legitimate use of the internet/e-mail system as potentially enhancing many of its functions and services being provided to the public. The goal of the policy is to insure the responsible and acceptable use of these resources. This policy applies to all employees, contractors, volunteers and other individuals who are provided access to these systems.

The City reserves the right to review all data, information or computer files stored in or sent to or from computers owned or supplied by the City. This includes any type of e-mail, internet access usage, or other subscription services.

All data and other electronic messages within this system are the property of the City. This includes all the material and information created, transmitted or stored on this equipment. There should be no expectation of privacy for any of the material or information. All users must realize that material or information that has been deleted can be retrieved and viewed by others. That also includes the e-mail that has been deleted. The Board of Aldermen reserves the right to change this policy at any time.

### *Section 20-3 Eligibility*

Department heads and elected officials may provide access to internet and/or email systems for some employees. This capability will be provided on an as needed basis and is a revocable privilege. Only the City-approved internet provider may be used to access the internet. Any additional hardware or software required for internet access must be authorized by the information services administrator.

### *Section 20-4 General Guidelines for Internet/e-mail Usage*

These resources are to be used primarily to conduct City business. However, incidental and occasional personal use during non-working hours is permitted with supervisory approval.

The safety and security of the City's network and resources must be considered paramount when using the Internet. User passwords are confidential. It is the user's responsibility to maintain the confidentiality of the user's assigned password(s). Individual users will be held accountable for use of their account by others.

Users must abide by copyright, contract and other local, state and federal laws, City administrative directives and policies, as well as individual department guidelines. Downloading files that are not related to conducting business for the City is not allowed.

Downloading of application programs or files without consent of the City Administrator is prohibited. The City does not recommend the downloading or installation on City computers of application software from the internet. Such software may not only contain embedded viruses, but also is untested and may interfere with the functioning of standard City applications. Any and all material downloaded with written permission of the City Administrator from the internet shall be downloaded to the user's local hard drive. No files should be copied to any network drive until after the files have been scanned manually or automatically for computer viruses. If a virus is detected, the information services administrator should be notified immediately. Any and all material downloaded from the internet should relate to legitimate City use.

#### *Section 20-5 Employer-Issued Cellular Phone Policy*

At the discretion of the City Administrator, city employees may be issued one (1) cellular phone unit of the City's choosing for use during working hours and as emergency contact after hours. The cell phone capability for city use will be limited to those employees as designated by the City. The phone is the primary source of communication during working hours.

If an employee is issued a cell phone and that employee is only interested in cell phone use for city purposes and is not interested in paying for personal use, then the employee shall not use the phone for any personal use. The City administration will review itemized billing(s) to ensure that no personal calls are made or accepted on the integrated cell phone issued to that employee. The City will be responsible for the costs associated with city business only.

If an employee is issued a cell phone and the employee wishes to use the phone for personal use, the employee is required to pay for any excess charges that would not be otherwise be paid by the City. In addition, the employee shall authorize \$10 a month to be withheld from their paycheck to use the phone for personal use, but if the costs incurred by the employee exceed the normal \$10 monthly fee, then the employee hereby authorizes the City to withhold the additional charges from the employee's paycheck.

The employee will be responsible for all unauthorized charges including but not limited to: data usage, directory assistance, text messaging, premium text messaging, downloading of ring-tones, call-tones, or dial-tones, and excise taxes associated with overages.

Excessive personal cell phone traffic and other abuse of cell phone capabilities will not be tolerated.

Prior to the use of the cell phone, the user should be thoroughly familiar with the phone features, proper care and operation, and rate plan limitations for the assigned phone.

Each person assigned cell phone is responsible for its proper care and use. The City may purchase insurance to cover insurance for loss or damage. However, there remains a deductible that may need to be paid for each incident. Each employee will be responsible for replacement of the phone or the deductible on damage or loss during non-working conditions. Loss or damage caused during normal working conditions other than gross neglect will be the responsibility of the City.



Employees shall be responsible for insuring that the battery is adequately charged to ensure unit operation during working hours. Employees that are issued cell phones shall carry the unit with them during work hours so they are able to be contacted via the unit.

All employees are prohibited from using a cell phone or similar device while driving, except with the use of a hands-free device, whether the business conducted is personal or company-related

Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms. Any outstanding debt will be deducted from the employee's final pay check.

The use of the cell phone shall also be subject to all of the other terms of this Article 20 in all respects including but not limited to internet and email policies and employees having no expectation of privacy in any use of the cell phone for any reason.

Any misuse or abuse of the cell phone or this policy shall be subject to any discipline up to and including termination under this Employee Handbook.

#### *Section 20-6 Employer-Issued Laptop Policy*

At the discretion of the City Administrator, city employees may be issued one (1) laptop of the City's choosing for use during working hours and/or after hours in the office or at the employees' homes.

Each person assigned a laptop is responsible for its proper care and use. Each employee will be responsible for replacement of the laptop or the deductible on damage or loss during non-working conditions. Loss or damage caused during normal working conditions other than gross neglect will be the responsibility of the City.

Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms. Any outstanding debt will be deducted from the employee's final pay check.

Any misuse or abuse of the laptop or this policy shall be subject to any discipline up to and including termination under this Employee Handbook.

### *Section 20-7 Social Media Policy*

All employees are subject to the Social Media Policy adopted by the City, as now enacted or as amended, this Employee Handbook, and in particular this, article. The establishment and use by any City department of City's social media sites are subject to approval by the City Administrator or his/her designees. All City of Smithville social media sites shall be administered by members of City of Smithville staff. Authorized employees representing the City government via social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies. Unauthorized use of City social media sites by employees are subject to disciplinary action in accordance with the Employee Handbook. Employees exhibiting behavior on City's social media sites that is not in accordance with City policy are subject to disciplinary action in accordance with the Employee Handbook.

Employees shall have no authority to post any comments or matter as representing the position or policy of the City of Smithville on any social media site, whether a City site or otherwise, without being authorized as set forth herein.

### *Section 20-8 Telecommuting Policy*

*General Information:* The occasionally permits employees to telecommute when the employee's Department Head, and City Administrator evaluates the telecommute request and approves it. When evaluating the request, the Department Head must determine that the employee can effectively perform the job duties of the position while telecommuting. The Department Head must also determine that the telecommuting arrangement conforms with applicable regulations and policies.

Telecommuting may be appropriate for some employees and positions but not for others. Telecommuting is not an entitlement, it is not a Citywide benefit, and it in no way changes the terms and conditions of employment with the City.

*Telecommuting Definition:* For the purpose of this policy, telecommuting refers to an arrangement where an employee occasionally or regularly works from home or from a location away from the normal workplace.

Arrangements may be made on an as-needed basis for circumstances such as inclement weather, special projects, business travel, family and medical leave, and other temporary situations as deemed appropriate by the Department Head and City Administrator. All telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the City.

*Eligibility:* Individuals requesting telecommuting arrangements must be employed with the City for a minimum of 6 months of continuous, regular employment and must have a satisfactory performance record. This policy may apply in situations such as a pandemic or weather-related event.

Before entering into any telecommuting arrangement, the employee and Department Head, with the assistance of Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Employee suitability:** The employee and Department Head will assess the needs and work habits of the employee. Considerations include how well the employee has demonstrated the kind of skills and work habits that working from home will require.
- **Job responsibilities:** The employee and Department Head will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- **Equipment needs, workplace design considerations and scheduling issues.**
- **Department readiness for telecommuting:** Ensure that the teleworking employee will continue to get work done effectively. Determine the following:
  - How will the Department Head and co-workers stay informed about the employee's productivity?
  - How will the department and employee communicate?
  - When is in-person attendance required?
- **Other practical details, including technology access, equipment needs, time and leave accounting, and any safety concerns.**

*Related policies and practices:* Both Department Heads and employees must understand and comply with the following policies:

- **Security:** Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of confidential city information, including, but not limited to:
  - Personal and financial information belonging to city residents and employees
  - Other confidential information belonging to, or in the care of, the City
  - Certain documents containing sensitive information should not be removed from the business office, including but not limited to: protected health information; financial records belonging to the City, employees, or residents; or other sensitive information as determined by the Department Head and/or City Administrator.
- **Public Records Disclosure:** The work employees do while telecommuting remains subject to City and other applicable regulations including the Missouri Sunshine Law, regardless of the use of a City-issued device, or a personal device.
- **Overtime eligible employees:** For non-exempt employees, work performed off site is compensable and subject to Fair Labor Standard Act (FLSA) overtime regulations. It is the responsibility of the employee to accurately track and report their time worked. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.
- **Workers' Compensation:** Telecommuting employees are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. When the telecommute site is in the home, workers' compensation does not cover injuries that are not job related.

## **ARTICLE 21 SAVINGS CLAUSE AND AMENDMENT**

### *Section 21-1 Savings Clause*

Invalidation of any part, rule, or section of these personnel rules and regulations shall not affect the validity of the other rules and sections.

### *Section 21-2 Amendment*

Amendment of these rules and regulations shall be approved by a majority vote of the Board of Aldermen. Copies of such amendments shall be distributed to all department heads and such other officials as the City deems appropriate and made available to all employees.

The City retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of its published or unpublished policies or practices, with or without notice. If statements in this Employee Handbook are found to conflict with existing or future local, state or federal laws or regulations, such rules shall supersede and prevail over the Employee Handbook statements. This edition of the Employee Handbook supersedes all previous editions of the Employee Handbook.

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## Employee Handbook

Effective ~~July 20, 2022~~ October 18, 2023

**PERSONNEL POLICIES HANDBOOK  
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If an employee's performance continues to fall below expected and normal standards despite coaching, training and informal evaluations, a performance improvement plan may be implemented at the discretion of the Department Director. A performance improvement plan is a tool to give an employee with performance deficiencies the opportunity to succeed.

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## **ARTICLE 1 GENERAL PROVISIONS**

### *Section 1-1 Purpose of Rules*

It is the purpose of these rules to set forth the principles and procedures which will be followed by the City in the administration of the City's personnel program. They are intended to establish an efficient, equitable and functional system of personnel administration which governs the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment. They are not intended to be a contract between the City and its employees and do not create contractual rights for employees. The City reserves the right to change the Handbook at any time. Unless otherwise approved by the Board of Aldermen and subject to these policies and any applicable law, all City employees are employed on an at-will basis. This means that employment is not guaranteed for any specific duration of time, and the City retains the right to terminate an individual's employment at any time, with or without cause. No oral representations made by a City employee with respect to continued employment can alter this relationship. Likewise, no statement made in this Personnel Policies Handbook is intended to alter the at-will nature of employment with the City.

### *Section 1-2 Positions Covered by the Rules*

These rules shall apply to all positions in all departments of the City and to such other positions as may be provided herein subject to applicable Missouri law.

### *Section 1-3 Administration of the Rules*

The City Administrator, under the general supervision of the Mayor, shall be charged with the overall responsibility for the administration of these rules.

## **ARTICLE 2 DEFINITION OF TERMS**

The following words and phrases shall have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

### **Anniversary Date**

Date of appointment or promotion to a position in the City; service or date of transfer to a different class in the City service for current period of continuous service.

### **Appointing Authority**

The City Administrator or a designee of the City Administrator, or any person having the power by state law or other lawfully delegated authority to make appointment to positions in the City service.

### **Appointment**

The designation to a position in the City service of a person who has qualified for the appointment through an appropriate selection process.

### **Board of Aldermen**

The duly elected Board of Aldermen of the City or a designee when appropriate.

### **City Administrator**

The duly selected City Administrator of the City or a designee when appropriate.

### **Class**

One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class, that the same minimum education and work experience qualifications may be required, and that the same salary range may apply with equity.

### **Classification**

The original assignment of a position to an appropriate class based on the nature, difficulty, and responsibility of work to be performed, work experience and minimum education.

### **Date of Employment**

The date an employee starts work as a new hire or rehire.

### **Date of Termination**

The date an employee separates from employment.

### **Demotion**

The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

### **Department**

Any of the departments under the jurisdiction of the Board of Aldermen, now or as hereafter established.

**Department Head**

The chief operating manager of any department.

**Domestic Partner**

A partner that is not legally married to or is not the domestic partner of anyone else; the domestic partners intend to remain each other's sole domestic partner indefinitely; the domestic partners live together in the same principal residence and intend to do so indefinitely; the domestic partners are committed to each other and share joint responsibilities for their common welfare and financial obligations and the domestic partners are not related by blood, closer than would prohibit marriage in the state in which they reside.

**Exempt Employee**

An employee who is exempted from the provisions of the Fair Labor Standards Act (FLSA) or who is not covered by the act, particularly as it relates to overtime.

**Full-time Employee**

An employee occupying a position included in the adopted annual budget that is neither specified part-time nor temporary employment, nor limited for a period of less than the budget year. Also, any employee occupying such a position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The hours of work are approximately 2080 per year.

**Grievance**

A complaint relating to employment, the application of personnel rules and regulations, working conditions, or relationships between an employee and a supervisor, other than discipline.

**Human Resources Department**

A subset of the Administration Department, typically the Assistant City Administrator.

**Immediate Family**

A spouse (to include domestic partner), parents (to include step-, in-laws and parents of domestic partner), siblings (to include half- and step-), children (to include step and foster), in-laws (to include daughter/son and brother/sister), Grandparents (to include step) and Grandchildren (to include step).

**Introductory Employee**

A full-time or part-time employee serving an introductory working test period.

**Introductory Period**

A working test period during which a newly appointed full-time or part-time employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

**Job Description**

A written statement of the characteristic duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

**Layoff**

Employment separation made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of an employee.

**Mayor**

The duly elected Mayor of the City or a designee when appropriate.

**Non-Essential Personnel**

Employees whose job duties do not directly relate to the health, safety, and welfare of the community, ensure continuity of key City operations, or protect City properties.

**Part-Time Employee**

An employee who is regularly scheduled through the year, that may be specified in the annual budget as part-time and who work less than full-time employees, and are not temporary/seasonal employees.

**Position**

A group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time, part-time, or temporary employment of one person.

**Promotion**

The movement of any employee from a position of one class to a position of another class having a higher maximum salary rate.

**Qualifying Period**

The working test period served by promotional appointees and employees transferred to a class dissimilar to the one previously held.

**Reclassification**

The official determination that a position be assigned to a class different from the one to which it was previously classified based on a gradual change in the position to include duties clearly outside of the current class or an immediate change in a position brought about by a division or department reorganization or redistribution of duties. Whether an employee shall be retained in a position after reclassification of the job shall be determined by the employee's qualifications for the position as reclassified.

**Repositioning**

The official determination that a class of positions be assigned to a different pay range based on "internal equity" (relationship with other City classes) or "external competitiveness" (relationship with wage and salaries paid in the comparable selected labor markets).

**Resident**

A person whose principal place of domicile is within the corporate boundaries of the City.

**Temporary/Seasonal Employee**

Terms used interchangeably to describe a position comprising duties which occur, terminate, and recur seasonally, intermittently or according to the needs of the department. Such position shall not require more than 1499 hours of pay in any continuous twelve (12) month period. The appointing authority shall assign a projected date of termination of less than one (1) year from date of hire and shall have such date made a part of the employee's personnel file.

**Transfer**

The movement of an employee from one department, division, or unit of the City government to another, from one position to another position of the same class, or to another class having the same maximum salary rate involving the performance of similar or dissimilar duties and requiring essentially the same basic qualifications.

**Vacancy**

A duly created position which is not occupied and for which funds have been provided.

## **ARTICLE 3 GENERAL EMPLOYEE POLICIES**

### *Section 3-1 Equal Employment Opportunity*

It is the intent of the City that all personnel activities be conducted in a manner that will assure equal employment opportunity for all persons, without regard to political affiliation, race, color, religion, national origin, sex, age, disability, or any other characteristic protected by law. This policy shall include all personnel practices related to the employment process, promotions, demotion, transfer, layoff, termination, compensation, benefits, training, and general treatment of employees.

### *Section 3-2 Alcohol & Controlled Substance Use, Abuse & Testing Policy*

#### **A. Policy Objectives**

It is the policy of the City to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its employees, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of the City to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of alcohol and controlled substance abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by using alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing workplace alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for the collection and testing of urine and breath specimens, for the reporting of certain drug-related offenses, for protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

#### **B. Applicability**

This policy applies to all applicants and employees, including but not limited to managers, department heads, supervisors, full-time employees, part-time employees, off-site employees, and persons who perform safety-sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act and its implementing regulations, including but not limited to persons who are required to possess a



CDL license for the operation of a commercial vehicle and all law enforcement and emergency services personnel, as well as others in safety-sensitive positions in the jurisdiction. All contractors of the City shall be required to state in writing that they comply with the provisions of the act and its implementing regulations while engaged in services for the City or in activity while on City property as a condition of the award of any such contracts for services or work and the continuation of same.

#### C. Definitions

1. Policy Administrator: a City employee designated by the Board of Aldermen.
2. Commercial Vehicle: as defined in the Missouri statutes requiring a commercial drivers' license.
3. Delay: any failure to immediately report to the test site to participate in the required testing under this policy.

#### D. Policy Administrator

Unless otherwise designated by the City, the designated policy administrator for the City is the City Administrator, who shall be designated as the controlled substance and alcohol policy administrator. Any inquiries concerning this policy, its application, its administration, or its interpretation shall be made to the policy administrator.

The policy administrator shall develop and maintain a current list of the Positions that are governed by this policy. The list shall be available for inspection in the offices of the City Administrator. Individuals who are applying for positions with the City and affected employees shall be notified of the positions that are covered by this policy.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under the federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

#### E. Alcohol & Controlled Substances Prohibitions

An employee is prohibited from the operation of a commercial motor vehicle and/or from engaging in any work-related functions for alcohol-related conduct: (1) while consuming alcohol; (2) while having a blood alcohol concentration of 0.02 or greater; (3) within four (4) hours of consuming alcohol; (4) after refusing to submit to an alcohol test; and (5) from consuming alcohol within eight (8) hours after an accident as specified in this policy.

An employee is prohibited from the unauthorized use of a controlled substance at any time, whether on or off duty.

An employee is prohibited from the unauthorized possession of alcohol while on duty and of controlled substances at any time, whether on or off duty.

Any employee convicted of illegal conduct related to controlled substances or alcohol or who fails to report such a conviction to the policy administrator shall be subject to immediate termination from service.

Any employee whose job performance requires the possession of a valid CDL and who loses the CDL for a violation of or because of the law shall be subject to disciplinary action up to and including termination from service. The employee shall notify the policy administrator and the employee's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination from service.

Any employee who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the employee's performance shall provide written notice to the human resources department of such consumption upon reporting to work and prior to engaging in any work-related activity, or earlier if possible and shall provide a letter from the employee's physician stating that the employee does not suffer from any such side effects and therefore is capable of safely completing the employee's job description. Failure to report shall be cause for disciplinary action up to and including termination from service.

#### F. Controlled Substance & Alcohol Testing Provisions

Employees subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing; random testing (except as provided herein); reasonable suspicion testing; post-accident testing; return-to-work testing; and follow-up testing to rehabilitation programs.

1. **Pre-Employment Testing:** Pre-employment urine drug testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Future employment as defined shall be considered as if the application was for original entry into service for purposes of this policy. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers upon an employee's written authorization.
2. **Reasonable Suspicion Testing:** Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made based on documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by supervisory or management personnel who are trained to detect the signs and symptoms of controlled substance and alcohol use and who may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of the

controlled substance or alcohol. The observing supervisor or manager, whether or not the person is the employee's immediate supervisor, is required to complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case, no later than before eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

3. Post-Accident Testing: Post-accident testing shall be required to test employees after a vehicular accident has occurred in which a fatality has occurred, or when a traffic citation is issued to a City employee after an accident, or when disabling damage to one or more vehicles requires towing from the accident site to occur, or testing may be required where any accident (vehicular or involving equipment) results in injury to a person requiring medical assistance beyond first aid. Testing shall include both breath alcohol and urine drug testing of the employee(s). Post-accident testing shall be required and completed whenever possible within two (2) hours of the accident occurrence, but in any case, no later than before eight (8) hours after the accident for breath alcohol testing and thirty-two (32) hours for controlled substance testing. An employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident. Transportation shall be provided by the employee's immediate supervisor.
4. Random Testing: Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.
5. Return-to-Work Testing: Return-to-work urine drug and alcohol testing for all employees covered by this policy shall be required for all employees who previously tested positive on a controlled substance or alcohol test. The employee must test negative and be evaluated and released to return to work by a SAP reasonably approved by the City before being permitted to return to work.
6. Follow-up Testing: Follow-up testing of employees returning to work shall be required. Employees shall submit to frequent, unannounced random urine drug and breath alcohol testing at least six (6) times in the following twelve (12) months after returning to work. Random testing may be continued for a period of up to sixty (60) months from the employee's return to work date. Any employee who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for employee-requested testing shall be paid by the employee unless the second test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the reasonable control of the employee. The method of collecting, storing, and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

7. Failure to Test: Any employee who fails to submit to the required testing under this policy is considered to have tested positive and shall be subject to all the consequences that flow related to positive testing.

Any employee ordered to test shall report immediately to the test site upon being ordered to submit to testing. No delay of any type may be granted or taken. Delay in reporting by the employee shall be treated as a refusal to test and shall subject the employee to all the consequences that flow related to positive testing. Failure to provide a sufficient sample or for providing an adulterated sample shall be considered as a refusal to test and shall subject the employee to all the consequences that flow. Any employee and/or applicant may be accompanied by a designated City employee to the testing facility and observed up until the time of the testing. However, with regard to post-accident and reasonable suspicion testing, employees shall be accompanied by a designated City employee to the testing facility and observed up until the time of the testing.

#### G. Testing Controls

1. Alcohol: Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Safety Administration. An initial screening test is conducted first. Any result that is less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any employee who tests with a blood alcohol concentration of 0.02 or greater shall be removed from service for at least twenty-four (24) hours. Any employee who is found to have engaged in prohibited alcohol conduct under this policy shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.
2. Controlled Substances: Controlled substance testing is conducted by analyzing an employee's urine specimen performed at a laboratory certified and monitored by the U.S. Department of Health & Human Services for the following federally-controlled substances:
  - a. Marijuana (THC metabolite)
  - b. Cocaine
  - c. Amphetamines
  - d. Opiates (including heroin)
  - e. Phencyclidine (PCP)
  - f. Methadone
  - g. Barbituates
  - h. Benzodiazepines
  - i. Tricyclic antidepressant
  - j. Methamphetamine

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory

test is a gas chromatography/mass spectrometry (GC/MS) analysis. Any employee who tests positive on the confirmatory test shall be interviewed by the City's Medical Review Officer (MRO). The employee shall be immediately removed from work-related activity; and the employee shall not be permitted to resume work until the employee is (1) evaluated by a SAP, (2) complies with the rehabilitation contract if such is required, and (3) has tested negative in a follow-up test.

[CBD \(hemp oil\) products are not approved or regulated by the FDA. CBD oil can contain THC. The City cannot comment, condone, or guide employees who choose to use such products. All CBD oils are not created equal and therefore may, in fact, cause a positive drug screen. All positive drug tests will follow the same corrective actions outlined in this policy.](#)

#### H. Employment Assessment

An employee who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be evaluated by a SAP. The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with the controlled substance or alcohol.

Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment or reinstatement by the City. The City's disciplinary policy provides guidance to the discipline that may be imposed.

#### I. Rehabilitation Effort

Any employee who is determined to need assistance for a controlled substance or alcohol-related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by the City, at no cost to the City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City.

Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City.

The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. the employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City; and
2. the employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy; and
3. the employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance; and

4. the employee agrees to unannounced random testing for City- determined periods of time subsequent to the employee's return to work consistent with this policy; and
5. the employee agrees to submit to return-to-work testing demonstrating that the employee is negative under controlled substance and/or alcohol test standards; and
6. the employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from City service without recourse.

#### J. Contractual Support Professionals

Other than as set forth herein, any testing done by the City or at the City's direction shall be done by an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The City may contract for the required alcohol testing or may perform the testing using qualified City personnel who utilize appropriate testing equipment.

The City shall engage the services of an independent contractor to serve the City as the MRO who is properly credentialed and trained in compliance with the federal regulations, who shall not be an employee of the City. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the City needs to comply with the federal reporting requirements.

The City shall appoint a SAP for the providing of services under this policy and in compliance with the federal regulations.

#### K. Education & Training

The City shall provide all employees with a copy of this policy and access to materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to employees regarding treatment and rehabilitation available. Employees shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing, noting the date of receipt and acknowledgement by signature witnessed by the supervisor providing the materials.

The City shall develop and provide training for all supervisors and managers who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse, and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. The training, at a minimum, shall include at least sixty (60) minutes of a program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substances use and abuse, the side effects of controlled

substance abuse, and the consequences of prohibited work-related activity involving controlled substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping. The training may also provide components related to City-sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems.

#### L. Confidentiality

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO, and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the City and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

#### M. Disciplinary Issues

Unless otherwise specified in this policy, the City's policies related to disciplinary action shall be followed when imposing discipline for violation of this policy.

The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this policy, up to and including termination.

Any supervisor or manager who knowingly permits an employee to violate this policy or engage in work activity while consuming alcohol or a controlled substance or fails to enforce this policy shall be subject to immediate termination from employment.

This policy does not displace any other penalties that may be imposed or be incurred because of violation of City policy or state and federal laws, or as provided in the workers' compensation laws.

#### N. Coordination with Other Laws & Policies

This policy shall be administered in compliance with other federal, state and local laws related to employee health & welfare policies, leave policies, benefit programs and other related policies of the City. In the case of apparent conflicts between this policy, other policies, and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, whenever possible.

If any part of this policy is judicially determined to conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be void, but the remainder of the policy shall remain in effect. Parts that are void or voided shall be replaced as soon as possible to maintain the full effect of this policy and/or to bring it into compliance with relevant laws.

O. Amendments

This policy is subject to amendment by the City from time to time. Amendments that are made shall be provided to employees upon adoption and shall become effective as provided by the policy administrator.

P. Drug Awareness Program

Employees are made aware of the drug-free workplace policy and the dangers of drugs in the workplace through the display and distribution of informational material. For employees performing safety-sensitive functions, which include any duties related to the safe operation of City vehicles or equipment, the information includes the effects and consequences of drug use on personal health, safety and the work environment, and the manifestations and behavioral cues that may indicate drug use and abuse. Supervisors shall receive training on the physical, behavioral, and performance indicators of probable drug use. The program also includes information about the availability of drug counseling and rehabilitation as provided by the Employee Assistance Program.

Q. City's Right to Test

An individual may not be hired to perform a safety-sensitive function unless the individual passes a drug test of urine for evidence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. All new hires and re-hires of full-time, part-time, or temporary/seasonal employees may be required to take a urine or other medical test and to agree in writing to allow the results of those tests to be furnished to and used by the City. Those persons who do not pass such test(s) shall not be employed.

*Section 3-3 Health and Safety*

All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall be given to safety in all work situations.

A. All employees shall:

1. be thoroughly familiar with safety requirements and practices applicable to their respective work assignments;
2. actively observe safety practices, and report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately;
3. refrain from engaging in horseplay, wrestling, hazing of co-workers, and any other unsafe practice under penalty of disciplinary action up to and including dismissal;
4. wear protective equipment, use protective devices and wear safety belts in all City vehicles so equipped;
5. report to supervisors any suspension, revocation or other loss or potential loss of the right to legally drive a motor vehicle if driving a City vehicle is a responsibility or privilege of the job;



6. be properly licensed at the time of employment or assignment to a vehicle (if they are responsible for driving City vehicles) and, upon each license renewal date, must complete driver training or driver performance qualification checks as required by the department before operating City vehicles.
- B. The City will pay for immunizations when approved by the City Administrator.
- C. The City may retain a physician(s) to perform services for the City. These services may include post-offer employment physicals, disability retirement physicals, examinations and/or treatment of on-the-job injuries, and verification of illness and/or injury, among other services. An employee may be directed by his supervisor to see the retained physician(s) at the expense of the City, and it will be the responsibility of the employee to make any scheduled appointments with the retained physician(s). For charges not covered by Workers' Compensation, the City will pay for the cost of the examination only. Any referral or additional charge outside the examination can be submitted to the City's health insurance plan, with the employee responsible for any portion not paid by the health plan.
- D. Safety eye glasses and safety boots or shoes shall be provided for all employees whose jobs warrant such protection as designated by the department head. The City will provide a limited number of styles meeting safety standards from which employees may select.
- E. Safety shoes, boots and glasses will be repaired or replaced by the City as necessary. Replacements and repairs may be made without cost to the employee if the shoes, boots or glasses are damaged during the employee's job performance or when an eyeglass prescription changes. Employees must present their damaged shoes, boots and glasses to the supervisor to obtain permission before obtaining replacements.

#### *Section 3-4 Smoking Cessation and Smoking Permitted Areas*

The City maintains a tobacco-free environment for the preservation and protection of the health of our employees and the public. "Tobacco Product" means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device. The term includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco use is prohibited inside City-owned office buildings, while operating City-owned vehicles and equipment, and while performing the duties of the job.

Smoking Permitted Areas are limited to one each at City Hall, Street Department building/Water Plant, Parks Department building, and Wastewater Plant. Smoking Permitted Areas are designated by department heads and approved by the City Administrator, identified by signage,

and may be utilized by employees only prior to the employees' scheduled start of work time, during authorized employee breaks, or after the employees' scheduled ending work time.

#### *Section 3-5 Applicants and Employees with Disabilities*

Assistance shall be available to applicants with disabilities who may require personal assistance to participate in the selection process. Such assistance shall include but not be limited to providing readers for the vision-impaired and written materials for the hearing-impaired.

In determining whether an applicant or employee with a disability shall be accommodated, the following shall apply. The applicant or employee must make a documented request for reasonable accommodation. The department head and human resources department shall consult with the disabled individual regarding an appropriate accommodation. If the accommodation does not impose an undue hardship, the accommodation shall be implemented.

Assessing the reasonableness of the possible accommodations shall include the following factors:

1. how well it accommodates the needs of the individual with a disability;
2. how reliable it is;
3. whether it can be made available in a timely manner;
4. and whether it imposes an undue hardship defined as an action requiring significant difficulty or expense.

The City Administrator, under the supervision of the Mayor, shall make the final decision as to whether the accommodation is reasonable and does not present an undue hardship.

Employees and applicants with disabilities shall be afforded a procedure that provides for prompt and equitable solutions to complaints. Employees shall utilize the grievance procedure described in Article 17 of this manual. Applicants shall use the procedure found under the special policy of the City relating to disabilities and the accessibility of services.

#### *Section 3-6 Attitude and Appearance*

A friendly and courteous attitude by City employees toward the public and coworkers is required at all times. Similarly, employees are expected to deliver prompt, thorough, and efficient service to citizens to the best of their ability. All employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific department rules and regulations concerning proper clothing, personal hygiene, and grooming. For certain employees, the department should require shirts with the City of Smithville logo.

#### *Section 3-7 Uniforms; Clothing Provisions*

The City will provide for the uniform and special clothing needs of its employees. The needs will be met by the purchase or lease of the appropriate uniforms and clothing, and generally may include dry cleaning services where necessary. The employee will be responsible for the proper care and use of clothing and uniforms and the laundering of same, if appropriate.

A uniform allowance may be provided to employees to purchase any additional required special clothing. It will be the responsibility of the employee to adhere to required uniform policies approved by the City.

#### *Section 3-8 Commercial Drivers' License*

The law requires employers to make certain that drivers of "commercial vehicles," including certain City vehicles, have the required class of commercial drivers' license for the size and type of vehicle they are required to drive. Depending on the particular job requirements, City employees may be required to possess a special class of license. The State may require a written test covering the class of vehicle operated and the applicable endorsements and restrictions.

Endorsements for hazardous materials, passenger, tank vehicle, double/triple trailer and restrictions for air brakes may also be required. Written testing varies with the class of license and the endorsements and restrictions. The actual driving test must be taken in a vehicle falling in the class applied for.

The City may provide employees with the training and assistance necessary to comply with the licensing requirements as follows:

1. up to four (4) hours training on the written testing materials;
2. up to two (2) hours training on the pre-trip portion of the test on a vehicle similar to the one the driver would drive during the testing;
3. and/or making an appropriate vehicle in the class an employee must be licensed in available to the employee for road testing and allow time for the testing.

Employees shall be required to have and maintain the necessary class of drivers' licenses at their expense.

#### *Section 3-9 Weapons*

To improve the overall safety of the workplace, employees (other than City Police Officers) are not permitted to bring weapons to work or carry weapons in City vehicles. Prohibited weapons include guns, switchblades, or other knives (deemed to be dangerous or illegal), hunting bows, explosives, or other items which could be construed as weapons, such as paintball/air soft guns. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

Nothing in this Section shall preclude the Mayor and any member of the Board of Aldermen, or any Committee appointed by the Board of Aldermen who holds a valid State of Missouri concealed carry endorsement from carrying a licensed concealed firearm in compliance with the Missouri concealed carry law at a meeting of the City Board of Aldermen or City Committee of which they are a member.

### *Section 3-10 Workplace Violence and Threats*

The City is concerned about the safety of its employees and is committed to maintaining a work environment that is secure and free from incidents of violence or threats of violence. The City will not tolerate incidents of violence because such incidents are contrary to and interfere with City objectives. Acts of aggression are often precursors to actual violence so the City will give immediate attention and serious consideration to all reports of incidents of aggression and will initiate appropriate actions.

This policy defines aggression broadly as any of the following: unwelcome forceful physical touching; intimidating, threatening or hostile actions; intimidating, threatening or hostile communications, whether oral, written, or nonverbal, made in person or communicated by any other means; vandalism; arson; sabotage; throwing objects; unauthorized possession or use of a weapon on City property; or any other acts or communications of a similar nature. This policy also covers interpersonal conflicts occurring away from work that may create the risk of aggression resulting from such conflicts being carried out while at work. All City employees are required to immediately report any acts or threats of aggression to the human resources department, the City Administrator, and the Chief of Police. A violation of this policy will be considered a serious offense, and employees violating this policy will be subject to disciplinary action, up to and including termination of employment.

### *Section 3-11 City's Right to Search*

When the City has reason to believe an employee is violating any policy regarding contraband or controlled substances or other rules, the employee may be asked by the City to submit immediately at any time (including breaks and the meal period) to a search of the person and/or to make the employee's locker, lunch box, briefcase, purse, pockets, wallet, personal belongings, desk, vehicles, or any other receptacle the employee uses or has access to, available for inspection. Entry on to City premises constitutes consent to searches and inspections. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and a violation of City policy which will subject the employee to disciplinary action up to and including termination.

## **ARTICLE 4 PAYROLL**

### *Section 4-1 Pay Periods; Pay Days*

Pay days shall be on a bi-weekly schedule with pay day on the Friday after the completion of the pay period. Pay periods shall run from Sunday through the following second Saturday.

### *Section 4-2 Direct Deposit*

All employees are required to participate in direct deposit as a condition of employment. Employees are allowed to select the financial institution that will receive the direct deposit.

Employees must complete a Payroll Direct Deposit application form to participate. The completed application authorizes the City to deposit (credit) the employee's net pay into a

designated checking or savings account. It also authorizes an employee's account to be debited only when an error has occurred in a payment to the employee.

Payroll direct deposit of the employee's net pay will begin the pay cycle following the acceptance of a properly completed application form. The City will conduct payroll direct deposit through the automated clearing house system (ACH), utilizing an originating depository financial institution. The rules of the National Automated Clearing House Association (NACHA) and its member local Automated Clearing House Associations shall apply, as limited or modified by law.

## ARTICLE 5 INTRODUCTORY AND QUALIFYING PERIODS

### *Section 5-1 Purpose*

An introductory working period shall be an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee or rehired employee to the position, and for replacing any employee whose performance does not meet the required work standards. A new employee who has not successfully completed an introductory period and/or extension thereof, shall not have access to grievance or appeal privileges.

### *Section 5-2 Duration*

All original appointments and re-employments to full-time and part-time positions shall be tentative and subject to an introductory period. For entry-level personnel in the law enforcement department, this period shall be for 6 months after the successful completion of the Field Training Program, at least one (1) year from the date of employment and 18 months for all Police Academy Recruits. All other appointments shall be subject to an introductory period of at least six (6) months.

### *Section 5-3 Evaluation and Counseling*

During the employee's introductory period work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by the supervisor, department head and other appropriate City officials. Supervisors shall observe the employee's work performance and shall counsel an introductory employee whose work performance is marginal or inadequate. Employees should be notified in writing of the steps that must be taken to achieve an acceptable level of work performance.

### *Section 5-4 Extension of Introductory Period*

With the approval of the City Administrator or of a department head, the original introductory period may be extended to a maximum of fifty (50) percent of the original length of time if circumstances warrant an extension.

### *Section 5-5 Termination During Introductory Period*

An employee terminated during the introductory period shall not have access to grievance procedures. The department head shall fill out the appropriate personnel action forms when a decision on termination has been made, and such termination will be official when such forms are signed by the City Administrator and filed with the human resources department. If the introductory employee fails to meet required standards of performance, such employee is to be dismissed. During the introductory period for new employees, the employee is not eligible to use sick or vacation leave, except with the direct permission of the department head, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the introductory period will be paid to introductory employees.

At the end of each employee's introductory period, the department head shall complete a probationary report and notify the City Administrator and the human resources department in writing that either:

1. the employee has successfully completed the introductory period and can perform the duties of the position satisfactorily, and is henceforth to be considered a full-time employee with all the rights and privileges due such an employee; or
2. the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from city employment, or if promoted from another position, returned to the previous or similar classification.

## **ARTICLE 6 COMPENSATION PLAN**

### *Section 6-1 Authority to Establish Salaries*

The City shall establish pay ranges for the officers and employees under the jurisdiction of the City.

### *Section 6-2 The Compensation Plan*

The compensation plan for the City service shall include:

1. a schedule of standard salary ranges and rates of pay indicating the minimum and maximum rates of pay for each classification approved for City use, or as otherwise established by law;
2. a list of classes of positions with the salary range number and minimum and maximum rates of pay shown for each class of positions;
3. supplements, amendments, and/or revisions, from time to time, as passed by the City; and
4. job descriptions of each position.

### *Section 6-3 Standards for Determination of Pay Ranges*

Pay ranges shall be related directly to the salary schedule set by the Classification and Compensation Study completed and approved by the Board of Aldermen on January 18, 2022. Placement of an employee in specific pay ranges shall be determined with due consideration to ranges of pay for other classes, the relative difficulty and responsibility of work, market analysis, and internal equity. The minimum and maximum rates of each pay range shall be reviewed annually with the adoption of each budget, considering the above factors, cost-of-living factors, and the financial policies and economic considerations of the City.

### *Section 6-4 Amendment of the Compensation Plan*

Any department head in the City service may initiate a written request to the City Administrator for the amendment of the pay plan. The City Administrator shall study and make a determination concerning the request and shall notify in writing, the person and department concerned of the disposition of the request.

Prior to the preparation of each annual budget, as well as at other times, the City shall make comparative salary studies as deemed necessary concerning factors affecting the level of salaries in the City service. Based on the information derived from such wage and salary studies, the City shall adopt such repositioning of classes pertinent to the internal equity and external competitiveness of the overall compensation program.

In arriving at such salary recommendations, the City Administrator shall take into consideration the advice and suggestions of department heads and appointing officers as to the duties, degree of responsibility, and working conditions involved. Recommendations made for the



amendment of the compensation plan for repositioning or reclassification of specific classes of positions shall be considered by the City. When adopted by the City, these amendments shall become part of the compensation plan and shall become the current official salary schedule applicable to the respective classes of positions as enumerated therein, and shall be used by all departments in connection with all payrolls, budget estimates, and official records and reports relating to salaries and wages of positions in the City service.

#### *Section 6-5 Total Remuneration*

Any salary rate established for an employee shall be the total remuneration for the employee, exclusive of overtime services, not including reimbursement for official travel or other authorized allowances. Except as otherwise provided in this article, no employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the pay plan for services rendered, either in the discharge of ordinary duties or any additional duties which may be imposed or which the employee may undertake or volunteer to perform.

In any case in which part of the compensation for services in a City position, exclusive of overtime services, is paid by another department, division, or an outside agency such as the City, state, or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

#### *Section 6-6 Dual Employment Prohibited*

No full-time employee holding a position in the City service shall be eligible for employment in any additional position in the City service.

#### *Section 6-7 Special Assignments*

Employees assigned to undercover work which causes the individual to mock employment with an organization other than the City shall reimburse the City for any earnings in excess of earnings provided by the City.

#### *Section 6-8 Application of the Compensation Plan*

The compensation plan, containing standard salary ranges for respective classes of positions, shall be applied to all such classes of positions in accordance with the following:

1. Rates: all rates prescribed in the ranges of pay represent the total remuneration, including pay in every form authorized for full-time employment. Where employment in a position is on a part-time basis, that is, where the week's work is less than an ordinary work week, or where the day's work totaled weekly on a continuing basis consists of less than the ordinary work week total, or where the day's work on a continuing basis consists of less than the ordinary number of working hours of an ordinary working day,

such service shall be compensated on the basis of the equivalent hourly rate for full-time employment.

2. Minimum and maximum salaries: under each salary schedule there are set forth a minimum and a maximum salary rate. Except as otherwise provided in these rules, appointment to any position shall be offered at the minimum rate. Any appointment may also include negotiation based on experience and education and the approval of the City Administrator. Advancement may be accomplished based on meritorious service and efficiency evidenced through annual performance appraisals or increased certifications.
3. Part-time and temporary employment: Part-time or temporary employees shall be compensated based on the equivalent hourly rate paid for full-time employment and shall be paid for only those hours which they work.

#### *Section 6-9 Salary Advancements*

Merit salary advances may be made to employees who have not reached the maximum in the salary range only in accordance with the following rules. Merit increases must be substantiated by "successful" or better performance as documented through the performance appraisal process.

Merit increases may be given as approved by the City Administrator and/or department heads within the budget approved by the Board of Aldermen.

Department heads may establish, subject to the approval of the City Administrator, career development plans for positions within their departments. The purpose of the establishment of these plans shall be to provide career paths for employees to reward experience and reduce turnover. Any approved career development plan must be turned in to the human resources department for proper filing.

#### *Section 6-10 Pay Rate Adjustments*

The following personnel actions may affect the pay status of an employee in the manner provided:

1. Transfer: when an employee is transferred between departments and divisions of the City government or between classes with the same maximum salary rate, the salary rate of the employee will remain unchanged unless the current rate is below the minimum pay rate established for the class to which the employee is transferring.
2. Promotion: when an employee is promoted from a position in one class to a position in another class having a higher maximum salary, the salary rate of the promoted employee may be increased to the higher new minimum salary.
3. Demotion-Involuntary: when an employee is involuntarily demoted from a position in one class to a position in a class having a lower maximum salary rate, the salary rate of the employee shall be reduced to within the pay range established for the class to which the employee is demoted, and the employee shall not be eligible for promotion or a merit salary increase for a period of one (1) year from the date of demotion.
4. Voluntary Reduction: when an employee is voluntarily reduced from a position in one class to a position in a class having a lower pay range, the rate of pay for the employee

shall be reduced if necessary to place it within the pay range assigned to the lower class. The employee shall not be eligible for promotion or a merit salary increase, if not at the top of the range, for a period of six (6) months from the effective date of reduction.

5. **Reclassification:** when a position is reclassified to a class having a lower maximum salary rate than an employee's current position, and this action is for the benefit of the City and the incumbent, and is not a demotion, the employee shall retain the same rate of pay in the new position as the employee had in the previous position. This action shall not affect the employment anniversary date. When a position is reclassified to a class having a higher maximum salary rate than an employee's current position, the employee's salary may be increased at least to the minimum of the new range or if already at or above the minimum, may be raised further.

#### *Section 6-11 Temporary Assignment to Higher Level Position*

Employees who are promoted temporarily, for a period of five (5) consecutive days or longer to perform all the duties of a supervisory position in a class with a higher maximum salary than said employee's current salary shall have their salaries temporarily increased to the minimum salary range of the supervisory position for the time said employee performed the supervisory duties.

#### *Section 6-12 Overtime and Compensatory Time*

Supervisors shall develop methods and procedures to maximize productivity and reduce or avoid the need for overtime. It is the responsibility of each employee to work as efficiently as possible to accomplish job tasks during regularly scheduled work hours. All overtime or arrangements for overtime work shall be approved by the department head in advance. A determining factor in the approval of overtime work is whether the work could be accomplished through rescheduling of employee work hours and allowance of time off in the same work period. These factors reduce the burden of overtime on employees and avoid accrual of comp time and excessive overtime payments. Overtime is based on work hours in excess of forty (40) hours in a 168-hour period during seven (7) consecutive 24-hour periods (standard work week). A standard work week shall commence at 12:00 a.m. Sunday morning and continue until 11:59 p.m. the following Saturday. Hours worked in excess of a standard work week or duty tour by employees covered by the provisions of the Fair Labor Standards Act (FLSA) shall be compensated by payment at one and one-half (1½) times the straight hourly equivalent rate for the classification or by the award of compensatory time off equal to one and one-half (1½) times the overtime hours worked at the discretion of the City Administrator. Hours worked shall only include hours actually worked on the City's behalf. [For clarity, hours worked is as defined in the FLSA and does not include vacation, personal, military leave, emergency leave, jury leave, disability leave and sick leave hours.]

Compensatory time shall be allowed for nonexempt employees only with approval from their supervisor prior to the hours being worked. If approved by a supervisor, the employee must take compensatory time in the same pay period in which it was accrued. For exempt employees, overtime is considered part of their job responsibility and does not justify overtime pay or compensatory time. Notwithstanding the foregoing, compensatory time off may be

granted to exempt employees for overtime work under exceptional circumstances as the City Administrator may authorize.

Department heads may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare, that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action as herein provided.

Notwithstanding the above, Law Enforcement personnel, under the provisions of the 207(k) exemptions of the Fair Labor Standards act (FLSA), shall be paid overtime for hours worked in excess of 80 hours during a 14-day work period, which for purposes hereof, will be the same as the pay period.

In the instances of Traffic Enforcement Overtime. Police officers will be paid at the rate of two times their rate while working on the Traffic Enforcement Project approved by the Board of Aldermen prior, regardless of hours worked during the pay period.

#### *Section 6-13 Call-Back and On-Call Time*

*Callback Definition:* A call back occurs whenever an employee is required to return to work after they have left work at the end of normal shift for that day.

Employees who have left their normal workplace and who are called back to work shall be credited for actual time worked regardless of the number of individual calls or a minimum of two (2) hours, whichever is greater, except the minimum guarantee shall not apply to calls which occur within two (2) hours of a scheduled reporting time. All call-back time shall count as hours worked, including minimum guarantee time. Employees shall accumulate time from the time they begin to perform services for the City until they complete the services or are relieved from duty.

Employees who are required to appear in court in conjunction with their duties for the City shall be treated as called-back employees if the court appearance does not fall within their work schedules.

*On-Call Definition:* Some employees will be required to rotate on an on-call basis to provide adequate call-back coverage. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.

Department Heads in consultation with Human Resources are responsible for determining the need for On-Call availability and for assigning employees to On-Call status. The supervisor of the employee assigned to On-Call status shall maintain a roster of all qualified employees who may be required to be On-Call. An equitable rotation policy shall be followed in requiring employees to be On-Call.

Employees scheduled and performing on call duty shall be paid one (1) hour regular pay for each weekday and two (2) hours pay for each weekend day and holiday in an on call status regardless of whether or not they are called in to work. Employees who are on call are required to answer the call to return to work within one hour.

## **ARTICLE 7 PERFORMANCE APPRAISAL**

### *Section 7-1 Responsibilities*

The City Administrator, in conjunction with the human resources department, shall develop and maintain an employee appraisal system for the purposes of evaluating individual work performance, identifying training needs and employee development opportunities, and for improving the efficiency and productivity of the City workforce. The human resources department shall develop and cause to be maintained formal procedures to (1) ensure timely completion of employee performance appraisal forms, (2) periodically review the evaluations of employees within department and work units to ensure the equitable administration of the system, and (3) make such studies and recommend such modifications or revisions as may be necessary to improve the system or process.

No later than ten (10) calendar days before an evaluation is due, the department head shall notify the person responsible for the evaluation.

Each department head or supervisor who reviews or conducts an evaluation shall be responsible for its quality, consistency, equity, and timeliness.

No public disclosure of an employee's performance appraisal record shall be made except as set required by law or without the permission of the employee and the City Administrator. Such record shall be made available upon request to the employee; to an appointing authority when needed in connection with a potential action for promotion, transfer, demotion, or dismissal of the employee; or other appropriate officer when needed in connection with an adverse action, grievance, or other relevant matter requiring such information; and to official investigatory agencies after a determination by the City Administrator that such disclosure is in the public interest.

### *Section 7-2 Employee Performance Appraisals*

Prior to the expiration of an employee's introductory or qualifying period, completed performance appraisal forms must be submitted to Human Resources. Original appointees must obtain an appraisal of successful or better to complete the period. Failure to obtain an evaluation of acceptable or better shall result in dismissal or extension of the introductory period as provided in Article 6.

Failure of a promotional appointee (current employee given a promotion as set forth herein) to obtain an evaluation of acceptable or better shall result in the reassignment of the employee to a position in the class held prior to the promotional appointment provided a vacancy exists.

~~Full-time and part-time employees shall be evaluated at least annually by the end of the calendar year or such other time as deemed appropriate by the City Administrator. An evaluation of "successful" or better is required to qualify employees for a pay increase within the range of their classification. Employees receiving an evaluation of "needs improvement" must be placed on a performance improvement plan. A performance improvement plan is a tool to give an employee with performance deficiencies the opportunity to succeed.~~

The City promotes the use of formal and/or informal employee performance evaluations for the purposes of coaching and training employees to identify development opportunities, recognize achievements, provide for improvements and growth, identify deficiencies, and for the efficiency and productivity of the City workforce.

If an employee's performance continues to fall below expected and normal standards despite coaching, training and informal evaluations, a performance improvement plan may be implemented at the discretion of the Department Director. A performance improvement plan is a tool to give an employee with performance deficiencies the opportunity to succeed.

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## **ARTICLE 8 WORK SCHEDULES AND ATTENDANCE**

### *Section 8-1 Regular Working Hours; Exceptions*

Regular working hours for all full-time employees shall be forty (40) hours in any five (5) consecutive eight (8) hour days, except as noted below, provided approved prior to implementation by the City Administrator.

Department Heads shall arrange work schedules to meet the needs of the City service and may allow variable or flexible work schedules, providing that all work schedules for full-time employees shall not be less than eighty (80) hours in each bi-weekly pay period.

### *Section 8-2 Work Schedules Determined by Department Head*

The work schedules for employees shall be determined by the department head. Department heads shall maintain work schedules for all employees under their supervision on a current basis and give reasonable notice of changes in work schedules.

### *Section 8-3 Required Attendance*

Regular and punctual attendance at work shall be required of all employees. Employees who fail to observe attendance requirements and procedures for recording and reporting of attendance shall be subject to disciplinary action.

### *Section 8-4 Closure of Buildings*

The City Administrator, Mayor, or their designee shall be the only person authorized to release non-essential persons due to closure of a building. Employees shall be compensated their regularly scheduled pay for the day of closure if the closure is determined prior to their scheduled start time and if the employee does not have pre-approved leave time scheduled. Employees shall be compensated for the remainder of their days' pay if the closure is made after the start of their scheduled start time and the employee reported to work.

### *Section 8-5 Telecommuting Work Schedule*

Eligible employees may qualify for telecommuting. Eligibility and terms for telecommuting are outlined in Section 20-8.

## **ARTICLE 9 PAID HOLIDAYS**

All full-time and part-time employees (see below), shall receive compensation for the following holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans' Day
8. Thanksgiving Day
9. Friday after Thanksgiving Day
10. Christmas Day
11. Two floating holidays

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. Employees required to work on a holiday shall be compensated in money for time worked on the holiday.

All full-time employees shall receive pay for 8 hours on any holiday. All part-time employees shall receive pay for 4 hours on any holiday. Any hours actually worked on the holiday will count in addition to the hours granted for the holiday.

The Mayor shall be the only person authorized to declare special holidays or days off as an unusual need or circumstance may occur.

Any employee absent without authorized leave on the day preceding and/or following a holiday shall not receive regular compensation for the holiday. Employees may not work additional hours prior to or following a holiday to prevent use of leave time on regularly scheduled work days immediately preceding and/or following a holiday. An employee must work their fully assigned shifts or be absent using vacation leave, sick leave with a physician's note, or pre-approved sick leave for a doctor's appointment, on the employee's regularly scheduled workday immediately preceding the holiday, on the day of the holiday (if scheduled to work), and the employee's regularly scheduled workday immediately following the holiday to receive his/her holiday pay.

Given the nature of the Public Works, Utilities and the Police Department, the department heads and the Chief of Police or their designee shall be responsible for scheduling employees to work holidays.

Employees shall be granted two (2) floating holidays. Employees with a beginning date of employment after June 30, will only receive one (1) floating holiday for that calendar year. Floating holidays must be used within the same calendar year as they are accrued and cannot be carried over to the next calendar year. They must be taken in their entirety and may not be used in increments. To take a Floating Holiday, employees must give their supervisor a minimum of seventy-two (72) hour notice. Employees will not be paid for any unused Floating Holidays upon separation of employment, and they may not be taken once a separation date has been announced.



## **ARTICLE 10 VACATION LEAVE**

### *Section 10-1 Amount*

Every full-time employee in the City holding a permanent status shall be allowed annual vacation leave with pay. Vacation leave shall be credited bi-weekly as follows:

1. until their fifth (5th) anniversary date of continual service, full-time employees will accrue 104 hours annually, distributed evenly over 26 pay periods; and
2. After their fifth (5th) anniversary date of continual service, until their tenth (10th) anniversary date of continual service full-time employees will accrue 136 hours annually, distributed evenly over 26 pay periods; and
3. After their tenth (10th) anniversary date of continual service, until their fifteenth (15th) anniversary date of continual service, full-time employees will accrue 168 hours annually, distributed evenly over 26 pay periods; and
4. After their fifteenth (15<sup>th</sup>) anniversary date of continual service, full time employees will accrue 200 hours annually, distributed evenly over 26 pay periods.

Every part-time employee in the City classified service holding a permanent status shall be allowed annual vacation leave with pay. Vacation leave shall be credited bi-weekly at a rate half that of a full-time employee.

Vacation time may be taken at any time following its accumulation, except during an introductory period.

### *Section 10-2 Accrual*

Vacation leave credit may be carried from one year to the next. Provided however, that the maximum amount of vacation time which may be accumulated shall be an amount equal to one and one-half (1½) times the amount of vacation time which can be earned in any one (1) year.

Vacation leave shall not accrue while the employee is absent from work without pay or is receiving benefits from a retirement system, long-term disability insurance, or Workers' Compensation.

If an employee leaves City service and is re-employed any time after a period of ninety (90) days, vacation is considered as for any new employee. Otherwise, the employee may accrue vacation commensurate with total years of service.

### *Section 10-3 Payment Upon Separation*

Any full-time Employee leaving the municipal service who has given the required notice and who is not terminated for cause, shall be compensated for credited and unused and accrued vacation leave as set forth in Section 10-2 above, to the date of his or her separation, provided he has been in the City service for at least one (1) year.

#### *Section 10-4 Holidays Occurring During Vacation Period*

Any official holiday as set forth in Article 9 which may occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

#### *Section 10-5 Use of Vacation Leave*

Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and (except as set forth in Section 12-6) within the discretion of the department head, be charged against vacation leave allowance.

#### *Section 10-6 Vacation Schedules*

Each department head shall schedule vacation leave with regard to the seniority of employees, in accordance with operating requirements and, insofar as possible, with the requests of the employees. Vacations shall be scheduled by each department head to minimize overtime costs and departmental disruptions while allowing as much flexibility to the employees as possible.

Vacation shall, under normal circumstances, be taken in continuous increments of at least four (4) hours.

#### *Section 10-7 When Taken*

Introductory employees are not eligible for vacation leave pay, although vacation leave accrues from the first month of employment. Full-time employees are eligible to receive vacation leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

#### *Section 10-8 No Hours*

If an employee does not have any accrued vacation or sick hours, that employee may take unpaid time off with the approval of the department head. That employee should request a "No hours" status in the payroll system.

#### *Section 10-9 Mandatory Vacation*

To maximize work integrity and personal well-being, one (1) workweek of continuous vacation must be used annually after two (2) years of employment. A workweek is defined as 40 hours for full time employees and may include holiday time.

Any employee may appeal the requirement of vacation time taken to the City Administrator for reconsideration in accordance with this policy. The City Administrator shall either consider the request or assign a designee to consider the request within 10 business days. Appeals shall be

in writing and provided to the City Administrator. Consideration shall be given to unusual or uncontrollable circumstances, or the inability of the department to approve an employee's vacation request for the minimum use requirement.

#### *Section 10-10 Vacation Buyback*

Employees may request to receive payment for a portion of their unused vacation leave. Vacation leave that is bought back cannot substitute for an employee's mandatory vacation requirement. Employees will have an opportunity to request pay out of up to 40 hours of vacation time accrued on an annual basis. In order to request payment for unused vacation leave, the employee must maintain a minimum balance of 40 hours. Buyback will occur at the end of the calendar year. Written request must be submitted to the City Administrator 30 days prior to the end of the calendar year.

Payment for the requested and approved vacation buyback will be distributed with the first paycheck of the calendar year through a separate direct deposit. The payout will be subject to all federal, state, and statutory deductions. This payment will be included as taxable wages, and reported on your W-2 form.

If an employee requests and is granted the vacation buyback, eligibility to receive donated sick time from the Shared Leave Pool (Section 11-5) is forfeited for the following calendar year.

## **ARTICLE 11 SICK LEAVE**

### *Section 11-1 Amount*

All full-time City employees shall earn sick leave with full pay at the rate of four (4) hours for each pay period. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the introductory period, except with permission of the City Administrator.

All part-time City employees classified service holding a permanent status shall earn sick leave with full pay at the rate of two (2) hours for each pay period. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the introductory period, except with permission of the City Administrator.

Sick leave may never be taken in advance of accrual.

An employee may be eligible for sick leave for the following reasons:

1. personal illness or physical incapacity;
2. quarantine of an employee by a physician;
3. illness in the immediate family requiring the employee to remain at home; or
4. to keep a doctor's appointment.

An employee who is unable to report for work because of the above reasons shall report the reason for his absence to the supervisor within one (1) hours from the time he or she is expected to report for work. Sick leave with pay shall not be allowed unless such report has been made. Sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician, certifying that the employee's condition prevented the employee from appearing for work.

At the department head's request, an employee will be required to present documentation to justify any sick leave taken, regardless of the amount of days used.

An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.

Abuse of sick leave privilege can result in dismissal.

As required by the 1978 amendments to Title VII of the Civil Rights Act of 1964, pregnancy and pregnancy-related conditions shall be treated the same as any other illness or short-term disability.

Any change in an employee's physical condition such as an injury, illness, pregnancy or other condition that may possibly affect the ability of such employee to safely carry out his/her duties as an employee of the City of Smithville, such employee will be responsible in notifying his/her supervisor of such injury, illness, pregnancy or condition.

Family and medical leave shall be granted pursuant to provisions of the Family and Medical Leave Act of 1993 (FMLA) (See Section 13-6).

#### *Section 11-2 When Taken*

Sick leave with pay will be granted for absence from duty because of actual personal illness, non-compensable bodily injury or disease, exposure to a contagious disease, or to keep a doctor or dentist appointment. Exceptions to this provision may be granted by the department head with the approval of the City Administrator if the employee has no accumulated comp time or vacation time.

Sick leave shall not be granted in cases where regular retirement, disability retirement or long-term disability insurance has been approved.

Introductory employees are not eligible for sick leave pay, although sick leave accrues from the first month of employment. Full-time employees are eligible to receive sick leave pay only after they have successfully completed the introductory period. Introductory employees may be excused from work as absent without pay under the conditions and terms of this section.

When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall report this fact to the immediate supervisor. Departments may require specific time frames for notice for work-related purposes. Sick leave may not be granted unless reported to the appropriate supervisor during the specified time frame.

An employee must keep the department head informed of the condition for the absence. The department head may require the employee to submit for any absence the treating physician's written notice of medical reason for the absence from work. Failure to comply with the provisions of this section shall result in denial of sick leave. Abuse of sick leave shall be cause for dismissal.

Transfer of vacation time to sick time shall only be allowed, pending management approval, for illness incurred while on vacation that resulted in a hospitalization.

Any authorized absence due to injury or illness covered by Workers' Compensation insurance shall not be charged against an employee's accrued sick leave.

#### *Section 11-3 Accrual*

Full-time employees may accumulate sick leave with pay to a maximum of 1,000 hours. Sick leave does not accrue while the employee is absent from work without pay or is receiving benefits from Workers' Compensation, long-term disability insurance, or a retirement program sponsored by the City.

#### *Section 11-4 Return to Work/Fitness for Duty Medical Examinations*

Medical examinations when required by the City shall be conducted at the City's expense by a physician designated by the City. The City shall pay for the cost of the examination only. Any referral or additional charge outside the examination is the employee's responsibility. The City may require a medical examination of an employee before a return to work after an illness or injury or a fitness for duty examination, if the requirement for the examination is job-related, consistent with business necessity, and if the City has a reasonable belief that:

1. the employee's ability to perform essential job functions may be impaired by a medical condition; or
2. an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.

The City strives to assist employees to return to work at the earliest possible date following an injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

#### *Section 11-5 Shared Leave Policy*

A. Purpose

The purpose of this section is to establish a Shared Leave Program to provide additional paid leave to employees who are eligible to earn leave benefits who have exhausted all of the accrued leave time due to a serious personal or immediate family illness or injury which is life threatening, catastrophic or resulting in a permanent disability.

B. Use of Information

The Employee acknowledges that any information and documents presented to the City in support of an application for withdrawal from the Shared Leave Pool may be used by the City for any reasonable employment related matter.

C. Definitions

Shared Leave Pool Employee Pool – Defined as a City-wide pool which receives voluntary contributions of vacation or sick credits from employees eligible and converts it into leave credits to be used by eligible employees on behalf of themselves.

Shared Leave Committee – The "Shared Leave Committee" is a City-wide committee appointed by the City Administrator based on employee applications. It is comprised of four (4) fulltime employees which must include a Human Resources representative.

For the purposes of this policy the term "immediate family member" shall mean parent(s), Spouse or Significant other, child(ren) (including stepchild(ren) or foster child(ren)).

Donation of Vacation or Sick Time – Any employee that earns leave benefits is eligible to donate vacation or sick credits to the employee pool subject to the following conditions:

- 1) Contributions must be of at least one hour and employee must maintain an accrual of at least 40 sick hours.
- 2) Contributions will be converted to leave credits on an hour-for-hour basis.
- 3) Contributions made cannot subsequently be returned to the employee.
- 4) Employees may donate to the pool a maximum of 40 sick hours in any one calendar year.
- 5) Employees may not donate to the pool after having been terminated, resigned or have given notice of his/her retirement.
- 6) Employees may donate to the pool by submitting a Shared Leave Donations Form to their supervisor. Supervisors should submit the completed, approved form in order for the leave time to be made available to the respective pool the following pay period.

D. Eligibility to Make Withdrawals from Shared Leave Pool

The employee or immediate family member must have experienced an illness or injury which is life threatening, catastrophic, or resulting in a potentially permanent disability. The illness or injury does not have to be job related. The employee must have exhausted all of his or her accrued leave time (sick, vacation and compensatory leave) before being eligible to withdraw from the pool. The employee must have exhausted all workers' compensation indemnity payments (if applicable) before being eligible to withdraw from the employee pool. The employee cannot receive Shared Leave benefits while eligible to receive long term disability benefits. The employee is not required to have previously contributed to the pool before he or she can withdraw leave. The maximum amount of shared leave an employee may receive is four hundred eighty (480) hours.

E. Process

Employees (or a designated representative) may request leave from the pool by submitting a Shared Leave Request Form to their respective department supervisor. A doctor's statement describing the illness or injury must accompany the request and must include the diagnosis of the illness or injury, and a prognosis. A medical certification stating why the employee's absence is required for the personal attention and care of an immediate family member must also accompany the request.

Department Responsibilities

- 1) Securing adequate medical documentation from the employee, which justifies whether the illness is life threatening, catastrophic, or resulting in a permanent disability.
- 2) Work with Human Resources to ensure that the employee has exhausted all accrued leave time, and (if applicable) workers' compensation indemnity payments.
- 3) Forwarding each Shared Leave request form and supporting documentation to Human Resources. After review for eligibility, Human Resources will send to the Share Leave Committee.

- 4) Notifying the employee of approval or disapproval to receive shared Leave. Notifying the Payroll/HR Department immediately upon becoming aware when a leave recipient's medical emergency terminates.

#### Shared Leave Committee Responsibilities

- 1) Reviewing Shared Leave request on an as needed basis and ensuring employees meet the eligibility requirements for receiving benefits.
- 2) Reviewing and recommending approval or disapproval of requests based on eligibility requirements for receiving benefits, to the City Administrator.
- 3) Monitoring the Shared Leave pool balances and determining the amount of leave eligible employees will receive.
- 4) Recommending policy changes to the City Administrator.
- 5) Keeping the City Administrator informed of Shared Leave activities.

#### City Administrator Responsibilities

- 1) Reviewing Shared Leave requests.
- 2) Approving or disapproving recommendation based on submitted application and such other data relevant to the request.
- 3) Forwarding Shared Leave approval and documentation to Human Resources.
- 4) Advising Shared Leave Committee and Department Head of rejected request.

#### Human Resources Representative Responsibilities

- 1) Maintaining records, along with Human Resources.
- 2) Verifying the employee has exhausted all allowable leave time and (if applicable) worker's compensation indemnity payments.
- 3) Keeping records of pool balances and providing this and other pertinent data to the Shared Leave Committee.

#### Awarding of Shared Leave Benefits

In those cases where the employee is eligible to receive benefits, the payment of benefits will be handled as follows:

The amount of Shared Leave the employee is eligible to receive will be based on the doctor's statement, which contains the medical diagnosis and prognosis. The maximum amount of Shared Leave an employee may receive four hundred eighty (480) hours per qualifying illness or injury. The amount of Shared Leave an employee is eligible to receive for care of an immediate family is not to exceed four hundred eighty (480) hours per qualifying family illness or injury. Additional medical documentation must be submitted to the Shared Leave Committee for review each month for continued eligibility.



The amount to be granted, however, will be determined on a month-by-month basis and is dependent upon the pool balances and number of eligible recipients. Each recipient will receive a proportionate share of Shared Leave each month, provided it does not exceed the amount they are eligible to receive.

If the pool balance cannot accommodate the amount the employee is eligible to receive, a pool drive will be initiated. The employee will continue to receive additional leave each succeeding month (to the extent of the then existing pool balance) until they reach the amount they are eligible for, (providing they are still experiencing the qualifying illness or injury).

The Shared Leave Committee has the right to require an updated medical statement/records from the employee on an as needed basis. However, additional medical documentation must be submitted to Human Resources for review each month for the continued eligibility of Shared Leave.

Any amount of Shared Leave granted for the month but not needed will be returned to the respective pool.

Employees may accrue vacation and sick leave credits while using donated leave, but must exhaust those accrued hours before using additional donated leave.

An employee who uses Shared Leave from the pool is not required to pay back any Shared Leave received.

F. Shared Leave Committee Membership and Terms

The City Administrator shall accept applications and appoint four (4) fulltime, City of Smithville employees as the "Shared Leave Committee". At least one member must be a representative of Human Resources. Members shall serve two (2) year terms. Terms shall be calendar years expiring on December 31st. Two (2) members' terms shall expire each year.

## **ARTICLE 12 SPECIAL LEAVE**

### *Section 12-1 Approval Authority*

Department heads may approve requests for special leave as defined hereinafter in accordance with procedures established by the City Administrator.

### *Section 12-2 Court Leave*

Full-time employees subpoenaed as a witness in a civil or criminal case or selected to serve on a jury shall be granted paid leave during their absence, provided, however, that all payments provided by a court for jury service shall be turned over to the employee's department head and transmitted to the City Treasurer for deposit as miscellaneous revenue. Essential personnel such as law enforcement employees and department heads may be required to request to be

excused from jury duty by the court. Introductory employees are not eligible to receive paid court leave.

### *Section 12-3 Military Leave*

This policy is intended to comply with the Uniformed Services Employment and Reemployment Rights Acts, Title 38 U.S.C., Sections 4301-4333, currently in effect and as amended and to the extent any provision hereof is inconsistent with such statute, this policy is deemed to be amended to comply with said law.

#### A. Eligibility

Employees who have been in City service for at least one (1) year immediately preceding leaving the service of the City directly to enter the active uniform service of the United States during a national emergency, drafted into such service, or employees subject to compulsory service who voluntarily enlist, shall be granted a military leave of absence without pay to extend to three (3) months beyond the date of termination of active uniform service. The term "uniform service" as used herein shall include the Army, Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service, as well as all auxiliary branches of said services in which either men or women shall be called on to serve, but shall not include services as civilian employees of any of the services. The term "national emergency" as used herein shall exist during such period as determined by the federal government.

An employee meeting the eligibility requirements shall have the employee's base military pay supplemented by the City to an amount not to exceed the employee's regular City pay for a period of up to six (6) months while in emergency active duty. The remainder of military leave shall be without pay.

#### B. Disposition of Vacation and Sick Leave

An employee who leaves the City service directly for such military leave may elect to be paid for any accrued vacation as the employee may be entitled to if separating from the City service. The decision shall be noted on the personnel action form effecting the leave. If the employee elects not to be paid for vacation leave, accrued vacation credits shall be reinstated upon return of the employee. Accrued sick leave shall be reinstated upon return of the employee in either case.

#### C. Restoration

An employee returning from military leave shall be entitled to restoration to the former position held prior to the leave provided the employee makes application within three (3) months after release from duty and has been honorably discharged and is physically and mentally capable of performing the essential duties of the position involved. If the position vacated no longer exists at the time the employee qualifies for return to work, such person shall be entitled to be reemployed in another existing position of the same class.

#### D. Salary

An employee returning from military leave may be re-employed at the same salary range attained when granted a military leave. The employee may be eligible for a merit increase upon completion of one (1) year of service which shall include time between the last merit increase and the date military leave was granted.

#### *Section 12-4 Military Training Leave of Absence*

All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government shall be entitled to leave of absence with pay from their respective duties on all days during which they are employed with or without pay under the orders or authorization of competent authority on active training duty, duty with troops, field exercises, or instruction for a period not to exceed a total of fifteen (15) calendar days on the basis of an 8-hour workday in any one (1) federal fiscal year (Oct. 1 - Sept. 30). Employees exceeding the limit of one and a half times their normal bi-weekly scheduled hours in any one (1) federal fiscal year (Oct. 1 - Sept. 30) may elect to use accrued vacation leave or take unpaid leave. At the time the employee's accrued vacation leave becomes exhausted, employees may substitute accrued sick leave in place of accrued vacation time. Employees requesting this leave of absence, with or without pay, shall provide documentation of the orders or authorization of competent authority for the time period for which military leave will be taken.

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All employees who are or may become active members of the National Guard, the Officers' Reserve Corps, or the Enlisted Reserve Corps of the United States Government who are required to attend monthly training sessions which conflict with their normal work schedules shall give advance notification to their supervisors in accordance with departmental rules and regulations.

#### *Section 12-5 Maternity Leave*

Maternity shall be treated as any other non-duty temporary disability covered under the rules pertaining to sick leave and family and medical leave. If at any time during pregnancy an employee is aware that her and/or her unborn child's health is endangered by her job, she shall immediately make this fact known in writing to her department head. At such times as deemed necessary by the department head, pregnant employees shall submit to their department head a doctor's statement indicating the employee's physical ability to perform her job. Employees returning to work after childbirth shall submit to their department head a doctor's statement indicating the employee's physical ability to return to the job. The duration of maternity leave shall be determined by reference to the family and medical leave provisions of this article.

#### *Section 12-6 Family and Medical Leave*

It is the policy of the City to provide Family and Medical Leave (FML) in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and subsequent amendments. This policy outlines the information provided in "Employee Rights and Responsibilities Under the Family and Medical Leave Act", a compliance poster issued by the Wage and Hour Division of the U.S. Department of Labor (Revised January 2009).

Employees who have worked at least 1,250 hours in the twelve (12) months prior to a family or medical leave request shall be granted up to twelve (12) weeks of unpaid leave during any twelve (12) month period for the following reasons:

1. for incapacity due to pregnancy, prenatal medical care or child birth;
2. to care for the employee's child after birth, or placement for adoption or foster care;
3. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. for a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Employees on approved family or medical leave are allowed: 1) to continue group health and other insurance, if any, during the leave on the same conditions as would have been provided if the employee had been continuously employed; and 2) to return to the prior job or an equivalent one in terms of salary, accrued benefits and other job conditions. The employee is required to continue to pay his/her contribution to dependent or family coverage or other elective benefit costs. If on paid leave, premiums will be deducted from pay as usual. If some or all of the leave will be without pay, information on how and when to make premium payments will be provided to the employee.

Employees must attempt to schedule family and medical leave so as not to disrupt City operations. If leave is for the birth or placement of a child or for planned medical treatment the employee must give notice at least thirty (30) days in advance, or as soon as practical.

If leave is requested for a serious health condition, the employee must provide a certification from a health-care provider stating the medical facts regarding the condition, including its date of onset and probable duration.

If leave is requested to care for family members, a certification may be required to state that the employee is unable to perform the functions of the job, that the leave will assist in a family member's recovery, or that there is a medical need for a reduced schedule.

Employees are required to substitute accrued vacation and/or sick (run concurrently) leave for any part of the twelve (12) week period to which they are entitled under the family and medical leave provisions. Vacation and sick leave benefits will accrue during an FMLA leave while the employee is on paid status. Vacation and sick leave benefits will not accrue during an FMLA leave while the employee is on un-paid status.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees returning from medical leave shall provide a certification from a health-care provider that they are able to resume work.

An employee who fails to return from family or medical leave shall repay the premiums which the City paid for the employee to keep group insurance in effect during the leave.

#### *Section 12-7 Occupational Injury Leave*

Any employee who sustains an on-the-job injury shall immediately report such injury, regardless of severity, to the immediate supervisor. The employee and the immediate supervisor shall prepare required reports of such injuries and submit same to the department head and personnel & safety officer within twenty-four (24) hours of the accident or the next business day after notification by the injured employee.

Employees injured on the job are covered by the Missouri State Workers' Compensation Act. This law provides specific benefits including payment of approved medical expenses and partial payment for loss of wages. Payment for lost time commences after three regularly scheduled full days off from work. The first three (3) full work days off are covered by the City, but if the employee is unable to return due to injury for more than fourteen (14) calendar days, whether consecutive or nonconsecutive, after the date of injury, the City Workers' Compensation program then covers partial loss of wages for the first three (3) days. No adjustments to any leave balances nor recoupment of this money will be undertaken by the City.

Supervisors shall be responsible for the investigation of accidents or injuries involving employees assigned to their work units. Every effort shall be made to determine the causes of accidents or injuries and preventive measures taken as appropriate.

#### *Section 12-8 Absence Without Leave*

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be grounds for disciplinary action by the City. In addition, any employee who is absent for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the City subsequently granting leave with or without pay where extenuating circumstances are found to have existed.

#### *Section 12-9 Bereavement Leave*

All full-time exempt and non-exempt employees (excludes temporary and part-time employees) are eligible for bereavement leave of up to 24 hours in the event of the death of an immediate family member. Bereavement leave with pay is allowed for family care and bereavement, which includes making arrangements required by the death of a member of the employee's immediate family and attending the funeral of a member of the employee's immediate family. Immediate family is defined as below:

1. Spouse (including domestic partner)
2. Parents (including step-, in-laws and parents of domestic partner)
3. Siblings (including half- and step-)
4. Children (including step- and foster)
5. In-Laws (to include daughter/son and brother/sister)
6. Grandparents (including step-)
7. Grandchildren (including step-)

#### *Section 12-10 Education Leave*

Full-time employees may be granted absence from duty on a non-pay status for education instruction when recommended by a department head and approved by the City Administrator if the successful completion of such instruction will contribute to the City service.

#### *Section 12-11 Special Assignment Leave*

Full-time employees may be granted absence from duty on a non-pay status for special assignment with another agency or government with return to the City completed in a definite amount of time when recommended by a department head and approved by the City Administrator.

*Section 12-12 Paid Administrative Leave*

Employees under an employer-initiated investigation may be placed on paid administrative leave through the completion of the investigation. All employer-initiated investigations will be handled by Human Resources in conjunction with the City attorney and any other necessary entities.

Paid administrative leave may be used in extraordinary circumstances upon approval of the City Administrator and Mayor.

## **ARTICLE 13 OTHER FRINGE BENEFITS**

### *Section 13-1 Life Insurance Coverage*

Full-time employees will be enrolled, without cost, in the basic group life insurance coverage program, if any, approved by the Board of Aldermen. The basic life insurance coverage is as approved by the Board of Aldermen. Current tax laws make any benefits above a certain amount taxable income to the employee. Optional life insurance at lower set coverages may be available for dependents.

### *Section 13-2 Health Insurance Coverage*

Full-time employees will be offered, at a cost, a health insurance coverage program, if any, approved by the Board of Aldermen. The health insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored health insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Health insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored health insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect health insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's health insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

### *Section 13-3 Vision Insurance Coverage*

Full-time employees will be offered, at a cost, a vision insurance coverage program, if any, approved by the Board of Aldermen. The vision insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored vision insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Vision insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored vision insurance program, at an additional cost to the employee.



New hires have thirty (30) days from their date of employment to elect vision insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's vision insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

#### *Section 13-4 Dental Insurance Coverage*

Full-time employees will be offered, at a cost, a dental insurance coverage program, if any, approved by the Board of Aldermen. The dental insurance coverage is as approved by the Board of Aldermen. Enrollment in the employer sponsored dental insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

Dental insurance coverage for dependents of full-time employees is available to any employee enrolled in the employer sponsored dental insurance program, at an additional cost to the employee.

New hires have thirty (30) days from their date of employment to elect dental insurance coverage. Coverage is effective the first day of the month following date of hire.

Changes to elected coverage are only allowed for a Health Insurance Portability and Accountability Act (HIPAA) event or during open enrollment, which is offered once per calendar year.

In the event of separation of employment, coverage terminates the last day of the month in which separation occurs.

As authorized by law or the group plan, full-time employees who retire due to age or disability may decide to continue their coverage under the City's dental insurance program at their own expense by providing thirty (30) days' notice to the group plan administrator.

#### *Section 13-5 Voluntary Insurance Coverage*

Voluntary insurance programs for all employees may be offered, at a cost, if any, approved by the Board of Aldermen. The voluntary insurance coverage is as approved by the Board of Aldermen. Voluntary insurance programs include, but are not limited to, accident policies, cancer policies, dependent care coverage, flexible spending accounts, additional life insurance and short-term disability. Enrollment in the voluntary insurance program is optional and no additional benefit is due to the employee for waiver of coverage.

#### *Section 13-6 Retirement Plans*

Full-time employees working the required minimum number of hours or more per year will be enrolled as participating members of the appropriate local government retirement plan (LAGERS) and contributions to the plan will begin after six (6) months of employment. Contribution levels are based on a percentage of the employee's salary as appropriated by the Board of Aldermen. The plan is subject to the rules of the appropriate local government retirement plan. For any full-time employee that has fulfilled their six (6) month waiting period with a previous LAGERS employer and has not forfeited that service through a refund or lump sum, contributions will begin immediately upon hire.

#### *Section 13-7 Long-Term Disability Insurance*

As provided under LAGERS retirement plan, full-time employees may be eligible for Long Term Disability Insurance.

#### *Section 13-8 Employee Assistance Program*

Full-time Employees are eligible to utilize services provided by the Employee Assistance Program (EAP) as part of the group health plan as approved by the Board of Aldermen. The services are outlined in the EAP brochure available in Human Resources.

## **ARTICLE 14 SEPARATION AND DISCIPLINARY ACTIONS**

### *Section 14-1 Resignations*

Any employee who is in good standing may resign from the service of the City by presenting their resignation in writing as contained herein. Employees holding positions which are covered by the Fair Labor Standards Act (FLSA) must present such notice of resignation not less than two (2) weeks prior to their effective date. Employees holding positions which are exempt, other than department heads and the City Officials as set forth in Chapter 105 of the Smithville Code, from coverage under the Fair Labor Standards Act must present notice of resignation no less than four (4) weeks prior to their effective date. Such resignation may be withdrawn by the employee at any time prior to the effective date with the approval of the City Administrator and department head, or if the resignation is that of a department head or a City Official as set forth in Chapter 105 of the Smithville Code, then with the approval of the Board of Aldermen. Department heads and the City Officials as set forth in Chapter 105 of the Smithville Code must present notice of resignation no less than four (4) weeks prior to the effective date.

Any employee who fails to provide notice as set out in the paragraph above shall be deemed to have relinquished all accrued vacation time and compensatory time and shall no longer be eligible for any benefits related to payment for hours not worked including holiday pay.

### *Section 14-2 Termination*

An employee may be terminated at will with or without cause.

Upon leaving the City service, each employee ~~may will~~ be invited to attend an exit interview with his/[her](#) supervisor to receive feedback about employment in the City service.

### *Section 14-3 Reduction in Force; Layoffs*

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving proper notice. However, no full-time employee shall be separated from any department while there are introductory, part-time, or temporary employees serving in the same department. An appointing authority may, with the approval of the City Administrator, appoint an employee who is to be laid off to any existing vacancy in a lower class for which the employee is qualified. All other factors being equal, employees shall be laid off in reverse order of their total service with the City. The City will provide two (2) weeks' notice or equivalent compensation to persons being laid off and holding positions which are non-exempt under FLSA. For persons laid off and holding FLSA exempt positions, excluding department heads, the City will provide four (4) weeks' notice or equivalent compensation.

### *Section 14-4 Return of City Property*

All employees separating from the City service for any reason shall, prior to separation, return all City-owned property and equipment issued to the employee. Failure to do so will result in the withholding of benefits otherwise due the employee.

#### *Section 14-5 Discipline*

Nothing in this policy or in this Employee Handbook (including a description of various types of discipline which may be administered) is intended to limit, in any way, the City's right to terminate an employee at-will at any time, with or without cause, and with or without advance notice. The fact that different levels of discipline are mentioned in this Employee Handbook shall not be construed as the City's adoption of a policy of "progressive discipline" before termination may occur.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Whenever conduct of an employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee.

Any action which reflects discredit upon the City service or is a direct hindrance to the effective performance of the City government functions shall be considered cause for disciplinary action against any employee of the City.

A serious offense or repeated disciplinary problems may require immediate termination of employment. While employment may be terminated at any time without cause, serious misconduct of the following nature may result in immediate termination of employment for the first offense. Some circumstances constituting cause for disciplinary action are listed below, although charges may be based upon cause and complaints other than those listed.

1. Any off-duty conduct which impairs the employee's ability to do the job in a satisfactory manner.
2. Adjudication or plea of guilty to any felony, or a misdemeanor involving a crime against persons, property or involving moral turpitude.
3. Two (2) or more convictions or pleas of guilt during a three (3) year period of misdemeanors, State/Municipal alcohol related offenses, and/or State/Municipal traffic charges (if the employee operates vehicles or equipment).
4. Intoxication or the consumption of intoxicating beverages or illegal drugs while on duty or while on City property, or violation of the City substance policy.
5. Abusive or improper treatment to a person in custody.
6. Offensive conduct or language toward the public or toward City officers or employees.
7. Falsification of employment application or other City records, or the altering or falsifying of time cards, work records, or job records.
8. Incompetence or inability to perform the duties required.
9. Intentional damage or negligence in the care and handling of City property.
10. Violation of any official regulation or direction made or given by his superior, where such violation or failure to obey amounted to an act of insubordination or a serious breach of proper discipline, or resulted, or might reasonably have been expected to result, in loss or injury to the City or to the public.

11. Acts or omissions of acts unbecoming an incumbent of the particular office or position held which render a reprimand, suspension, demotion, or discharge necessary or desirable for the economical or efficient conduct of the business of the City or for the best interest of the City government.
12. Violation of any of the provisions of the ordinances or any administrative regulation of the City.
13. Inducing or attempting to induce any officer or employee in the City service to commit an illegal act, to act in violation of any lawful order and reasonable departmental or official regulation or order, or to participate therein.
14. Solicitation or receipt in whole or in part from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment, influence, or bribery to secure advantage in any City activity or circumstances.
15. Use or attempted use of political influence to obtain special treatment for an examination, promotion, or wage increase.
16. Failure to pay just debts due or owing, including taxes, licenses, or fines due the City, or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance to the City, superiors, embarrassment to the City, to supervisors, or embarrassment to the service.
17. Absence from duty, without leave, contrary to these rules, or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked and canceled by the proper authority.
18. Unauthorized use of City vehicles, tools, equipment, manpower, or materials for personal benefit. Any authorized use must be clearly approved by the appropriate supervisor.
19. Excessive use of City telephones for the conduct of personal business during working hours or for unauthorized long-distance calls.
20. Tardiness and/or abuse or excessive use of sick leave privileges.
21. Failure to properly report accidents or personal injuries.
22. Failure to maintain a satisfactory attendance record.
23. Failure to report wrongdoings of other City employees.
24. Failure to maintain any license or certification if possession of such a license or certification is a condition of employment.
25. Intentional failure or refusal to carry out lawful instructions.
26. Misappropriation, destruction, theft or conversion of City property.
27. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
28. Employee subsequently becomes physically or mentally unfit for the performance of his/her duties.
29. Acts of misconduct while on duty.
30. Neglect or carelessness resulting in damage to City property or equipment.
31. Violation of Federal or State Statute or City ordinance.
32. Soliciting and/or the acceptance of gifts or the attempted use of a City Position for personal gain.
33. Other conduct which is detrimental or prejudicial to the best interest of City Government.
34. Any other violations of these rules and regulations deemed sufficient to warrant discipline by appropriate supervisors.

#### *Section 14-6 Disciplinary Actions Defined*

Any of the following disciplinary actions may be imposed by the City depending upon the City's judgment of the necessary action to address employee conduct in violation of appropriate standards. The City, at its discretion, may determine that disciplinary action less than dismissal may be appropriate in some circumstances.

##### A. Oral reprimand

An employee may receive an oral reprimand for the first minor disciplinary offense. This action is normally taken by the employee's supervisor with notation to the employee's personnel file.

##### B. Written reprimand

A written reprimand may be transmitted through the appropriate department head to the employee and shall state the specific actions leading to the reprimand. This action is normally taken by the employee's supervisor.

##### C. Suspension

Suspension is the temporary removal from duty status without pay of an employee for a specified or indefinite period. Suspension shall be approved by the department head and City Administrator prior to completion of the action.

1. An employee may be suspended for an indefinite period when the department head determines such action is necessary and in the best interest of the City and in cases where an employee is charged and awaiting trial for a criminal offense involving matters apparently prejudicial to the reputation of the City.
2. When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.
3. Whenever an employee is suspended pending trial or investigative outcomes and is subsequently exonerated, the employee shall be reinstated without loss of pay or benefits.
4. An employee may be suspended for a definite period of time for a specific cause.

##### D. Demotion

An employee may be moved to a position in a class with a lower maximum salary rate for misconduct. Demotions shall be approved by the department head and City Administrator prior to completion of the action.

##### E. Dismissal

Discharge of a full-time employee should be recommended in cases involving recurring disciplinary offenses or a single offense involving a serious breach of discipline. Dismissal

shall be approved by the department head and City Administrator prior to completion of the action.

F. Referral

At any step of the disciplinary process the employee's supervisor may refer the employee to the Employee Assistance Program (EAP).

G. Personnel File

Documentation of all disciplinary actions will be placed in the employee's personnel file.

*Section 14-7 References*

The City does not provide former employees with references regarding work performed for the City.

*Section 14-8 Authority of Board of Aldermen and Mayor*

No language in this Personnel Handbook granting authority to the City Administrator or any other person shall in any way be interpreted as intending to remove from the Mayor or the Board of Aldermen their hiring and/or removal authority under R.S.Mo. § 79.240, under other provisions of the Smithville Code or otherwise.

## **ARTICLE 15 APPEALS AND GRIEVANCES**

### *Section 15-1 Grievance Policy*

It shall be the policy of the City to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the preparation of grievances at any supervisory level, employees are assured of freedom from restraint, interference, discrimination, or reprisal. If an employee has access to more than one (1) complaint process, the employee must choose which process to pursue at the beginning of the grievance and may only utilize one (1) process.

#### **A. Representation**

An employee may be accompanied by another employee of the employee's choosing in the presentation of a grievance.

#### **B. Grievance Procedure**

1. Oral report: An employee who has a grievance shall first present the grievance to the immediate supervisor within three (3) working days of the action or incident in question. If the grievance is against the immediate supervisor, the employee may report it to the next level of supervision as outlined in number 3 below, within five (5) working days of the incident.
2. Written report: If the oral grievance presentation fails to settle the grievance the employee may within six (6) working days submit a written grievance report of the action or incident in question to the immediate supervisor. Within three (3) working days after receiving such grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.
3. Appeal to Department Head: If the written reply to the grievance is not satisfactory, the employee may, within five (5) working days after receiving the reply, submit an appeal in writing to the department head. The department head shall confer with the aggrieved employee before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within five (5) working days of the date on which the appeal was received by the department head.
4. Appeal to City Administrator: If the appeal to the department head fails to resolve the grievance, the employee may, within five (5) working days of receipt of the decision on the grievance, submit an appeal in writing to the City Administrator. Within fifteen (15) working days of the receipt of such an appeal, the City Administrator or a designee shall meet with the employee to discuss matters pertinent to the grievance. The decision of the City Administrator, under supervision of the Mayor, shall be final and no further right of appeal shall be provided to employees. The City Administrator shall forward one (1) copy of the course of action to be followed to the employee concerned and to the department head within fifteen (15) days after the meeting with the employee.



#### C. Classification Grievances

All grievances pertaining to the classification of an employee shall be made in writing to the City Administrator through the department head. The decision of the City Administrator, under supervision of the Mayor, shall be final in all matters of classification, and the employee shall not have further right of appeal.

#### D. Compensation Grievances

The pay range established for a given class of work shall not be subject of the grievance procedure.

#### *Section 15-2 Appeal Policy*

Appeals of terminations or other disciplinary actions for cause may only be taken by department heads and the City Officials as set forth in Chapter 105 of the Smithville Code (in this subsection "Appellant"), and shall be in the form of a written appeal report and shall be made to the Board of Aldermen within five (5) working days of the effective date of the termination or other disciplinary actions. At the next regularly scheduled meeting of the Board of Aldermen following the receipt of the appeal, the Board of Aldermen shall decide whether to grant a hearing before the Board of Aldermen and if so, shall thereafter proceed with the appeal hearing before the Board of Aldermen, or Board of Aldermen may summarily affirm the termination. The decision on its consideration of the appeal and hearing shall be closed to the public. Notwithstanding the above, the Board may choose to decide on its consideration of the appeal and the actual appeal at a later date. If so, the Appellant shall be given notice of the hearing. The Board shall rule on the appeal based on the report of the City Administrator, as well as evidence and testimony presented at the hearing. The decision by the Board of Alderpersons shall be final.

#### *Section 15-3 Conduct of Investigation*

In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provision of these rules, the City may conduct such investigation, including but not limited to involving the production of records or reports by a City department.

## **ARTICLE 16 RECORDS AND REPORTS**

### *Section 16-1 Personnel Records*

Human Resources shall be the central repository for all personnel files and records.

### *Section 16-2 Reports*

Every appointment, transfer, promotion, demotion, dismissal, sick leave, vacation leave and other temporary or permanent changes in the status of employees in the City service shall be reported in writing. The City Administrator shall prescribe the time, manner, form, and method of making any written report as may be stipulated in any of these rules.

### *Section 16-3 Public Records*

Employment records of an employee are not public records, except to the extent required by Missouri Open Records Law.

## **ARTICLE 17 TRAVEL EXPENSES**

Travel to conduct City business should be accomplished in the most economical and efficient manner possible. This policy governs allowable expenses, by which travel is obtained and the required procedures and documentation.

This policy applies to any elected or appointed official or City employee who travels as well as anyone who arranges, approves, pays for or processes transactions related to travel.

### **A. General Guidelines**

The City pays or reimburses reasonable and necessary expenses for City travel, with proper approval by the City.

Travel is often part of the job and travel arrangements and payments are intended to be neutral to the employee with no advantage or benefit to the employee.

The City's reimbursement policies are based on IRS guidelines for an accountable plan, which allows the City to reimburse employees for authorized business expenses without creating a taxable event for the employee.

It is your responsibility to demonstrate that the expenses you incur or approve are reasonable and necessary. As needed, you should include explanations and documentation to fully substantiate travel expenses.

The standard you should apply is that each travel expense should stand on its own without the need to seek further explanation. In other words, an individual who did not take or approve a trip could review the trip documentation and readily understand what expenses were incurred and why and how they relate to transacting City business.

As a traveler or approver, you are responsible for being familiar with and adhering to City travel rules and policies. Deliberate disregard for City travel rules or policies or intentionally filing or approving a fraudulent or misleading expense report are grounds for disciplinary action including termination of employment.

Where feasible and appropriate, you should have the City pay travel expenses before the trip, such as airfare and registration. Eligible expenses you incur are reimbursable after the travel has occurred.

The City has two credit cards (Procurement Card and Fuel Card) that may be used to pay for travel expenses. Collision damage coverage is provided by the card issuer when the Procurement Card is used to pay for rental cars.

## B. Types of Travel Expenses

### 1. Vehicle

For travel by vehicle, use City issued fuel credit cards to purchase fuel for City owned vehicles.

Reasonable expenses for oil, washing, filters and other necessary services are allowable as long as you attach receipts to your expense report or provide other justification, such as for a coin operated car wash.

It is the intent of the City to use City vehicles whenever possible in lieu of use of personal vehicles for City travel purposes. When a City vehicle is not available or appropriate, mileage shall be reimbursed at the standard mileage rate set by the Internal Revenue Service for use of a personal vehicle for official City business when traveling more than fifteen (15) miles outside City limits.

### 2. Air Travel

You are expected to exercise prudent care in arranging airfare in order to obtain the lowest feasible fare. Only coach fare is allowed. You should obtain the lowest reasonable, logical airfare. Air travel arrangements should be made on the basis of what benefits the City and not on accruing frequent flyer miles for an individual.

### 3. Lodging

Lodging shall be reimbursed when travel extends beyond seventy-five (75) miles from the City, or a greater than ninety (90) minute one-way trip.

You are expected to select the location, type and cost of lodging that best meet the needs of the City and your work requirements. Reasonable and necessary amounts are allowed for the cost of lodging at the single room rate, in accordance with the U.S. General Services Administration lodging rates. In areas where comparable accommodations are available at significantly different prices you should seek prior approval for selecting higher priced lodging and document the reason(s) for selecting the higher priced lodging.

Key issues that determine hotel acceptability to the City include accountability, transparency, price, safety, convenience, ease of booking and payment, oversight and issue resolution.

When traveling on City business in Missouri, your lodging is exempt from state sales tax. At the time of check-in, provide a copy of the Missouri Sales and Use Tax Exemption Certificate.

An itemized statement furnished by the lodging provider and documentation of payment are required for all lodging expenses.

#### 4. Meals

Employees may claim the applicable per diem rate for each eligible meal (breakfast, lunch or dinner) while in travel status. Tips on meals are part of the per diem and may not be claimed separately. Employees may not use the Procurement Card to pay for meals while in travel status. Employees must pay for meals from their own funds. Their actual expense may differ from the applicable meal per diem.

Travel status begins when you leave your residence or domicile to travel on City business. Travel status ends when you return to your residence or domicile. You are not in travel status if any part of your trip involves a commute. When your official domicile and residence are different, the travel status begins and ends on whichever is less.

To qualify for a meal per diem when no overnight lodging is indicated, you must be in travel status for twelve (12) hours or more.

Eligible meal is defined as follows:

- a. Breakfast –if travel status begins no later than 7:00 a.m.
- b. Lunch –if travel status begins no later than 10:00 a.m. and continues past 2:00 p.m. until you return.
- c. Dinner –if travel status begins no later than 5:00 p.m. and continues past 7:00 p.m. until you return.
- d. The per diem rate is set in accordance with the U.S. General Services Administration meals and incidental expenses breakdown.

When attending a meeting or conference you may claim the applicable meal per diem for those meal times where you document that no meal was provided.

#### 5. Miscellaneous Expenses

You may request reimbursement for reasonable and necessary business expenses you actually incur related to travel, including:

- a. Taxis or other ground transportation to or from the airport and to or from meetings away from your hotel.
- b. Parking.
- c. Transportation to attend official events outside the hotel or to get a meal.
- d. Toll charges for bridges and turnpikes.
- e. Incidental expenses such as postage, small emergency supplies, telephone, internet, fax, and other like charges when necessary for transacting City business while traveling. Attach proof of payment to your expense report.

Expenses incurred for your sole benefit, such as any type of insurance, Individual Business Travel Card late payment fees or finance charges, travel loan finance charges, personal credit card fees or dues, entertainment such as television or movie charges, bar bills, fitness

membership fees, extra meals or snacks, bulk food/beverage purchases, newspapers, magazines and other like charges are not allowed as reimbursable travel expenses.

Items which have been properly purchased and invoiced directly to the City of Smithville are not reimbursable and should not be included on an expense report.

#### C. Reimbursement Process

A monthly expense report is required to request reimbursement of travel expenses. Attach itemized receipts for each item for which reimbursement is requested.

Expenses reports must be submitted within 90 days after the end of the trip on which the expenses are paid or incurred or the reimbursement may be taxable to the employee. For expenses reported more than 90 days after the end of the trip, you must document the reason for the delay. Reimbursement is subject to the availability of funds and the City has the discretion to deny reimbursement.

The person incurring the expenses must sign the form and submit it for approval.

#### D. Other Requirements

##### 1. Resident City Other Than Official Domicile

If your residence is in some place other than the City of Smithville (your official domicile), you are not allowed expenses while in your resident city or mileage for travel between your resident city and your official domicile. You may request reimbursement for a meal charge you incur within your resident city if incurred as part of a City sponsored conference or business meeting. This represents meals served to officials and employees at conferences and meetings while they are interacting and conducting City business. Any additional travel expense incurred because you reside in a place other than the official domicile is not eligible for reimbursement.

##### 2. Alternate Travel Arrangements

Employees may request approval to travel by alternative means or under an alternative time frame. Examples are traveling by personal vehicle to a meeting and extending the time of travel before and/or after the meeting. The City will pay or reimburse no more than what it would have had the employee traveled by conventional means and under normal time constraints. Your request must include the following information:

- a. Your reason for requesting this arrangement
- b. Documentation of what your expenses would have been had you traveled in a conventional manner
- c. A clear demonstration that this alternate arrangement is not to the detriment of the City.

- d. Whether or not your alternate arrangement will have you traveling at times that normally would be work times. In these cases, you may need to seek approved time off.
- e. If you elect to drive a personal vehicle rather than fly, you must provide a comparison between the estimated total cost to drive and the estimated total cost to fly. If approved the City will reimburse the lower of your actual cost to drive or the estimated cost to fly.

Additional provisions regarding alternate arrangements include:

- a. Only authorized passengers are permitted to ride in City owned vehicles, including vehicles rented under the City's name. Non-City individuals such as volunteers, spouses, and children should not be passengers in a City vehicle unless they are involved in the conduct of City business.
- b. If an employee personally rents a vehicle for City business travel because they want to take an "unauthorized passenger" with them in the rental, the employee must purchase liability and collision coverage through their personal auto insurance or directly from the rental company. In the event of an accident, the employee's coverage or insurance purchased from the rental agency would provide primary coverage. Any expenses incurred beyond the rental charge and fuel are not allowable for reimbursement.

### 3. Spouse and Family Expenses

Expenses for a spouse and family at an official business function are allowable under the following circumstances:

- a. This expense must be for a legitimate business reason where attendance of the spouse is required to represent the City. City employees and officials may be reimbursed for expenses incurred by their spouses or other members of their family only as provided in City policy.
- b. Approval of these expenses should be attached to the applicable expense documents.

### 4. Exceptions

As this policy is approved by the Board of Aldermen, any exceptions to the policy must be in writing and approved by a majority vote of the Board of Aldermen.

## **ARTICLE 18 PROHIBITIONS AND PENALTIES**

### *Section 18-1 Participation in Political Activities*

Employees are prohibited from bringing their political affiliations to bear on their official duties. Specifically, the following political activities of employees are prohibited:

1. Campaign fund raising, or other partisan political activities on City premises while in the performance of duties and responsibilities as an employee of the City.
2. Abuse of official position for political ends.
3. Use of official working time or unauthorized use of City resources for political activity.
4. Promising any employment, position, work, compensation, or other benefits as consideration, favor or reward for political activity.
5. Performing political activities at the direction of a supervisor, department head, or other City official.

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

### *Section 18-2 Discrimination and Sexual Harassment*

No appointment, promotion, demotion, removal, or advancement in employment shall be made based on race, religion, creed, national origin, sex, age, non- disqualifying physical or mental disability, or any other characteristic protected by law.

Sexual harassment of employees is a serious matter and is prohibited in the work-place by any person and in any form. No department head, supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, performance appraisal, wages, advancement, assigned duties, or any condition of employment or career development. Other sexually harassing conduct whether committed by department heads, supervisors, or non-supervisory personnel is also prohibited. Such conduct includes but is not limited to: sexual actions, advances or propositions, verbal or written abuse of a sexual nature, or sexually degrading words used to describe an individual.

Any department head, supervisor, or other employee who is found, after appropriate investigation, to have discriminated against an employee or harassed any employee as prohibited in the preceding paragraphs shall be subject to appropriate disciplinary actions up to and including termination.

It is the policy of the City to provide an environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the City prohibits sexual harassment by and of its employees.



Sexual harassment is misconduct which interferes with work productivity and deprives employees of the opportunity to work in an environment free of unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances and sexually oriented communication, requests for sexual favors, and such other verbal or physical misconduct. Sexual harassment is a prohibited practice and is a violation of the law. The U. S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII of the Civil Rights Act prohibiting sexual harassment. The Missouri Commission on Human Rights has also issued regulations regarding sexual harassment under the Missouri Human Rights Act.

Sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include:

1. Verbal: suggestive comments about a person's clothing, body, or sexual activity; humor or jokes about sex or about gender-related characteristics; sexual innuendos and comments; direct or indirect threats linked to sexual propositions or sexually- explicit questions.
2. Nonverbal: suggestive or insulting sounds (leering, whistling); display of sexually- explicit pictures or photographs; obscene gestures; staring at a person's physical features.
3. Physical: intentionally brushing a person in passing; inappropriate touching, patting, or tickling; pinching or squeezing; coerced sexual activity and sexual assault.
4. Written: suggestive notes, letters; suggestive E-mail messages, text messages.

If the aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the aggrieved person should report the conduct or communication to any supervisor or directly to the human resources department. If the supervisor is the offending person, the aggrieved person should report to the next higher level of management or directly to the human resources department.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not adversely reflect on the person complaining nor will it affect the employee's employment, compensation or work assignments.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. If you feel you have experienced or observed any form of unlawful harassment, please take the following actions:

1. promptly advise the offender(s) that the conduct is unwelcome and request that it be stopped immediately;
2. document the incident as to date, time, place, witnesses, and nature of the incident; and
3. report the incident to the EEO Officer immediately.

In all cases, the EEO Officer or his or her designated representative will be available to hear complaints. The EEO Officer shall be the City Administrator.

Employees are encouraged to use the City's grievance procedure to address sexual harassment problems.

Employees intentionally making false claims are subject to discipline as set forth herein.

#### *Section 18-3 Nepotism; Restriction on Employment of Relatives*

A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the City service over which the employee exercises jurisdiction or control, any person to whom he/she is a relative by consanguinity or affinity within the fourth degree, by consanguinity or affinity, or who is an immediate family member. A City employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion or advancement in or to any position of the City service in violation of law.

Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of the immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section.

#### *Section 18-4 Outside Employment*

No full-time employee shall accept outside employment, whether part-time, temporary, or permanent, without notification first being given to the appropriate department head or the City Administrator. Each change in outside employment shall require separate notification. When such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service, the department head or City Administrator shall take appropriate disciplinary action to prevent such interference, and the City Administrator may terminate the employee if such conflict may result in significant impairment to the municipal service. Employees may not engage in any private business activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with official duties.

#### *Section 18-5 Conflict of Interest*

Except as otherwise authorized by law, no employee in the City service shall hold a financial interest in a firm, institution, corporation, or other establishment supplying goods or services to the City. No employee shall be employed in any capacity with a firm, institution, corporation, or other establishment supplying goods or services to the City when that capacity means the possession, direct or indirect, of the powers to direct or cause the direction of the management and policies of that organization. No employee shall receive any payment, gifts, favors, or other consideration from any person, firm, institution, corporation, or other establishment supplying goods or services to the City. Conflicts also reach to spouses' and dependent children's interests. Notwithstanding the above, holding less than 5% of the stock in a publicly traded company shall not be deemed a conflict of interest for purposes hereof.

#### *Section 18-6 Disability and Reasonable Accommodation*

The City is committed to providing an accessible and supportive environment for employees with disabilities. Equal access for qualified employees with a disability is an obligation of the City under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA"), and the ADA Amendments Act of 2008 (ADAAA). The City does not discriminate on the basis of disability against otherwise-qualified individuals in any program, service or activity offered by the City. The City is committed to ensuring that no otherwise qualified individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids or other appropriate services; however, accommodations cannot result in an undue hardship to the City or fundamentally alter the essential functions of the job.

Employees are responsible for initiating requests for any desired disability related workplace accommodations. Supervisors/department heads are responsible for receiving requests for workplace accommodations, informing employees of the process and referring requests to the City Administrator, who will work with Human Resources regarding the request. Supervisors are also responsible for initiating a discussion concerning accommodations when they have reason to believe that an employee's disability precludes the employee from initiating a request. Supervisors should inform the City Administrator and human resources department of all requests for accommodations. The City Administrator, in conjunction with the human resourced department, is responsible for evaluating the request, determining what type of documentation is necessary, and determining if the requested accommodation is appropriate and effective.

As used in this Section:

1. Disability: The term "disability" means, with respect to an individual — (1) a physical or mental impairment that substantially limits one or more major life activities of such individual, (2) a record of such an impairment; or (3) an impairment that is episodic or in remission if it substantially limits a major life activity when it is active.
2. Substantial Limitation: An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The determination of whether an impairment substantially limits a major life activity depends

on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

3. Major Life Activity: A major life activity is defined as the act of caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
4. Qualified Individual with a Disability: An employee or applicant for employment who, with or without a reasonable accommodation can perform the essential functions of the position.
5. Reasonable Accommodation: A modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position. Examples of reasonable accommodations may include, but are not limited to: (1) making existing facilities readily accessible to and usable by persons with disabilities; (2) job restructuring, modifying work schedules, reassignment to a vacant position; or (3) acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.
6. Essential Job Function: The fundamental duties of the position or the primary reasons the position exists. The City does not have to eliminate an essential function from the position, nor does it have to lower quality or performance standards to make an accommodation, as long as those standards are applied uniformly to employees with or without a disability. The City does not have to create a new position to accommodate an employee.
7. Undue Hardship: An accommodation or action requiring significant difficulty or expense when considered in light of factors such as the City's size, financial resources, and the nature and structure of its operation. Undue hardship also refers to an accommodation that is unduly expensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position.

Applicant and employee requests for reasonable accommodations shall be made to his or her supervisor. Supervisors receiving a request should immediately contact the City Administrator and human resources department for guidance.

#### *Section 18-7 Penalties*

Any employee found guilty of any violation of this section shall be subject to any disciplinary action up to and including dismissal as defined by these rules, and such other penalties as may be deemed appropriate and consistent with the laws of the City and the State of Missouri.

## **ARTICLE 19 MANAGEMENT RIGHTS**

### *Section 19-1 Retained Rights*

The City shall retain the sole right and authority to operate and direct the affairs of the City in all its various aspects. Among these rights are the City's right to determine its mission and set standards for service offered the public; to direct the working forces; to plan, direct, control, and determine the operations or services to be conducted in and by the employees of the City; to assign and transfer employees; to hire, promote, and demote employees; to suspend, discipline, or discharge employees; to relieve employees due to lack of work or for other reasons, such layoffs being normally accomplished through attrition; to make and enforce rules and regulations; and to change methods, equipment, or facilities.

## **ARTICLE 20 ELECTRONIC COMMUNICATION POLICY**

### *Section 20-1 Purpose*

To ensure the responsible and acceptable use of electronic communication systems including, but not limited to internal and external electronic mail (e-mail), and the internet while continuing to support the needs of citizens and City employees.

### *Section 20-2 Policy*

The City views the legitimate use of the internet/e-mail system as potentially enhancing many of its functions and services being provided to the public. The goal of the policy is to insure the responsible and acceptable use of these resources. This policy applies to all employees, contractors, volunteers and other individuals who are provided access to these systems.

The City reserves the right to review all data, information or computer files stored in or sent to or from computers owned or supplied by the City. This includes any type of e-mail, internet access usage, or other subscription services.

All data and other electronic messages within this system are the property of the City. This includes all the material and information created, transmitted or stored on this equipment. There should be no expectation of privacy for any of the material or information. All users must realize that material or information that has been deleted can be retrieved and viewed by others. That also includes the e-mail that has been deleted. The Board of Aldermen reserves the right to change this policy at any time.

### *Section 20-3 Eligibility*

Department heads and elected officials may provide access to internet and/or email systems for some employees. This capability will be provided on an as needed basis and is a revocable privilege. Only the City-approved internet provider may be used to access the internet. Any additional hardware or software required for internet access must be authorized by the information services administrator.

### *Section 20-4 General Guidelines for Internet/e-mail Usage*

These resources are to be used primarily to conduct City business. However, incidental and occasional personal use during non-working hours is permitted with supervisory approval.

The safety and security of the City's network and resources must be considered paramount when using the Internet. User passwords are confidential. It is the user's responsibility to maintain the confidentiality of the user's assigned password(s). Individual users will be held accountable for use of their account by others.

Users must abide by copyright, contract and other local, state and federal laws, City administrative directives and policies, as well as individual department guidelines. Downloading files that are not related to conducting business for the City is not allowed.

Downloading of application programs or files without consent of the City Administrator is prohibited. The City does not recommend the downloading or installation on City computers of application software from the internet. Such software may not only contain embedded viruses, but also is untested and may interfere with the functioning of standard City applications. Any and all material downloaded with written permission of the City Administrator from the internet shall be downloaded to the user's local hard drive. No files should be copied to any network drive until after the files have been scanned manually or automatically for computer viruses. If a virus is detected, the information services administrator should be notified immediately. Any and all material downloaded from the internet should relate to legitimate City use.

#### *Section 20-5 Employer-Issued Cellular Phone Policy*

At the discretion of the City Administrator, city employees may be issued one (1) cellular phone unit of the City's choosing for use during working hours and as emergency contact after hours. The cell phone capability for city use will be limited to those employees as designated by the City. The phone is the primary source of communication during working hours.

If an employee is issued a cell phone and that employee is only interested in cell phone use for city purposes and is not interested in paying for personal use, then the employee shall not use the phone for any personal use. The City administration will review itemized billing(s) to ensure that no personal calls are made or accepted on the integrated cell phone issued to that employee. The City will be responsible for the costs associated with city business only.

If an employee is issued a cell phone and the employee wishes to use the phone for personal use, the employee is required to pay for any excess charges that would not be otherwise be paid by the City. In addition, the employee shall authorize \$10 a month to be withheld from their paycheck to use the phone for personal use, but if the costs incurred by the employee exceed the normal \$10 monthly fee, then the employee hereby authorizes the City to withhold the additional charges from the employee's paycheck.

The employee will be responsible for all unauthorized charges including but not limited to: data usage, directory assistance, text messaging, premium text messaging, downloading of ring-tones, call-tones, or dial-tones, and excise taxes associated with overages.

Excessive personal cell phone traffic and other abuse of cell phone capabilities will not be tolerated.

Prior to the use of the cell phone, the user should be thoroughly familiar with the phone features, proper care and operation, and rate plan limitations for the assigned phone.

Each person assigned cell phone is responsible for its proper care and use. The City may purchase insurance to cover insurance for loss or damage. However, there remains a deductible that may need to be paid for each incident. Each employee will be responsible for replacement of the phone or the deductible on damage or loss during non-working conditions. Loss or damage caused during normal working conditions other than gross neglect will be the responsibility of the City.

Employees shall be responsible for insuring that the battery is adequately charged to ensure unit operation during working hours. Employees that are issued cell phones shall carry the unit with them during work hours so they are able to be contacted via the unit.

All employees are prohibited from using a cell phone or similar device while driving, except with the use of a hands-free device, whether the business conducted is personal or company-related

Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms. Any outstanding debt will be deducted from the employee's final pay check.

The use of the cell phone shall also be subject to all of the other terms of this Article 20 in all respects including but not limited to internet and email policies and employees having no expectation of privacy in any use of the cell phone for any reason.

Any misuse or abuse of the cell phone or this policy shall be subject to any discipline up to and including termination under this Employee Handbook.

#### *Section 20-6 Employer-Issued Laptop Policy*

At the discretion of the City Administrator, city employees may be issued one (1) laptop of the City's choosing for use during working hours and/or after hours in the office or at the employees' homes.

Each person assigned a laptop is responsible for its proper care and use. Each employee will be responsible for replacement of the laptop or the deductible on damage or loss during non-working conditions. Loss or damage caused during normal working conditions other than gross neglect will be the responsibility of the City.

Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms. Any outstanding debt will be deducted from the employee's final pay check.

Any misuse or abuse of the laptop or this policy shall be subject to any discipline up to and including termination under this Employee Handbook.



#### *Section 20-7 Social Media Policy*

All employees are subject to the Social Media Policy adopted by the City, as now enacted or as amended, this Employee Handbook, and in particular this, article. The establishment and use by any City department of City's social media sites are subject to approval by the City Administrator or his/her designees. All City of Smithville social media sites shall be administered by members of City of Smithville staff. Authorized employees representing the City government via social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies. Unauthorized use of City social media sites by employees are subject to disciplinary action in accordance with the Employee Handbook. Employees exhibiting behavior on City's social media sites that is not in accordance with City policy are subject to disciplinary action in accordance with the Employee Handbook.

Employees shall have no authority to post any comments or matter as representing the position or policy of the City of Smithville on any social media site, whether a City site or otherwise, without being authorized as set forth herein.

#### *Section 20-8 Telecommuting Policy*

*General Information:* The occasionally permits employees to telecommute when the employee's Department Head, and City Administrator evaluates the telecommute request and approves it. When evaluating the request, the Department Head must determine that the employee can effectively perform the job duties of the position while telecommuting. The Department Head must also determine that the telecommuting arrangement conforms with applicable regulations and policies.

Telecommuting may be appropriate for some employees and positions but not for others. Telecommuting is not an entitlement, it is not a Citywide benefit, and it in no way changes the terms and conditions of employment with the City.

*Telecommuting Definition:* For the purpose of this policy, telecommuting refers to an arrangement where an employee occasionally or regularly works from home or from a location away from the normal workplace.

Arrangements may be made on an as-needed basis for circumstances such as inclement weather, special projects, business travel, family and medical leave, and other temporary situations as deemed appropriate by the Department Head and City Administrator. All telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the City.

*Eligibility:* Individuals requesting telecommuting arrangements must be employed with the City for a minimum of 6 months of continuous, regular employment and must have a satisfactory performance record. This policy may apply in situations such as a pandemic or weather-related event.

Before entering into any telecommuting arrangement, the employee and Department Head, with the assistance of Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Employee suitability:** The employee and Department Head will assess the needs and work habits of the employee. Considerations include how well the employee has demonstrated the kind of skills and work habits that working from home will require.
- **Job responsibilities:** The employee and Department Head will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- **Equipment needs, workplace design considerations and scheduling issues.**
- **Department readiness for telecommuting:** Ensure that the teleworking employee will continue to get work done effectively. Determine the following:
  - How will the Department Head and co-workers stay informed about the employee's productivity?
  - How will the department and employee communicate?
  - When is in-person attendance required?
- **Other practical details, including technology access, equipment needs, time and leave accounting, and any safety concerns.**

*Related policies and practices:* Both Department Heads and employees must understand and comply with the following policies:

- **Security:** Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of confidential city information, including, but not limited to:
  - Personal and financial information belonging to city residents and employees
  - Other confidential information belonging to, or in the care of, the City
  - Certain documents containing sensitive information should not be removed from the business office, including but not limited to: protected health information; financial records belonging to the City, employees, or residents; or other sensitive information as determined by the Department Head and/or City Administrator.
- **Public Records Disclosure:** The work employees do while telecommuting remains subject to City and other applicable regulations including the Missouri Sunshine Law, regardless of the use of a City-issued device, or a personal device.
- **Overtime eligible employees:** For non-exempt employees, work performed off site is compensable and subject to Fair Labor Standard Act (FLSA) overtime regulations. It is the responsibility of the employee to accurately track and report their time worked. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.
- **Workers' Compensation:** Telecommuting employees are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. When the telecommute site is in the home, workers' compensation does not cover injuries that are not job related.

## **ARTICLE 21 SAVINGS CLAUSE AND AMENDMENT**

### *Section 21-1 Savings Clause*

Invalidation of any part, rule, or section of these personnel rules and regulations shall not affect the validity of the other rules and sections.

### *Section 21-2 Amendment*

Amendment of these rules and regulations shall be approved by a majority vote of the Board of Aldermen. Copies of such amendments shall be distributed to all department heads and such other officials as the City deems appropriate and made available to all employees.

The City retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of its published or unpublished policies or practices, with or without notice. If statements in this Employee Handbook are found to conflict with existing or future local, state or federal laws or regulations, such rules shall supersede and prevail over the Employee Handbook statements. This edition of the Employee Handbook supersedes all previous editions of the Employee Handbook.



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Parks, Police

**AGENDA ITEM:** Resolution 1280 – Temporary Liquor License – Smithville Main Street District

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1280, issuing a Temporary Liquor License to Smithville Main Street District for the Wine Walk to be held Saturday, November 11, 2023

**SUMMARY:**

Approval of this item would issue a Temporary Liquor License to Smithville Main Street District wine vendors, to be part of the Special Event Permit for the Wine Walk to be held Saturday, November 11, 2023.

Chief Lockridge has completed a background check on Smithville Main Street District. There were no findings to prevent issuing a liquor license.

Vendors are:

-Windy Wine Company	-Fountain City Wineries	-Weston Wine Company
-Pertile Wine Company	-Ladoga Ridge	-Four Horses and a Dog
-Walnut Creek Winery	-Riverwood Winery	-TerraVox Winery
-Fence Stile Vineyard, Winery & Distillery	-Shamrock Hills Vineyard & Winery	
-Jowler Creek Vineyard & Winery		

Requested Licenses: Temporary Permit

This license will be effective November 11, 2023 (pending all state license requirements).

**PREVIOUS ACTION:**

A special event permit was approved by Resolution 1201 on April 3, 2023, approving all temporary event permits for Main Street District's 2023 events.

**POLICY ISSUE:**

n/a

**FINANCIAL CONSIDERATIONS:**

n/a

**ATTACHMENTS:**☐ Ordinance☒ Resolution☐ Staff Report☒ Other: Map and Ord. 600.070☐ Contract☐ Plans☐ Minutes

## **RESOLUTION 1280**

### **A RESOLUTION ISSUING A TEMPORARY LIQUOR LICENSE TO SMITHVILLE MAIN STREET DISTRICT FOR OPERATION OF THE WINE WALK ON NOVEMBER 11, 2023**

**WHEREAS**, Smithville Main Street District has completed the required application, and;

**WHEREAS**, Chief Lockridge has completed a background check, and;

**WHEREAS**, the background check did not reveal anything to prevent approval of a city liquor license.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF  
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT A TEMPORARY LIQUOR LICENSE WILL BE ISSUED TO  
SMITHVILLE MAIN STREET DISTRICT FOR OPERATION THE WINE  
WALK DOWNTOWN APPROVED FOR A SPECIAL EVENT PERMIT FOR  
THE WINE WALK TO BE HELD ON SATURDAY, NOVEMBER 11, 2023.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

eventeny

Search...

Sign in



## Wine Walk & Christmas Market 2023

### Booths & Spaces

All Things Dotted - All Things Dotted

Bling with LJ - Bling with LJ



PENDING CONSULT  
Jchste  
CRYSTAL

Baking with the Basils - Baking with the Basils



Booth - \$70

## **600.070 (G & H )**

### *G. Drinking In Public Places Prohibited.*

1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot, except in those areas above granted a special event permit.
2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.
3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.
4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

### *H. Special Event Permit.* The Board of Aldermen may grant a special event permit for purposes as identified in Section 600.070(G)(1), above, and under the following conditions:

1. An application must be filed with the Chief of Police that describes the applicant's name and business or interest in the event; the name(s) and contact information of any or all liquor license holders who will be involved in such event; the public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot to be included in the event area; the beginning and ending time of such event, and the telephone contact of the person in charge of and present at the event.
2. The estimated number of participants in the event shall be provided to the Chief of Police, and the applicant shall pay all costs of security needed as a result of the event to ensure compliance.

[1] Editor's Note: Former Section 600.070, which derived from RSMo. §§311.280, 311.340, 311.600, 311.330, 311.310, 312, 400; Ord. No. 2255-04 §1, 3-16-2004, was repealed 6-21-2011 by Ord. No. 2790-11 §1.





## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** RES 1281, Merchant Use of Sidewalk Area Guidelines

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### **REQUESTED BOARD ACTION:**

A motion to approve Resolution 1281, Merchant Use of Sidewalk Area Guidelines.

### **SUMMARY:**

Approving the resolution would adopt the new guidelines presented at the September 19, 2023 work session and revamp the permitting process.

Following the completion of the first phase of the streetscape project, the Board of Aldermen adopted new regulations that would allow the sidewalk area in the Central Business District to be used by adjacent businesses by a new permit system. While the original intent was to review these guidelines annually, the COVID pandemic made that impossible for the first two years. As the COVID restrictions reduced, the Smithville Main Street District was beginning to get its feet under it to address downtown issues. Since this spring, city staff, the District's staff and members, as well as other stakeholders conducted meetings to address business concerns. These changed guidelines are the result. Upon passage of Bill No. 3011-23, which amends the ordinance to account for the changes in the policy, this policy can be adopted in accordance with Section 520.200 of the Code.

### **PREVIOUS ACTION:**

The original guidelines were adopted in April of 2019. Proposed changes were reviewed at the September 19, 2023 work session.

### **POLICY ISSUE:**

Comprehensive Plan Action Items BE1.4 and BE1.7

### **FINANCIAL CONSIDERATIONS:**

No significant impact anticipated from permits

### **ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input type="checkbox"/> Ordinance  | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution                                | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report   | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Sidewalk Design and Use Guidelines |                                   |

## **RESOLUTION 1281**

### **A RESOLUTION ADOPTING NEW SIDEWALK DESIGN AND USE GUIDELINES FOR THE CENTRAL BUSINESS DISTRICT**

**WHEREAS**, The Board of Aldermen adopted new procedures for merchant use of the sidewalk area in April of 2019; and

**WHEREAS**, the Smithville Main Street District organized and has been working on various things to promote the Central Business District; and

**WHEREAS**, the District and many of its' members met with city staff to work out several changes to the guidelines that would provide businesses more flexibility on how they can use the sidewalk areas and still comply with the Americans with Disabilities Act; and

**WHEREAS**, the Board of Aldermen conducted a work session on September 19, 2023 to understand the proposed changes and recommended the new items be brought forward for approval.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT A NEW SIDEWALK DESIGN AND USE GUIDLELINES DOCUMENT IS HEREBY APPROVED FOR USE IN THE CENTRAL BUSINESS DISTRICT.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



# Sidewalk Design and Use Guidelines



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## Authority

These Sidewalk Design and Use Guidelines are promulgated in accordance with Section 520.200 of the City of Smithville Code of Ordinances.

## Purpose

Sidewalk cafés, merchant use and sale areas contribute to a vibrant urban culture and make Smithville streets more dynamic places to walk, socialize, dine and shop. Sidewalk cafés, use areas and sales are temporary uses that occupy only a part of the public right-of-way. This document is a guide to creating temporary sidewalk cafés, merchant use areas and sidewalk sales that are safe and attractive to patrons and pedestrians.

These guidelines provide acceptable dimensions for sidewalk café, merchant use areas and sales access and for public rights-of-way, sidewalk café barriers and the layout of outdoor service areas. Smithville encourages the use of durable and high-quality outdoor furnishings and materials to increase the safety and comfort of residents and visitors of sales and sidewalk café areas as well as merchant use areas.

Sidewalk cafés, merchant use areas and orderly sidewalk sales enhance the public realm and motivate city and regional residents to patronize Smithville establishments. Restaurant and other business owners who offer sidewalk cafés, merchant use areas and sales shall comply with these guidelines, which are applicable to all areas identified in Section 520.140 of the Code of Ordinances.

## Definitions

For purposes of these guidelines, the terms defined in Section 520.150 of the Code shall have the same meanings in this document, with the additional information as this document shall provide.

## Overview

Each block and each side of the street in the Central Business District (CBD) have different total widths measured from the building façade to the face of the street curb. There are areas as well where two different ADA Pathways are required to access a business and to allow access to the street crossings, which substantially reduce any effective area for merchant use of the sidewalks. **See Fig. 1**



**Fig. 1 Two ADA Pathways Required**

Depending upon the location of the business that seeks to use a portion of the sidewalk, the size of the usable area may be smaller or larger in order to meet certain access requirements.



With on-street parking adjacent to the fronts of buildings, passengers need space to open the vehicle door and exit the vehicle, as well as an unobstructed ADA pathway.

With these conditions in mind, the ADA pathway is defined as an area not less than 36" wide. The location of this pathway can be varied from business to business but should remain continuous throughout the block. In order to maintain the continuous nature, each merchant must omit any potential obstructions in the final 3 feet of its' façade width if the ADA path is different on the adjacent property. In no event can the pathway be located within 3' of the face of the street curb to allow passengers to exit vehicles parked at the curb. In areas where a guard is constructed as a part of the City sidewalk, the merchant area may not extend beyond the guard. An example is shown below, **See Fig. 2**

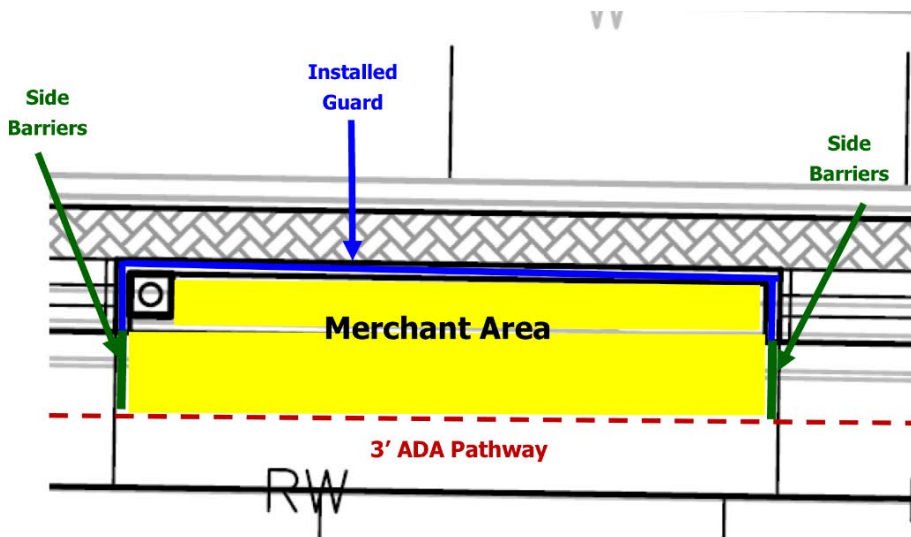


Fig. 2 Example Merchant Area with Installed Guards

The usable area of the sidewalks applies to any merchant use in the Central Business District, including Sidewalk Cafés, Merchant Use areas, Sidewalk Sales and Sidewalk Signs.

### Sidewalk Cafés

All sidewalk cafés are limited to the usable space in front of the business that holds the restaurant license from Clay County Health Department, as well as any area in front of an adjacent business, so long as that business provides consent in writing. In order to promote both vibrant business activity in the sidewalk areas of the CBD and maintain a safe and ADA compliant area, there are certain other requirements.

All **furniture** may be of wood, metal or composite materials of a commercial grade and quality that will withstand the weather and usage. All aspects of a sidewalk café must comply with any ADA requirements, including furniture.

**Umbrellas** may be used in conjunction with tables but shall be made of fire-retardant materials and shall be of one color for the body but may have the restaurant logo affixed. The restaurant

logo must be for the business, and not for any products that the business may sell. The location of any umbrella shall be consistent with ADA requirements.

No tables, chairs or any other parts of sidewalk cafés shall be attached, chained or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area. Sidewalk café seating shall be included when determining the requirements for bathroom facilities of the restaurant. No cooking or fire apparatus shall be allowed on the public sidewalk.

The sidewalk café permit holder is responsible for cleaning and maintenance of the entire sidewalk area in front of its place of business, and any adjacent area used with the written consent of the owner. Such cleaning shall include pressure cleaning if necessary. If the area covered by the permit is not maintained in a neat and orderly appearance after five (5) days' written notice, the City may then take steps necessary to place the property in a neat and clean order and charge the permittee with the reasonable cost of repairs. Such action by the City does not create a continuing obligation on the part of the City to make further repairs or to maintain the property and does not create any liability against the City for any damages to the property if such repairs were completed in good faith.

During business hours, the area, and more particularly the ADA pathway shall be kept clear of obstructions as well as clean and safe. It is encouraged that plates and cups be shatterproof, and in no event shall glass bottles be allowed in a sidewalk café area. IF alcohol is served, the business is responsible for not allowing open containers to be outside the sidewalk café area, and that no outside alcoholic beverages are brought into the area in accordance with state and city liquor licenses.

There shall be no live entertainment or speakers placed in the permit area. The hours of operation for a sidewalk café shall be from the start of business until 11:00 P.M. or thirty (30) minutes after last food service, whichever is earlier, unless the sidewalk café is completely enclosed by fencing or barricades in which case the hours of operation for the sidewalk café shall cease at 1:00 A.M.

No permanent storage of dishes, silverware or other sidewalk café equipment shall be allowed in the permit area, in any portion of the public right-of-way or outside the structural confines of the building in which the restaurant is located; however, the permittee may maintain such non-permanent structures as rolling service stations in the permit area during hours of operation.

The only advertising or signage allowed in the merchant use area is logos on umbrellas, if present, as well as ONE sidewalk sign. . Any signage may only be placed during regular business hours and must be taken in at the close of business.

Any sidewalk café permit may be transferred to the new owner only for the location and area listed on the permit, but subject to the new owner providing an application for such permit. Any transfer of an existing permit does not extend the term of such permit.

The City may require the temporary removal of sidewalk cafés for special events, or when street, sidewalk or utility repairs necessitate such action and may order the immediate removal or relocation of all or parts of a sidewalk café in emergency situations or for safety

considerations, without notice. The City and its officers and employees shall not be responsible for sidewalk café fixtures relocated during emergencies.

### **Sidewalk Café Permit Process**

A. No person shall establish a sidewalk café on any public right-of-way or sidewalk until a permit to operate the sidewalk café has been issued. Sidewalk cafés shall only be located where permitted by the City's zoning regulations and the Sidewalk Design Standards Policy. Sidewalk café permit applications shall be reviewed and approved in the manner as set forth in this Section.

B. General Application Criteria. Application for a sidewalk café permit shall be made to the City on a form provided by the Director of Development. The application shall include, but not be limited to, the following information and attachments:

1. The name, address, email address, and telephone number of the applicant;
2. The name and address of the restaurant;
3. A copy of a valid occupancy permit for the building where the proposed sidewalk café will be located;
4. A copy of a current certificate of insurance in the following categories and amounts:
  - a. Commercial general liability insurance in the amount of no less than the minimum amount stated in Section 537.610.1, RSMo., and as adjusted annually as determined pursuant to Section 537.610.5, RSMo., for all claims arising out of a single occurrence and for any one (1) person in a single accident or occurrence. All insurance shall be from companies duly authorized to do business in the State of Missouri. All liability policies shall provide that the City, its elected officials and employees are an additional insured as to the operation of the sidewalk café and shall provide the severability of interest provision.
5. A detailed site plan that is in compliance with the Sidewalk Design Standards Policy, including but not limited to, the following:
  - a. The proposed use, materials, colors and design;
  - b. Relationship of the sidewalk café to the adjacent existing building and their uses and entrance locations;
  - c. The location of any utilities that might affect or be affected by the proposal;
  - d. The relationship of the sidewalk café to the centerline of the adjacent street, if applicable, and to any existing or proposed public improvements including, but not limited to, benches, fire hydrants, light standards and landscaping;
  - e. A drawing or aerial photograph (to scale) showing the layout and dimensions of the existing sidewalk area and adjacent private property, existing fire hydrants, utility and above ground fixtures, proposed location, size and number of tables, chairs, steps, planters, umbrellas, location of doorways, sidewalk



benches, trash receptacles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area;

f. Photographs, drawings or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the sidewalk café;

g. A description of the property and the total square footage and exact dimensions of the proposed sidewalk café;

h. The existing and proposed pedestrian circulation pattern; and

i. Floor plan of the existing building and any proposed modification showing the relationship of food preparation areas to the sidewalk café.

6. Plans for the operation of the sidewalk café including, but not limited to, hours of operation, maintenance of the sidewalk café and services to be provided; and

7. A written, signed consent form from any adjacent business operator that allows the use of its' sidewalk area.

C. Application Review. The Department of Development shall review the application and approve or deny the permit. The Department may deny an application for a sidewalk café permit where:

1. The applicant has failed to comply with any of the submission requirements contained in this Section or with the Sidewalk Design Standards Policy;

2. The sidewalk café, as the applicant represents how it will be operated, fails to comply with the criteria set forth in this Section;

3. Any information submitted by the applicant is found to be incorrect; or

4. Staff review indicates that the sidewalk café would create an obstruction to or cause congestion of pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public. In the event the Department of Development denies a permit, the applicant may within ten (10) days of the date of the denial appeal the denial to the Board of Aldermen. Notice of denial shall be sent to the applicant by United States mail, certified mail, return receipt requested at the address shown on the permit application. Upon an appeal of the denial of a permit, the Department of Development shall prepare a report for the Board. The Board shall hear the appeal at the next regularly scheduled meeting. The Board may affirm, reverse or reverse with conditions the decision of the Department of Development.

D. Permit Issuance. A sidewalk café permit shall be subject to the following conditions:

1. Effective period. Each permit shall be effective for one (1) year subject to annual renewal as provided below.

2. Hold harmless provision. The permit shall include an explicit hold harmless provision holding the City harmless from any and all liability arising out of the issuance of a sidewalk café permit and the operation of the sidewalk café.

3. Site plan controlled. The permit shall be specifically limited to the area shown on the exhibit attached to the application and made part of the permit.

E. Permit Renewal. The permit renewal fee will become due and payable thirty (30) days prior to the expiration of the permit. Together with such fee, the permittee shall provide the Department of Development with a renewal application on a form provided by the department containing the location of the sidewalk café. An application for renewal must include a new site plan **if** any changes are being made to the previously approved sidewalk café's structure or layout. Failure to pay the renewal fee or submit the renewal application with supporting documentation (where applicable) at least thirty (30) days prior to the expiration of the existing sidewalk café permit shall be grounds to reject the renewal application. In the event of rejection, the permittee shall remove the sidewalk café upon the expiration of the existing sidewalk café permit.

F. Permit Suspension or Revocation. The City may, as deemed necessary, inspect sidewalk cafés to determine compliance with the criteria set forth in this Section and the Sidewalk Design and Use Guidelines. The City may revoke or suspend a permit for any sidewalk café if it is found that:

1. Any necessary business or health permit has been suspended, revoked or canceled;
2. Permittee does not have insurance which is correct and effective in the minimum amount as required in this Section;
3. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal of the sidewalk café. Such decisions shall be based upon findings that the existing conditions represent a danger to the health, safety or general welfare of the public;
4. Permittee fails to maintain or keep the sidewalk safe and clean; or
5. Permittee has failed to correct violations of the City Code of Ordinances within five (5) working days of receipt of the official's notice of same delivered in writing to the permittee. Upon revocation or suspension of a permit, the Department of Development shall give notice of such action to the permittee in writing stating the action which has been taken and the reason therefor. The revocation or suspension shall become effective within fifteen (15) days following receipt of the notice by the permittee unless appealed as provided in this Code.

G. Fee. The annual fee for a sidewalk café permit is Fifty dollars (\$50.00) and shall not be prorated.

### **Merchant Use Areas**

All merchants in the Central Business District are eligible to obtain a Merchant Use area Permit in the area in front of the business premises. The purpose of the Merchant Use area Permit is

to allow the merchant to place furniture, statutes, potted plants, or other similar decorations associated with the business, or to conduct sidewalk sales as limited below. The usable sidewalk area described above is the only areas available for use, and any permit holder is responsible for maintaining any displayed decorations above in the usable area in a safe manner.

### **Merchant Use Permit Process**

A. General Application Criteria. Application for a merchant use permit shall be made to the City on a form provided by the Director of Development. The application shall include, but not be limited to, the following information and attachments:

1. The name, address, email address, and telephone number of the applicant;
2. The name and address of the business;
3. A copy of a current certificate of insurance in the following categories and amounts:

Commercial general liability insurance in the amount of no less than the minimum amount stated in Section 537.610.1, RSMo., and as adjusted annually as determined pursuant to Section 537.610.5, RSMo., for all claims arising out of a single occurrence and for any one (1) person in a single accident or occurrence. All insurance shall be from companies duly authorized to do business in the State of Missouri. All liability policies shall provide that the City, its elected officials and employees are an additional insured as to the operation of the sidewalk café and shall provide the severability of interest provision.

4 . A detailed site plan that is in compliance with the Sidewalk Design Standards Policy, including but not limited to, the following:

- a. The proposed use, materials, colors and design;
- b. Relationship of the use area to the adjacent existing building and their uses and entrance locations;
- c. The location of any utilities that might affect or be affected by the proposal;
- d. A drawing or aerial photograph (to scale) showing the layout and dimensions of the existing sidewalk area and adjacent private property, existing fire hydrants, utility and above ground fixtures, proposed location, size and number of tables, chairs, steps, planters, umbrellas, location of doorways, sidewalk benches, trash receptacles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area; and,
- e. The existing and proposed pedestrian circulation pattern.

B. Application Review. The Department of Development shall review the application and approve or deny the permit. The Department may deny an application for a Merchant Use Area permit where:

1. The applicant has failed to comply with any of the submission requirements contained in this Section or with the Sidewalk Design Standards Policy;

2. Any information submitted by the applicant is found to be incorrect; or

4. Staff review indicates that the sidewalk merchant use area would create an obstruction to or cause congestion of pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public. In the event the Department of Development denies a permit, the applicant may within ten (10) days of the date of the denial, resubmit the application with corrections as indicated on the notice of denial. If the applicant is denied after corrections are submitted, the applicant may appeal the denial to the Board of Aldermen. Final Notice of denial shall be sent to the applicant by United States mail. The applicant may within ten (10) days of the date of the Final Notice of Denial file an appeal of the denial of a permit. Upon receipt, the Department of Development shall prepare a report for the Board. The Board shall hear the appeal at the next regularly scheduled meeting. The Board may affirm, reverse or reverse with conditions the decision of the Department of Development.

D. Permit Issuance. A Merchant Use Area permit shall be subject to the following conditions:

1. Effective period. Each permit shall be effective for one (1) year subject to annual renewal as provided below.

2. Hold harmless provision. The permit shall include an explicit hold harmless provision holding the City harmless from any and all liability arising out of the issuance of the permit and the use of the area.

3. Site plan controlled. The permit shall be specifically limited to the area shown on the exhibit attached to the application and made part of the permit.

E. Fee. The permit is Twenty-five dollars (\$25.00) and shall not be prorated.

F. Permit Renewal. The permit renewal fee will become due and payable thirty (30) days prior to the expiration of the permit. Together with such fee, the permittee shall provide the Department of Development with a renewal application on a form provided by the department containing the location of the merchant use area. An application for renewal must include a new site plan if any changes are being made to the previously approved layout, and an updated certificate of insurance. Failure to pay the renewal fee or submit the renewal application with supporting documentation (where applicable) at least thirty (30) days prior to the expiration of the existing permit shall be grounds to reject the renewal application. In the event of rejection, the permittee shall remove all items upon the expiration of the existing permit.

G. Permit Suspension or Revocation. The City may, as deemed necessary, inspect the permit area to determine compliance with the criteria set forth in this Section and the Sidewalk Design and Use Guidelines. The City may revoke or suspend a permit if it is found that:

1. Permittee does not have insurance which is correct and effective in the minimum amount as required in this Section.

2. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal of the permit area. Such decisions shall be based upon findings that the existing conditions represent a danger to the health, safety or general welfare of the public.

3. Permittee fails to maintain or keep the sidewalk safe and clean; or

4. Permittee has failed to correct violations of the City Code of Ordinances within five (5) working days of receipt of the official's notice of same delivered in writing to the permittee.

Upon revocation or suspension of a permit, the Department of Development shall give notice of such action to the permittee in writing stating the action which has been taken and the reason therefor. The revocation or suspension shall become effective within fifteen (15) days following receipt of the notice by the permittee unless appealed as provided in this Code.

#### H. Sidewalk Sales limitations

Sidewalk sales are limited to three consecutive days and 45 cumulative days in any calendar year for any premises. The business must notify the City with the dates of such sales and maintain count for the cumulative total.

#### **Use of Streetscape Banner hangers**

Throughout the downtown areas with Streetscape improvements the streetlights have incorporated hangers for Banners. If a festival or event is scheduled in the Courtyard Park area, it may apply to use the streetlights to place banners of its' event on such streetlights. The installation of banners must be by city staff, and all banners must meet the design specifications of existing city banners in order to be installed. Any such banners may only be placed 14 days prior to the scheduled event, unless there is a prior event that will occur less than 14 days prior to proposed event.

The applicant must provide the city with the proposed design of the banners and provide assurance that the vendor making the banners understands the city's design specifications and will submit compliant banners. The applicant must also provide the proposed number of banners. No more than 20 banners may be installed (4 at the intersection of Bridge and Church, Bridge and Main, Main and Mill, Main and Commercial, as well as two at Main and 169 and two at Bridge and Meadow) and if the applicant seeks a different placement, the locations of the 20 banners must also be provided. Once the city is assured that the signs meet the design specifications, the applicant will be released to order the banners. The completed banners must be delivered to the city no later than five (5) business days prior to the proposed installation date. Once the city removes the banners, the applicant shall come pick up the banners within five (5) days of notification that the banners have been removed.





## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1282, Approve Change Order No. 1 With Amino Brothers for Quincy Blvd. improvements

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1282, approving Change Order No. 1 with Amino Brothers in the amount of \$24,502.85 for additional asphalt for the Quincy Boulevard Improvements.

**SUMMARY:**

On April 3, 2023, the Board awarded the Quincy Avenue Boulevard Improvement project to Amino Brothers Construction in the amount of \$1,470,000.

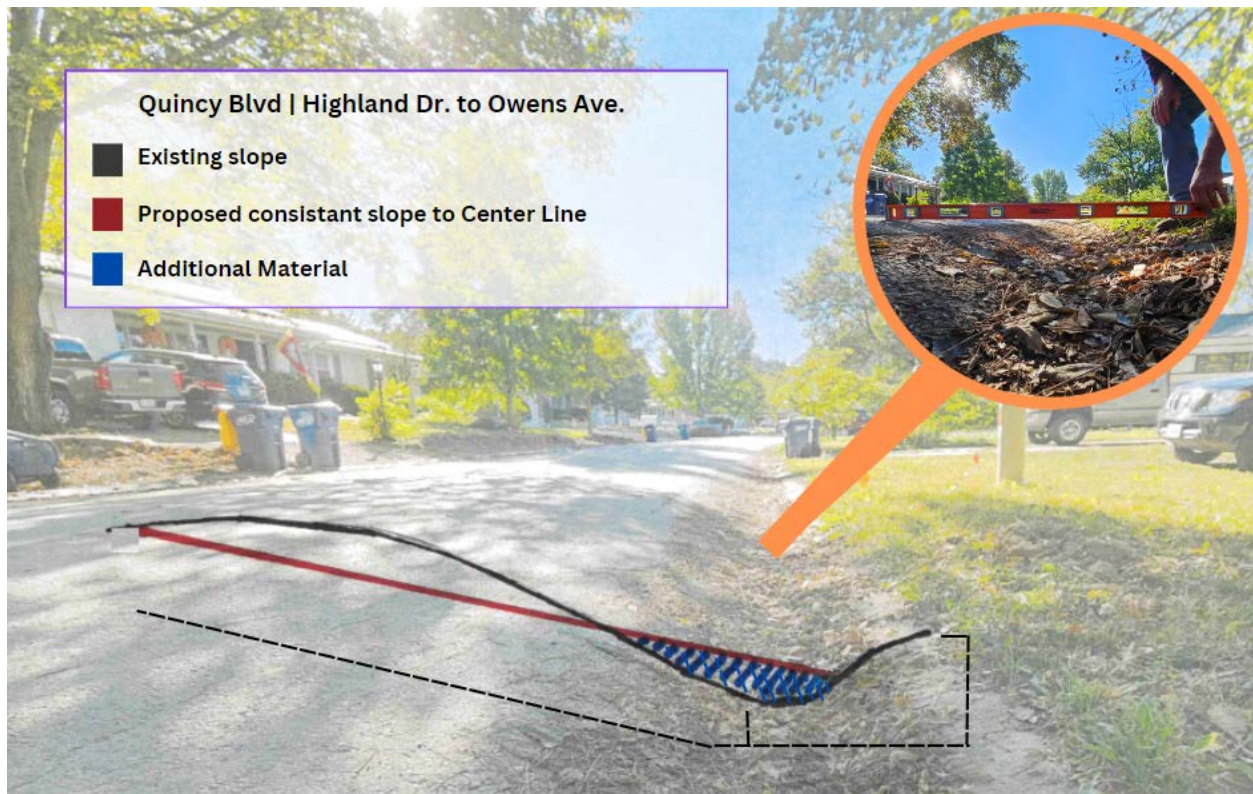
The project includes the replacement of waterlines and improvements to the stormwater system. In addition, a new street will be constructed from Hawthorne to Owens Avenue, and the section from Owens to Pine Street will be resurfaced with a mill and overlay to enhance the overall street quality. Furthermore, the project will include the installation of new sidewalks for pedestrian safety and accessibility.

The crown of the street on Quincy Boulevard between Highland and Owens has had additional asphalt placed on the surface (without milling) and has increased the cross slope at the gutter causing a severe dip which makes it difficult to access driveways without bottoming out a vehicle. Several residents have filled the gutter with asphalt or concrete to lessen the drop. See picture below.





The change order includes a more consistent approach and basically continues a consistent slope from the centerline to the face of curb. Amino has proposed an additional cost of \$24,502.85 for the additional asphalt material.



**PREVIOUS ACTION:** April 3, 2023, Resolution 1221 awarding bid to Amino Brothers Construction

**POLICY ISSUE:**  
Infrastructure maintenance

**FINANCIAL CONSIDERATIONS:**

The City has \$20,000 in savings from the 2023 Street Rehabilitation Program which will be used to offset the expenses associated with this change order. The General Fund has an additional \$5,000 to cover these expenses with respect to revenue performance for FY2023.

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input type="checkbox"/> Ordinance                  | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution      | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report               | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Proposal |                                   |



## **RESOLUTION 1282**

### **APPROVE CHANGE ORDER NO. 1 WITH AMINO BROTHERS IN AN AMOUNT OF \$24,502.85 FOR ADDITIONAL ASPHALT FOR QUINCY BOULEVARD IMPROVEMENTS**

**WHEREAS**, Amino Brothers was awarded the bid to complete improvements on Quincy Avenue; and

**WHEREAS**, between Highland Drive and Owens Drive the crown of the road is excessive causing a severe dip at the gutter; and

**WHEREAS**, to address this issue it is proposed to add additional asphalt to the mill and overlay leveling this area for a smoother transition between the street and adjacent driveways; and

**WHEREAS**, Amino Brothers has provided Change Order No. 1 for the additional asphalt material in the amount of \$24,502.85.

### **NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT** the Board approves Change Order No.1 with Amino Brothers for additional asphalt material in the amount of \$24,502.85.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

## Mayra Toothman

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**From:** Ryan McMaster <ryan@aminobros.com>  
**Sent:** Thursday, September 28, 2023 12:11 PM  
**To:** Chuck Soules  
**Cc:** Mayra Toothman; Al Seeman  
**Subject:** Quincy Blvd Improvements - Added Asphalt Surface from Highland to Owens (1,240 LF) - AMINO BROTHERS

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chuck,

The cost to add the additional thickness of asphalt to the outside 4' of roadway and into the gutter of the curb on both sides of the roadway from Highland Drive to Owens Avenue (620 LF x 2 = 1,240 LF) will be \$24,502.85

This includes adding 1.5" of thickness to the outside 4' of roadway along the curb and an additional 3.5" of thickness into the gutter of the existing curb.

Please review and let me know if you have any questions.

Thank you,  
Ryan McMaster  
Amino Brothers Co., Inc.  
O: 913-334-2330  
M: 913-991-0521



## Board of Aldermen Request for Action

**MEETING DATE:** 7/18/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 1283, Liquor License – Sunny's

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1243, approving a liquor license to Donna Marie Shear. Sharma Operations. LLC (Sunny's).

**SUMMARY:**

Donna Shear, owner of Sharma Operations, LLC (Sunny's), has completed a Liquor License Application for her business to be located at 1102 South 169 Highway. This license replaces one previously issued at this location to the owners of Kum N Go.

Ms. Shear has requested the following licenses:

- Intoxicating Liquor- original package
- Sunday Sales

Chief Lockridge has reviewed the application, completed a background check and recommends issuance of the licenses. The effective date will be October 17, 2023. Mr. Wells has remitted payment to cover licensing through May 1, 2024.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input type="checkbox"/> Ordinance  | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution                            | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                                     | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Approval Recommendation Letter |                                   |

## **RESOLUTION 1283**

### **A RESOLUTION ISSUING A LIQUOR LICENSE TO DONNA MARIE SHEAR FOR THE OPERATION OF SUNNY'S**

**WHEREAS**, Donna Marie Shear, Sharma Operations, LLC, owner of Sunny's, has completed the required applications for Intoxicating Liquor Original Package (all kinds) and Sunday Sales, and;

**WHEREAS**, Chief Lockridge has completed a background check, and;

**WHEREAS**, the background check did not reveal anything to prevent approval of City liquor licenses.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF  
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT LIQUOR LICENSES BE ISSUED TO DONNA MARIE SHEAR FOR  
OPERATION OF SUNNY'S, LOCATED AT 1102 SOUTH 169 HIGHWAY.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 17<sup>th</sup> day of October 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



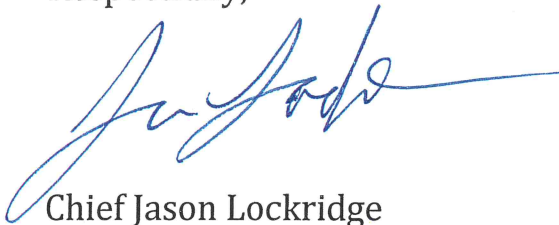
October 12, 2023

Cynthia Wagner:

I have reviewed the liquor application submitted by Donna Shear (Sharma Operations, LLC). I have reviewed Ms. Shear's background as well as public records and found nothing that would disqualify him from being issued a liquor permit.

I would recommend that Ms. Shear be issued a city liquor permit pursuant his request. If you have any questions or concerns, feel free to contact me.

Respectfully,



Chief Jason Lockridge



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Appointment of Planning and Zoning Commission Members

---

**REQUESTED BOARD ACTION:**

Motion to approve the nominations of Billy Muessig and Dennis Kathcart to the Planning and Zoning Commission.

**SUMMARY:**

The Mayor nominates and the Board of Aldermen appoints members to the Planning and Zoning Commission. Both Mr. Muessig and Mr. Kathcart are existing members of the Commission and Mayor Boley seeks to re-appoint them. Both appointments shall hold office for four-year terms.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

Section 400.650 of the Code of Ordinances requires the Mayor to appoint members, subject to the approval of the Board of Aldermen to the Planning and Zoning Commission.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input type="checkbox"/> Ordinance                                | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution                               | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                             | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Resume and Application |                                   |

Dennis J. Kathcart, RN, ACHRN, CWS  
17609 Mission Ridge  
Smithville, Missouri 64093  
Cellular: 817-781-5057  
Dennis.kathcart@healogics.com

## **PERSONAL**

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Professional	Registered Nurse, Advanced Certified Hyperbaric Nurse, Certified Wound Specialist
Military Service	Enlisted, United States Air Force, 1974 – 1998 Retired - Command Chief Master Sergeant

## **EDUCATION**

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Bachelor of Science	Park College, Parkville, Missouri Major: Social Psychology 1981
Associate Degree	San Antonio College, San Antonio, Texas Major: Nursing 1996
Associate Degree	Community College of the Air Force Major: Allied Health Sciences 1985

## **WORK HISTORY**

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Program Director	Advanced Wound Care Lee's Summit Medical Center 600 NW Murray Road, Ste 108 Lee's Summit, Missouri 64081
Clinical Program Director	Advanced Wound Center Western Missouri Medical Center 403 Burkarth Road Warrensburg, Missouri 64093 May 2017 – June 2018

Clinical Nurse Manager	Advanced Wound Center Western Missouri Medical Center 403 Burkarth Road Warrensburg, Missouri 64093 December 2014 – May 2017
President	Hyperbaric Oxygen Technologies, Inc. 6100 Camp Bowie Blvd., Suite 28 Fort Worth, Texas 76116 2004 – 2014

### **CERTIFICATIONS/SPECIALIZED TRAINING**

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- Certified Wound Specialist, American Board of Wound Management 2009 – Present,
- Advanced Clinical Hyperbaric Registered Nurse, 2000 – Present
- Registered Nurse, Missouri State Board of Nursing
- USAF Clinical Hyperbaric Medicine Training, 1984

### **ACCOMPLISHMENTS**

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- 2017 Healogics Center of Excellence and President's Circle
- 2017 Nominee, Kansas City March of Dimes Nurse of the Year
- 2017 Western Missouri Medical Center Aspire Award
- 2016 Healogics Center of Distinction and President's Circle
- 2016 Western Missouri Medical Center Aspire Award

### **SOCIETY MEMBERSHIPS**

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- Baromedical Nurses Association 2003 – Present
- American Board of Wound Management 2010 - Present



## Billy Muessig Resume

### Oct 2023

#### **Education**

Graduate High School 1994  
Attended Columbia College  
11 Years in the Missouri National Guard

#### **Personal**

Lived in Smithville since 1999

#### **Business**

Local Business owner since 1999  
Current owner of Mr Electric of Kansas City, 20 years  
Runs a State of Missouri Approved Apprenticeship Program

- 4 Year Program
- Licensed Journeyman Electricians

#### **Community**

Current Vice President of Honor Flight Kansas City  
Past President of Smithville Chamber of Commerce  
Past Vice President of Smithville Chamber of Commerce  
Past President of Smithville Oktoberfest  
Past Vice President of Smithville Oktoberfest



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Appointment of Economic Development Committee Members

---

**REQUESTED BOARD ACTION:**

Motion to approve the nominations of Stephen Langley and Pat Luce to the Economic Development Committee.

**SUMMARY:**

The Board of Aldermen appoints members to the Economic Development Committee. Interviews were conducted and the committee comprised of Committee Vice Chair Steve Langley, Board Representative Dan Hartman and staff liaison Gina Pate recommend the appointment of Pat Luce to fill the new term vacancy. Additionally, the committee recommends the re-appointment of Stephen Langley. Both appointments shall hold office for three year terms.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

Section 155.020 of the Code of Ordinances requires the Board of Aldermen to appoint representative to the Economic Development Committee.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- ☐ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☒ Other: Resumes

- ☐ Contract
- ☐ Plans
- ☐ Minutes

# Steve Langley

Smithville, MO 64089  
stevelangley@strategic-agribusiness.com

1-816-820-3911  
[www.linkedin.com/in/stevelangley](http://www.linkedin.com/in/stevelangley)

---

Business Development | General Manager | Director of International Sales | Agribusiness | Interim Exec

Agribusiness leader with a track record of developing new markets, driving sales growth, and owning several successful companies both domestically and internationally. Adding value by leading companies in:

- Unifying and expanding domestic sales
  - Developing new international markets
  - Strengthening and supporting management teams to enable successful ownership transition
  - Coaching and mentoring leaders in sales and marketing in privately-owned businesses
  - Preparing companies for successful sale to private equity or strategic buyers
- 

- |                        |  |
|------------------------|--|
| • Business Development | • New Markets /International Expansion |
| • Sales Leadership     | • Private Equity Ownership             |
| • Ownership Transition | • Business Coach and Mentor            |
| • Trusted CEO and COO  | • Board Member                         |
- 

## **President** – Strategic Agribusiness LLC., Smithville, MO, 2019 - Present

- Project based Sales Executive with small to medium-sized Agribusiness companies.
- Business development role to grow business with new accounts for swine and poultry operations.
- Introducing cost remediation and profit enhancement to rural America small to medium sized businesses

## **Executive Director – Business Development**, Ag. Property Solutions LLC., Emmetsburg, Iowa, 2018 - 2019

- Led business development efforts to diversify the business with major customers, suppliers and partners in a multi-species environment and new products
- Core executive team member leading integration of two very different cultures and business models, working with Sales, Purchasing, Drafting, and Estimating teams to transition them to an updated organizational structure.
- Served as primary representative to the C-level Top 40 and key swine industry executives within the National Pork Producers Council and the layer and broiler industries.

## **Senior Vice President Business Development**, Win-Win LLC., Camp Point, Illinois, 2017 - 2018

- Directed operations for the Sales, Marketing, Drafting, Estimating, and Purchasing functions with a team of 15
- Collaborated with the owners to promote and sell large-scale animal production systems.
- Primary Company representative on the National Pork Producers Council
- Closed on the sale of the Company to the strategic buyer, Standard Nutrition Co., completed July 2018.

## **General Manager Animal Health and Nutrition Division / Director of International Sales**

H. J. Baker & Bro, Inc., Shelton, Connecticut, 2015 - 2017

- Directed global commercial sales of multi-species protein concentrates in North America, Asia, LATAM, and Africa.
- Recommended strategic reorganization to transition the 167-year-old family-owned firm away from value-added protein concentrates.
- As General Manager for the Animal Protein division, reduced operating costs by 50% to improve competitive market position. Managed the procurement team to lower costs through better buys on ingredients and animal proteins, increase capacity utilization, and lower operating costs/ton.
- Completed a turn-around of the encapsulated sulphur fertilizer business by leading the China business and increased sales 7X in an 18-month period. Achieved the company's goal to sell the sulphur business to a P.E. firm.

## **Vice President Business Development & Strategic Planning,**

QC Supply, Inc., Schuyler, Nebraska, 2014 - 2015

- Drove sales with major swine integrators reaching the C-Suite Top 40 decision-makers for private equity-owned firm, a leading U.S. distributor for swine and poultry equipment.
- Hired key projects executive to lead turn-key construction business development expanding company reach as swine industry increased sow numbers.
- Collaborated with location managers and the sales teams at multiple locations and their management to increase sales and improve operations.

## **Vice President Pig Business Unit North America, Big Dutchman, Inc., Holland, Michigan, 2011 - 2014**

- Directed start-up business development for highly engineered products that addressed animal care issues, improved swine management and feeding efficiencies, and reduced costs. Closely collaborated with German leadership and all lateral U.S. support teams.
- Reorganized the U.S. swine business by hiring three regional sales managers with over 50 years of direct swine management experience. This resulted in improved credibility and penetration of the North American market.
- Redeployed previous sales director to manage Canadian sales who became a major sales driver by opening the Quebec market resulting in \$4.0 million in annual sales.
- Hired a regional sales manager to open the Mexico market which resulted in significant sales with the key swine integrators and Smithfield Foods joint ventures.

## **Feed Ingredients Director, Dasco Inc., Englewood, Colorado, 2011**

- Directed sales of urea-based feed ingredients in the U.S.

## **President and General Manager, Osborne Industries, Inc., Osborne, Kansas, 2007 - 2011**

- Chief executive for entire company, managed the P&L, focused on team building and strategic planning for over 100 team members of the employee-owned company.
- Rebuilt profitable relationships with large key swine and OEM plastics accounts.
- Increased export sales from 5% to 33% of total company sales at a 70% gross margin, \$1.0 million in net profits.
- Rescued sales to largest thermoset plastics customer which resulted 10x increase in sales during period of declining plastics sales. Five-year impact exceeded \$15.0M in sales and \$3.0M of EBITDA.

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## EDUCATION AND PROFESSIONAL DEVELOPMENT

B.S. Agronomy, Agri-Business emphasis, University of Missouri – Columbia

Business competent level of spoken Mandarin Chinese

Member of The Agribusiness Council of Kansas City

Vistage Member – Kansas City

Economic Development Council in Osborne, KS and Smithville, MO

Boy Scouts – Eagle

# Pat Luce

314-504-7233 | Patluce51@gmail.com | 300 Maple Ln., Apt 1, Smithville, MO 64089

## PROFESSIONAL SUMMARY

Retired development professional with history of accomplishments in higher education, healthcare and social services. Experienced in delivering the organization's priorities by turning nondonors and current donors into leadership donors and stake-holders in the organization's future.

A collaborative hands-on contributor; both a strategic thinker and planner; integrates new ideas to produce defined results that lead to increased financial support. An experienced volunteer recruiter, manager and leader.

Skilled in annual fund, direct mail strategy, major gifts, cultivation and stewardship, donor communications, public speaking, event planning, donor research and obtainment of challenge grants.

## RELEVANT SKILLS

### Relationship Building

- Identified, cultivated, solicited, and stewarded donors for Washington University. Collaborated with key administrators to cultivate and solicit individuals, culminating in increased financial support and volunteerism; recruitment of board members; and placement of students upon graduation.

### Marketing

- Successfully marketed organizations through data driven annual campaigns, donor communications, public speaking, events and one-on-one relationship building.

## EXPERIENCE

**United Way of Greater Kansas City** **2011-2017**

Senior Manager, Individual Gifts and Direct Mail Campaigns

**Children's Medical Center, Dallas, TX** **2008-2009**

Director, Annual Giving

**Washington University in St. Louis** **1997 – 2008**

Senior Associate Director of Development, Director of Law Annual Fund

**St. Louis Society for Children & Adults with Physical Disabilities** **1995 – 1997**

Director of Development

## EDUCATION

**University of Missouri – Columbia**

**B.S. Degree**



## Board of Aldermen Request for Action

**MEETING DATE:** 10/17/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Adjournment to Executive Session Pursuant to Section 610.021(3) RSMo.

---

**REQUESTED BOARD ACTION:**

A motion to close the regular session for the purpose of discussing employee personnel matters pursuant to Section 610.021(3) RSMo.

**SUMMARY:**

To allow the Board of Aldermen to adjourn to Executive Session to discuss employee personnel matters.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

The Board of Alderman will vote to close the Board of Aldermen Regular Session Pursuant Section 610.021(3) RSMo.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

- ☐ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes



### ***FY23 Planning Calendar***

**\*\*\*\*\* Items on the Planning Calendar are subject to change\*\*\*\*\***

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#### **November 6, 2023 Work Session (Moved to Monday Per Board Direction)**

Discussion of Grant Opportunities

#### **November 6, 2023 Regular Session 7:00 p.m. (Moved to Monday Per Board Direction)**

Proclamation – National American Indian Heritage Month

Ordinance – Fairview Crossing North CID – 2<sup>nd</sup> Reading

#### **November 21, 2023 Work Session**

Discussion of Potential Ballot Issues

#### **November 21, 2023 Regular Session 7:00 p.m.**

Ordinance – Rezoning R-3 to R-1 (Second Creek Road – Lowman)

Resolution – Award Bid #23-11 - WTP Residuals

Resolution – Engineering On-Call Services

#### **December 5, 2023 Work Session**

Discussion FY2023 Year End Budget Review

#### **December 5, 2023 Regular Session 7:00 p.m.**

Resolution – Water Treatment Plant Improvements

#### **December 19, 2023 Work Session 6:00 p.m.**

#### **December 19, 2023 Regular Session 7:00 p.m.**

#### **Unscheduled:**

City/County Shared Roads – Clay and Platte

Contract with PWSD #8

ADU's (Accessory Dwelling Units) on Existing Properties

Courtyard Park Alleyway Safety

Credit Card Payment Contract

Approval of Financing – COP for Utility Projects

Streetscape Phase III

**Past Planning Calendars can be found on the City's website in each Board of Aldermen Regular session meeting under more....additional documents.**