



**City of Smithville, Missouri**  
**Board of Aldermen – Regular Session Agenda**  
**7:00 p.m. Tuesday, December 19, 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. Consent Agenda**

- **Minutes**

- December 5, 2023 Board of Aldermen Work Session Minutes
- December 5, 2023, Board of Aldermen Regular Session Minutes

- **Resolution 1295, City Surplus**

A Resolution declaring certain property as surplus.

Join Zoom Meeting

<https://us02web.zoom.us/j/85929425804>

Meeting ID: 859 2942 5804

Passcode: **741285**

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

**4. Committee Reports**

Planning and Zoning Commission

**5. City Administrator's Report**

**ORDINANCES & RESOLUTIONS**

**6. Bill No. 3018-23, Declaring the November 7, 2023 Election Results – 2<sup>nd</sup> Reading**

An Ordinance declaring and certifying the results of the November 7, 2023 special election held in the City of Smithville, Missouri. 2<sup>nd</sup> reading by title only.

**7. Bill No. 3019-23, Annexation 809 Second Creek Road – 2<sup>nd</sup> Reading**

An Ordinance annexing certain adjacent territory into the City of Smithville, Missouri. 2<sup>nd</sup> reading by title only.

**8. Bill No. 3020-23, Annexation 14422 Mount Olivet Road – 2<sup>nd</sup> Reading**

An Ordinance annexing certain adjacent territory into the City of Smithville, Missouri. 2<sup>nd</sup> reading by title only.

**9. Bill No. 3021-23, Amending the Agreement with MoDOT – 2<sup>nd</sup> Reading**

An Ordinance authorizing and directing the mayor to execute a transportation alternatives funds program supplemental agreement with the Missouri Highways and Transportation Commission for improvements to Bridge Street from Church Street to First Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 2<sup>nd</sup> reading by title only.

**10. Bill No. 3022-24, Rezoning 19950 North F Highway - Queen's Corner – 1<sup>st</sup> Reading**

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri.

**11. Bill No. 3023-24, Rezoning 18212 North Main Street – 1<sup>st</sup> Reading**

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri.

**12. Resolution 1296, Bid Award Diamond Crest Restroom**

A Resolution authorizing the expenditure of funds for the purchase of a park restroom from CXT LB Foster for the parks and recreation department through the cooperative purchasing agreement with Sourcewell in the amount of \$64,144.

**13. Resolution 1297, Amendment No. 1 for Engineering for Streetscape Phase III**

A Resolution authorizing Amendment No. 1 of Authorization No. 96 with HDR Engineering, Inc. for additional design services for Streetscape Phase III in the amount of \$38,250.

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**OTHER MATTERS BEFORE THE BOARD**

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**14. 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.**

**15. 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.

**16. Adjournment to Executive Session Pursuant to Section 610.021(1&3) RSMo.**





## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Administration/Parks

**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**
  - December 5, 2023 Board of Aldermen Work Session Minutes
  - December 5, 2023, Board of Aldermen Regular Session Minutes
  
- **Resolution 1295, City Surplus**

A Resolution declaring certain property as surplus.

**SUMMARY:**

Voting to approve would approve the Board of Aldermen minutes 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 type="checkbox"/> Other:                |   |

**SMITHVILLE BOARD OF ALDERMEN  
WORK SESSION**

December 5, 2023, 6:30 p.m.  
City Hall Council Chambers and Via Videoconference

**1. Call to Order**

Mayor Boley, present, called the meeting to order at 6:30 p.m. A quorum of the Board was present: Melissa Wilson, Marv Atkins, Leeah Shipley, Dan Ulledahl and Ronald Russell. Dan Hartman was absent.

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

**2. FY2023 Year End Budget Review**

Gina Pate, Assistant City Administrator, provided an overview of the FY2023 year-end budget review.

General Fund FY2023 Year End Financial Review

General Fund – FY2023 Performance

General Fund	FY2023 Original Budget	FY2023 Forecasted	FY2023 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$3,315,925	-	\$3,425,221	\$109,296
Revenues	\$5,466,340	\$6,259,781	\$6,569,450	\$1,103,110
Expenditures	\$6,310,310	\$6,154,018	\$6,045,137	\$156,292
Ending Cash Balance	\$2,471,955	\$3,530,984	\$3,949,534	\$1,477,579

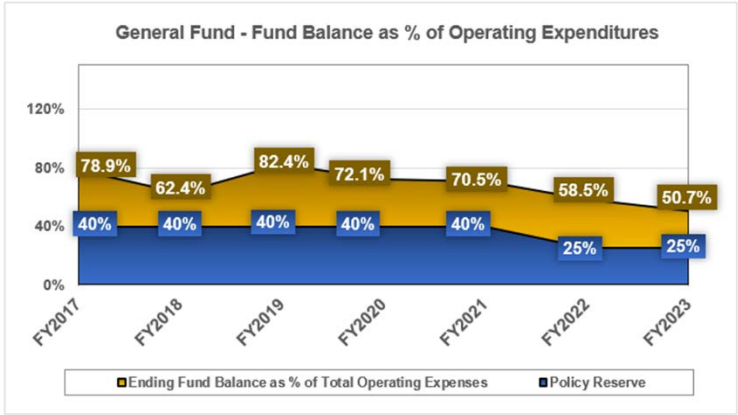
**Excellent Revenue Performance**

- Ad Valorem Property Tax
- 1% City Sales Tax
- City Use Tax
- Interest Earnings

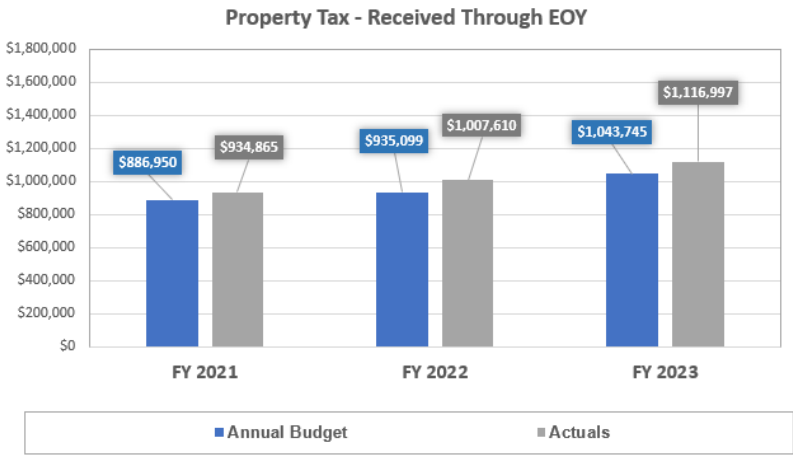
**Exceeding Original Expenditure Budget**

- \$25,000 added to Budget for the 1% MARC Administrative Fee for Future Capital Projects Grant Reimbursement
- \$25,000 added to Budget for the 2023 Street Maintenance Program

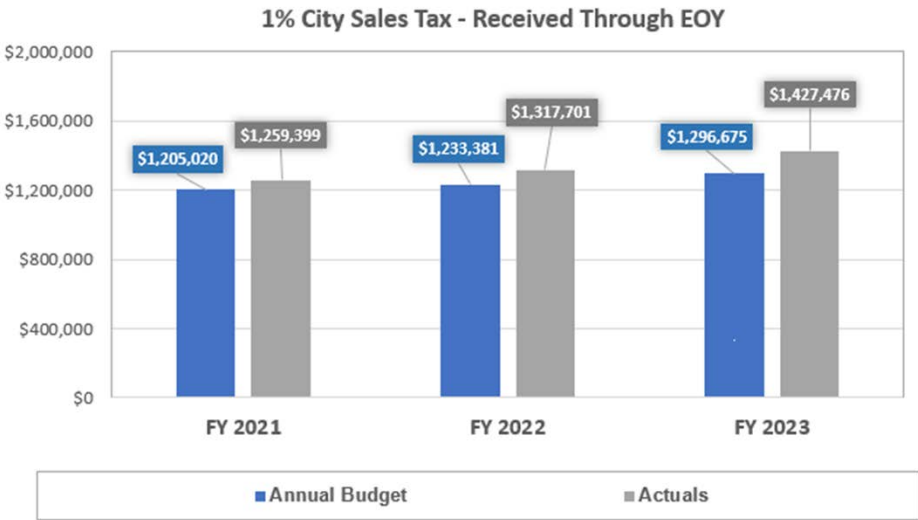
General Fund – Fund Balance Analysis



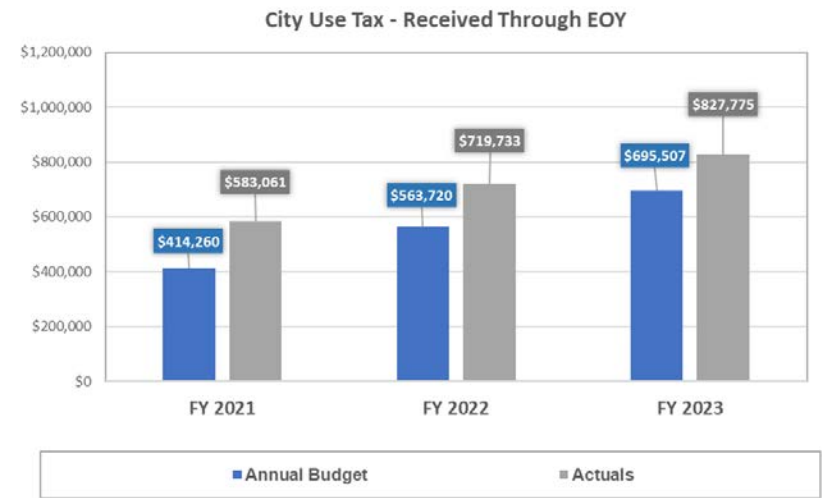
Ad Valorem Property Taxes



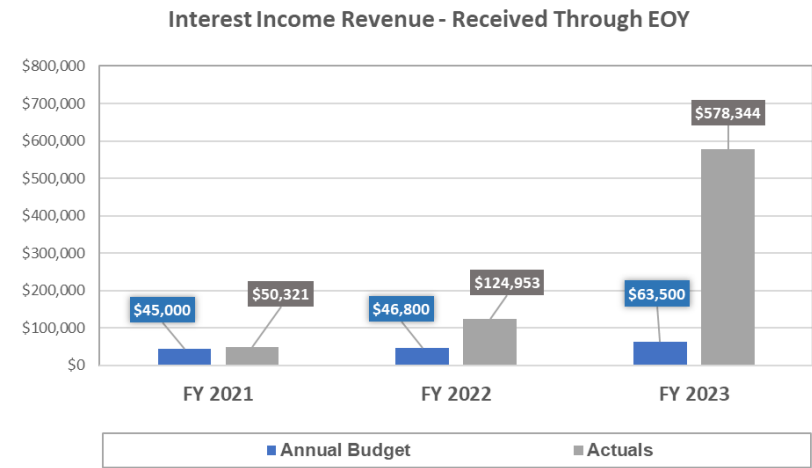
1% City Sales Tax



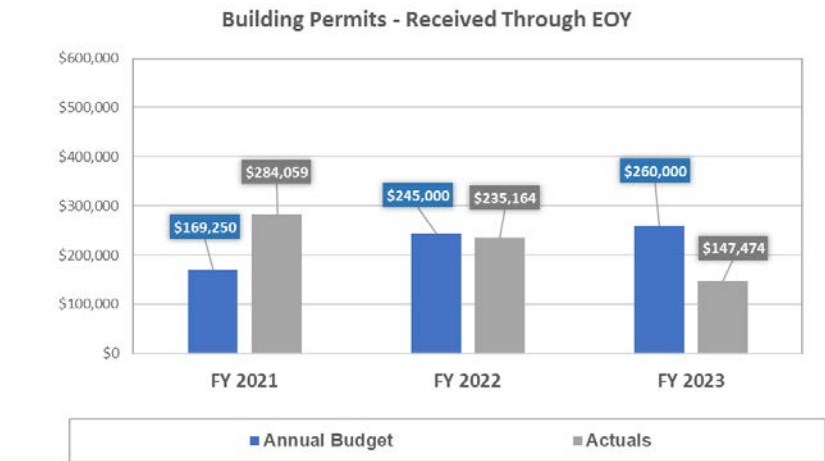
1% City Use Tax



Interest Earnings



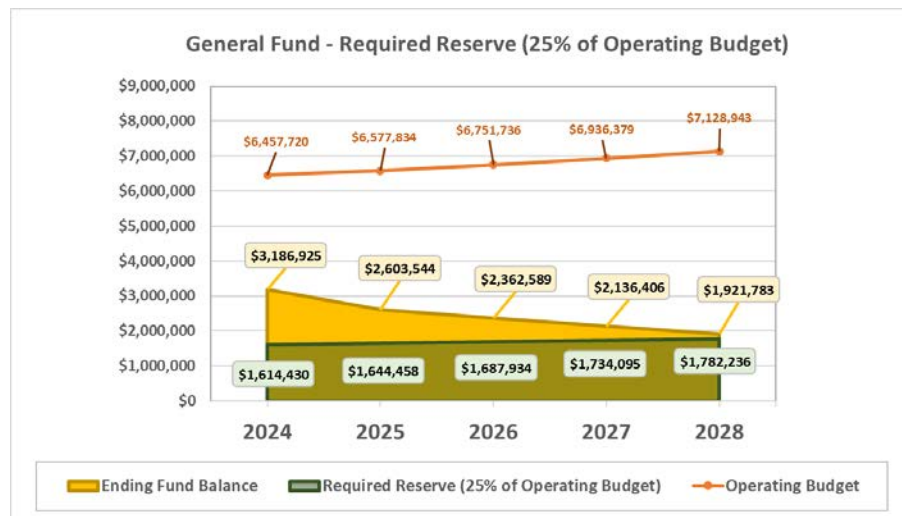
Building Permits



## General Fund – FY2024 Budget

General Fund	FY2024 Adopted	FY2024 Projected	Delta (Adopted vs. Projected)
<b>Beginning Cash Balance</b>	\$3,530,984	<b>\$3,949,534</b>	<b>\$418,550</b>
<b>Revenues</b>	\$6,262,486	<b>\$6,262,486</b>	-
<b>Expenditures</b>	\$7,100,790	<b>\$7,100,790</b>	-
<b>Ending Cash Balance</b>	\$2,692,680	<b>\$3,111,230</b>	<b>\$418,550</b>

## General Fund – Five Year Cashflow Projection



## Combined Water/Wastewater Fund – FY2023 Year End Financial Review CWWS Fund – FY2023 Performance

Combined Water/Wastewater Fund	FY2023 Original Budget	FY2023 Forecasted	FY2023 Actual	Delta (Budget vs. Actual)
<b>Beginning Cash Balance</b>	\$7,123,744	-	<b>\$6,854,956</b>	<b>-\$268,788</b>
<b>Revenues</b>	\$9,340,817	\$5,837,885	<b>\$6,104,757</b>	<b>-\$3,236,060</b>
<b>Expenditures</b>	\$13,070,115	\$6,237,458	<b>\$6,610,896</b>	<b>\$6,459,219</b>
<b>Ending Cash Balance</b>	\$3,394,446	\$6,455,383	<b>\$6,348,817</b>	<b>\$2,954,371</b>



### Revenue Performance

- Water Sales: Actual revenues exceeded the budget.
- Wastewater Sales: Actual revenues exceeded the budget.
- Series 2024 COP Issuance: \$3,900,000 of the FY2023 Revenue Budget consisting of the COP Proceeds. This revenue is pushed from FY2023 to FY2024.

### Expenditure Savings (Under Budget)

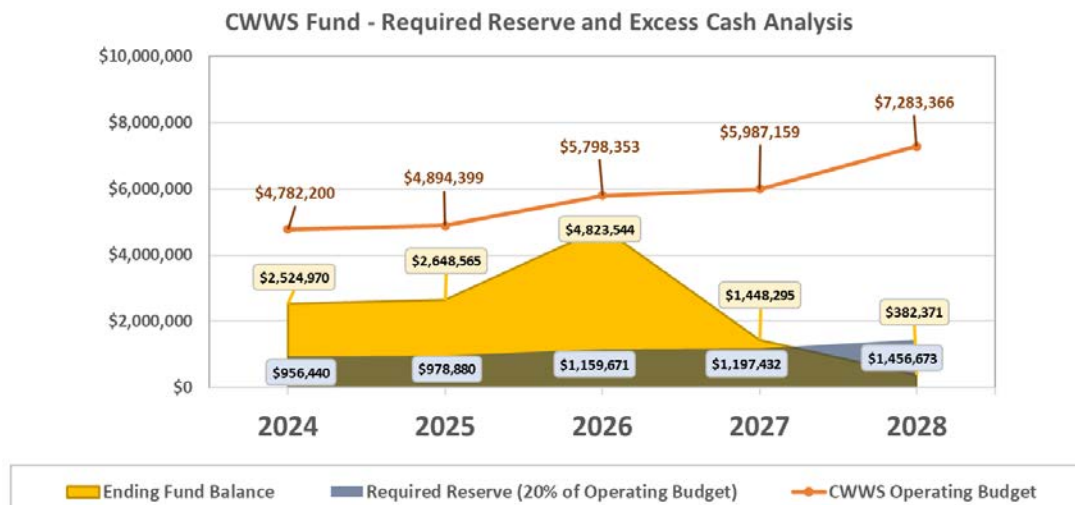
- *Project Pushback*
  - 144<sup>th</sup> Street West Bypass and 144<sup>th</sup> Street Lift Station: Budget of \$3,900,000 pushed to FY2024.
  - Water Plant Improvements: Budget of \$900,000 pushed to FY2024.

### CWWS Fund – FY2024 Adopted Budget

Combined Water/Wastewater Fund	FY2024 Adopted	FY2024 Projected	Delta (Adopted vs. Projected)
Beginning Cash Balance	\$6,455,383	\$6,348,817	-\$106,566
Revenues	\$10,683,600	\$10,683,600	-
Expenditures	\$15,704,620	\$15,704,620	-
Ending Cash Balance	\$1,434,363	\$1,327,797	-\$106,566

Gina explained that there are a lot of Capital Improvement Projects scheduled for FY2024.

### CWWS Fund – Five Year Cashflow Projection



Alderman Russell asked if the adopted FY2024 wastewater budget included the 15% increase.



Gina noted that it did.

Alderman Russell asked what could be done to even out the graph so that it does not have the increase in 2026. Do we need to move some projects.

Cynthia explained that when we look at budget planning we include all the projections of the projects. Some projects do take time so that may flatten out the increase in 2026 if we do not have to fund some of those projects. Cynthia noted that we have to do the infrastructure, so we have to continue to review the timing and costs of the projects and continue to review the rate structure. She explained that we need to continue to monitor this and do the projections, so we have the information in advance. Some of these projects are going to have to happen due to the City's aging infrastructure.

Mayor Boley noted that 2026 is when the water treatment plant improvements are scheduled.

Cynthia noted that the improvements we have scheduled will have a direct impact on the issues with the taste and odor of the water.

Alderman Russell asked if the numbers include the projected 15% increase each year.

Cynthia explained that the projected numbers include the annual increases.

#### Special Sales Tax Funds – FY2023 Year End Financial Review

##### Transportation Sales Tax Fund – FY2023 Review

Transportation Sales Tax Fund	FY2023 Original Budget	FY2023 Forecasted	FY2023 Actual	Delta (Budget vs. Actual)
Beginning Cash Balance	\$354,072	-	\$429,407	\$75,335
Revenues	\$589,713	\$646,780	\$667,453	\$77,740
Expenditures	\$702,246	\$538,983	\$532,904	\$169,342
Ending Cash Balance	\$241,539	\$537,204	\$563,956	\$322,417

##### Transportation Sales Tax Fund – FY2024 Adopted Budget

Transportation Sales Tax Fund	FY2024 Adopted	FY2024 Projected	Delta (Adopted vs. Projected)
Beginning Cash Balance	\$537,204	\$563,956	\$26,752
Revenues	\$1,168,950	\$1,168,950	-
Expenditures	\$1,699,140	\$1,699,140	-

<b>Ending Cash Balance</b>	\$7,014	\$33,766	\$26,752
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Capital Improvement Sales Tax Fund – FY2023 Review

Capital Improvement Sales Tax Fund	FY2023 Original Budget	FY2023 Forecasted	FY2023 Actual	Delta (Budget vs. Actual)
<b>Beginning Cash Balance</b>	\$394,454	-	\$410,774	\$16,320
<b>Revenues</b>	\$1,160,435	\$728,750	\$728,750	-\$431,685
<b>Expenditures</b>	\$1,355,370	\$471,325	\$471,325	\$884,045
<b>Ending Cash Balance</b>	\$199,519	\$668,200	\$668,199	\$468,680

Capital Improvement Sales Tax Fund – FY2024 Adopted Budget

Capital Improvement Sales Tax Fund	FY2024 Adopted	FY2024 Projected	Delta (Adopted vs. Projected)
<b>Beginning Cash Balance</b>	\$668,200	\$668,199	-\$1
<b>Revenues</b>	\$1,240,750	\$1,240,750	-
<b>Expenditures</b>	\$1,906,340	\$1,906,340	-
<b>Ending Cash Balance</b>	\$2,610	\$2,609	-\$1

Parks and Stormwater Sales Tax Fund - FY2023 Review

Park and Stormwater Sales Tax Fund	FY2023 Original Budget	FY2023 Forecasted	FY2023 Actual	Delta (Budget vs. Actual)
<b>Beginning Cash Balance</b>	\$749,556	-	\$809,380	\$59,824
<b>Revenues</b>	\$672,435	\$723,750	\$760,303	\$87,868
<b>Expenditures</b>	\$497,750	\$549,330	\$134,093	\$363,657

<b>Ending Cash Balance</b>	\$924,241	\$983,800	<b>\$1,435,590</b>	<b>\$511,349</b>
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Parks and Stormwater Sales Tax Fund – FY2024 Adopted Budget

Park and Stormwater Sales Tax Fund	FY2024 Adopted	FY2024 Projected	Delta (Adopted vs. Projected)
<b>Beginning Cash Balance</b>	\$983,800	<b>\$1,435,590</b>	<b>\$451,790</b>
<b>Revenues</b>	\$933,750	<b>\$933,750</b>	-
<b>Expenditures</b>	\$1,021,000	<b>\$1,021,000</b>	-
<b>Ending Cash Balance</b>	\$896,550	<b>\$1,348,340</b>	<b>\$451,790</b>

Vehicle and Equipment Replacement Fund – FY2023 Year End Financial Review

VERF Fund	FY2023 Original Budget	FY2023 Forecasted	FY2023 Actual	Delta (Budget vs. Actual)
<b>Beginning Cash Balance</b>	\$157,400	-	<b>\$184,328</b>	<b>\$26,928</b>
<b>Revenues</b>	\$422,100	\$371,770	<b>\$290,443</b>	<b>-\$131,657</b>
<b>Expenditures</b>	\$381,750	\$345,318	<b>\$311,047</b>	<b>\$70,703</b>
<b>Ending Cash Balance</b>	\$197,750	\$210,780	<b>\$163,724</b>	<b>-\$34,026</b>

Vehicle and Equipment Replacement Fund – FY2024 Adopted Budget

VERF Fund	FY2024 Adopted	FY2024 Projected	Delta (Adopted vs. Projected)
<b>Beginning Cash Balance</b>	\$210,780	<b>\$163,724</b>	<b>-\$47,056</b>
<b>Revenues</b>	\$374,398	<b>\$374,398</b>	-
<b>Expenditures</b>	\$423,547	<b>\$423,547</b>	-
<b>Ending Cash Balance</b>	\$161,631	<b>\$114,575</b>	<b>-\$47,056</b>

Alderman Russell asked if we sell our current vehicles that deficit would go down.

Cynthia explained that Enterprise helps us sell the vehicles, and once the vehicles are sold that number will go down.

Mayor Boley noted that we are still waiting to receive some of the vehicles we have on order.

#### FY2023 Budget Performance – Conclusion

- *General Fund*: Revenue performance was strong
- *CWWS Fund*: Performed well. Significant projects in 2024. Continues to be an area of focus for long term planning.
- *Special Sales Tax Funds*: Continued to provide adequate funding for the improvement necessary in the transportation, CIP and parks and stormwater projects identified in the CIP plan.
- *Vehicle & Equipment Replacement Fund*: Not all vehicles planned for replacement in FY2023 were completely replaced. 4 of 8 police vehicles.

### 3. **Adjourn**

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:51 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

December 5, 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 7:01 p.m. A quorum of the Board was present: Melissa Wilson, Leeah Shipley, Marv Atkins, Dan Ulledahl and Ronald Russell. Dan Hartman was absent.

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

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

**3. Public Hearing - Annexation 809 Second Creek Road**

Mayor Boley called the public hearing for the annexation of 809 Second Creek Road to order at 7:02 p.m.

Jack Hendrix, Development Director, noted that the Board has adopted an annexation policy. This policy provides guidance to determine whether the property meets the City's goals and objectives. Jack explained that there is the declaration of intent and for this property it is to ensure residents outside of the corporate limits who benefit from the access to the City's utility facilities could contribute to property taxes and other revenues to help pay for those costs. This is the purpose for this request, so the homeowner can have to the City sewer that is already on the property.

Jack explained that the annexation should avoid creating island or donut holes within the City limits. This area is an existing donut hole and annexation will take part of it away. The property already has City water services and the proposed owners want to be able to connect to the City's sewer. They gave an easement for the City to run a sewer line through their property in 2019. There is also a requirement that the property be contiguous and compact to the City as defined in state law. That means not less than 15% if the perimeter of the parcel has to be touching the existing City limits and this lot has 50%: the north and west boundaries are touching the City's limits, so it meets those standards.

No public comment.

Mayor Boley declared the public hearing for the annexation 809 Second Creek Road adjourned at 7:04 p.m.

**4. Public Hearing - Annexation 14422 Mount Olivet Road**

Mayor Boley called the public hearing for the annexation of 14422 Mount Olivet Road to order at 7:05 p.m.

Jack Hendrix, Development Director, noted that this property is located at the northwest corner of Mount Olivet and 144<sup>th</sup> Street, across the street to the north from the Estates at the Ranch property that we annexed three or four year ago. Jack explained that the

declaration of intent for this property is to promote orderly growth by facilitating long-range planning for the provision of municipal services, applying appropriate land use regulations and developing property maintenance standards. Jack explained we have issues with our north/south traffic. zthis would get us over to Mount Olivet that also runs fairly far south, so it will give us another north south access in addition to 169 Highway.

Jack explained that the priority for the annexation in the policy for this case is to have a positive impact on the City financially. The City shall pursue annexation that adds to the economic stability of the City. This application for annexation is preceding a proposed application to develop this 185-acre parcel with 34 lots with an average size lot of 5.6 acres. It will have some larger acre tracts and some as small as 3.5-acre tracts. This property already has water available but there are no sewers in the area it is all private septic. Jack noted that the City will not have to extend any utilities to this property. Jack explained that the only future cost to the City will be the permanent maintenance of the roads that get annexed which will be part of 144<sup>th</sup> Street and part of Mount Olivet. Part of the development agreement we anticipate with this will include improvements to 144<sup>th</sup> Street and some improvements to Mount Olivet, plus a new road they will have to build later.

Jack noted that this property is required to be contiguous and compact which is the 15% standard and it has 19.28% of its perimeter touching the City limits. Jack noted that if the annexation for this property is approved, the developer will submit an application for rezoning and for development.

No public comment.

Mayor Boley declared the public hearing for the annexation 14422 Mount Olivet Road adjourned at 7:09 p.m.

## **5. Consent Agenda**

- **Minutes**
  - November 21, 2023 Board of Aldermen Work Session Minutes
  - November 21, 2023, Board of Aldermen Regular Session Minutes
- **Resolution 1294, Liquor License**

A Resolution approving a liquor license for SSS Missouri doing business as SQRL at 124 North 169 Highway.

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

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the consent agenda approved.

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

### **6. Committee Reports**

Gina Pate, Assistant City Administrator, reported on the November 29 Economic Development Committee meeting. They met in closed session. They cancelled their

December meeting due to the holidays and their next meeting will be in January. Matt Denton, Parks and Recreation Director, will attend the meeting for the community arts program discussion. Gina noted that the Board should expect a staff report in a future meeting concerning Economic Development Committee. They would like feedback from the Board on some of the items they are working on.

Cynthia explained that the Economic Development Committee met in closed session for an orientation with the City Attorney as to the roles, responsibilities and expectations of the members of the committee.

Alderman Wilson reported on the November 28 Finance Committee meeting. They discussed the COP issuance and utility disconnection overviews. Alderman Wilson noted that Cynthia provided them with an update on the recruitment of the Finance Director position. Their next meeting will be the end of January to give time for City staff to work through changes for the new financial software migration.

## **7. City Administrator's Report**

Cynthia Wagner noted that she had asked Bob Lemley, Utilities Superintendent, to provide information about the ongoing concerns of the taste and odor of the water.

Bob gave a brief summary of why we have taste and odor issues. He explained that algae, quality of plant life, leaves, anything that runs into our watershed affect our water. Once in the water, it dies and then we have to deal with the organics that are left. Bob noted that this year has been particularly worse than in past years. He explained that the drought is not helping us, the spillway has not been opened and the water is just sitting. If we had a normal rainy season they would open the spillway and the water would circulate and flow through our system. We now have pretty much a mud puddle sitting there and we pull from that for our water supply.

Bob explained what fights the taste and odor: carbon, disinfection, chlorine dioxide, permanganate and filters. Permanganate is a chemical that will take the organics out and so will our filters. The carbon feeder has been down. It is almost 30 years old and has been fixed many times over the years. The chlorine dioxide feeder was just replaced a couple months ago at a cost of \$10,000 and that system is fully up and running. The permanganate really helps with the taste and odor. They were not able to feed the permanganate for about the last 8 months because of construction issues at the raw water pump station. They did not feel safe feeding the permanganate there without being able to monitor it and had to feed it from the plant. Bob explained that the water in the trunk line that runs from the dam to the water plant was not getting any treatment until it got to the water plant. That does not help with the taste and odor. They now have the permanganate online at the raw water pump station and it has been for about three weeks. Bob noted that they have noticed at the water plant that there is no odor and the water tastes fine they just have to get that water out into the system. Bob explained that would take a month or so to notice the improvement in the taste and odor of the water. Bob explained that it takes 21 days for one gallon of water from the plant to travel to Forest Oaks.

Bob noted that the filters we have are 30-year-old filters and are not 100% efficient. The carbon and chlorine dioxide both help with taste and odor but, when they designed and built the water plant in 1993, the technology was to feed both the carbon and chlorine dioxide at the plant, new technology tells us that you should not feed them both at the same place, but we do not have an option. The carbon, the disinfection and the filters are



all in the FY2024 budget to be replaced. The upgrades to the plant will go out to bid in January with a February bid opening and awarded in March. These improvements are going to address the taste and odor issues, but we should notice a difference with the permanganate. Bob noted that the estimate from the engineers to just do what we need to do to keep the water plant going and try to combat the taste and odor is just over \$1 million. Bob noted that the taste and odor issue will come back every year when the lake turns over. He explained that the lake does not flip all at one time, the coves flip first because they are shallow and if the spillway is open we pull those organics because our intakes are right at the dam. The lake takes a few months for the entire lake to flip over and that is why you have taste and odor issues during the summer months, because the lake heats up and that brings all the organics towards the dam.

Bob noted that the water is completely safe. They follow all the federal and state standards and turn in reports to the Department of Natural Resources (DNR). If DNR found any problem they would come and do an inspection to see what is going on. The water is safe and meets all of the state and federal standards. The staff at the water plant run over 300 tests a day and monthly they go out and collect samples to send to the state to test the entire system.

Alderman Russell asked if test results records are kept or sent somewhere.

Bob explained that we have to keep those test records for five years. He said that when the state comes to do inspections they want to see the daily operation records.

Alderman Russell asked how they know that they need to treat for the taste and odor.

Bob explained that they will notice the odor at the water plant because that is where the water comes in first and they will turn the permanganate and or the carbon up. They also test the drawdowns every two hours while the plant is running to ensure that all of the chemicals are feeding the correct amount.

Cynthia noted that the new water plant will address these issues, but the day that the new plant is built does not mean that is when the taste and odor issues are fixed. It will take time managing the chemical equations. It will be a learning curve just like the raw water pump station has been.

Bob noted that a new water plant will double our capacity.

Cynthia explained that we will have to figure the calculations for that. She said that the big thing with water on taste and odor is contact time, the amount of time that raw water has with those chemicals. Cynthia noted that staff is working to identify those needs for the system, and these are part of what goes into the rate structure and the needs that we have for that system.

Cynthia noted that Clay County is currently updating their comprehensive plan and they have gone through a process of significant public involvement. Cynthia and Jack Hendrix, Development Director, have been involved in some meetings of local officials. The [survey](#) is online and open through the end of this year. Cynthia strongly encouraged as part of this process, the governing body members and the public to go to the Clay County 2040 Compass website for comprehensive plan information and to participate in that [survey](#).

Cynthia noted that the schedule we will City Hall will be closed from 11:30 to 1:00 next Thursday for City employee holiday luncheon. City Hall will be closed Monday, December 25 for Christmas and Monday, January 1 for New Year's. The Mayor has cancelled the January 2 Board of Aldermen meeting since we do not have any urgent or pressing issue.

Cynthia provided an update on the recruitment process for the Finance Director. The applications for the Finance Director position are available online and the position is open until filled. The first review of applications started last Friday and so far we have had about 10 applications. She and Gina Pate, Assistance City Administrator, have reviewed those and are in the process this week of conducting pre-screen Zoom interviews with six candidates. The candidate have a wide variety of experience, several have local government experience, some have some financial experience from the military, we have people from different locations throughout the metro area. Cynthia noted that they are excited about the candidate pool and hope to narrow that down to two to four candidates to bring in for an in-person interview process. She explained that typically in looking at director positions we involve members of the governing body, the public and City staff in panel interviews. She explained that because the Finance Committee is directly involved with and works closely with the Finance Director, she and the Mayor discussed including them in the interviews. So, Mayor Boley, Alderman Wilson, Alderman Shipley and April Haddock will serve on the panel for the interview process. Cynthia noted that we are hopeful that after the first of the year we would have a candidate identified to have someone here the first part of February.

## **ORDINANCES & RESOLUTIONS**

### **8. Bill No. 3018-23, Declaring the November 7, 2023 Election Results – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3018-23, declaring and certifying the results of the November 7, 2023 special election held in the City of Smithville, Missouri. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3018-23 approved first reading.

### **9. Bill No. 3019-23, Annexation 809 Second Creek Road – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3019-23, annexing certain adjacent territory into the City of Smithville, Missouri. 1<sup>st</sup> reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3019-23 approved first reading.

**10. Bill No. 3020-23, Annexation 14422 Mount Olivet Road – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3020-23, annexing certain adjacent territory into the City of Smithville, Missouri. 1<sup>st</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3020-23 approved first reading.

**11. Bill No. 3021-23, Agreement with MoDOT – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 3021-23, authorizing and directing the mayor to execute a transportation alternatives funds program supplemental agreement with the Missouri Highways and Transportation Commission for improvements to Bridge Street from Church Street to First Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 1<sup>st</sup> reading by title only. Alderman Wilson seconded the motion.

Alderman Russell thanked Chuck Soules, Public Works Director, for the work to get this. He asked what the City's match amount will be.

Chuck noted that the entire project estimate is \$1.8 million. He met with HDR Engineers to work on reducing the cost of the project cost. We will be doing the full Streetscape Phase III project. We will not be doing the overlaying in the intersection. The project will now go to the actual end of Bridge Street right at First Street. A roundabout is going at that intersection in a couple of years and the overlay would be torn out. Chuck explained that we are pulling out the utilities part of the project other than the water line and it will be bid separately. Chuck noted that at the next Board of Aldermen meeting staff will bring forward for approval an amendment with HDR to pull the utility part out so it can be bid.

Chuck explained that the City's portion of the amount is 20% of the \$1.8 million which is \$372,000, but we will not be spending that much. He noted that it is an 80-20 grant.

Upon roll call vote:

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3021-23 approved first reading.

**OTHER MATTERS BEFORE THE BOARD**

**12. Public Comment**

None.

**13. New Business from the Floor**

Alderman Russell asked that the subject of the Christmas Parade be a topic of a work session to discuss the issues of throwing candy, children running into the street and the flyer on the ground.

Mayor noted that Matt had already discussed the trash issue with the parade organizers and more trash cans will be set out in the future.

Alderman Wilson noted that Charlene Bruce, the parade's organizer has already made the decision of no candy being thrown in at future Christmas parades.

**14. Adjourn**

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

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:35 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Parks

**AGENDA ITEM:** Resolution 1295, Surplus of City Property

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### **REQUESTED BOARD ACTION:**

Motion to approve Resolution 1295, declaring certain items as surplus.

### **SUMMARY:**

From time to time, departments have equipment or vehicles which are broken, or have been replaced by new equipment or vehicles, or are no longer used or needed by the department. For property to be disposed of by the City, property must be identified by the Board of Aldermen as surplus.

The following items have been identified a surplus for disposal.

- 1997 Box Scraper – Model #B100
- Gordan Smith and Co. Inc Air Compressor
- 8ft Tilt Trailer
- 2015 John Deere Z997r (Insurance buy back)
- Kubota 4x4 RTV 900 Diesel

City staff recommends these items be listed through GovDeals.com (online auction).

### **PREVIOUS ACTION:**

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

### **POLICY OBJECTIVE:**

To dispose of surplus property no longer utilized by the City.

### **FINANCIAL CONSIDERATIONS:**

Revenues gained through selling property no longer utilized by the City will be deposited into the Parks and Recreation Fund.

### **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 type="checkbox"/> Other:                |                                   |

## **RESOLUTION 1295**

### **A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS**

**WHEREAS**, from time to time, departments identify equipment that has been replaced by new equipment, is no longer used or does not work as it originally did; and

**WHEREAS**, the City of Smithville has identified certain equipment in its possession as surplus and no longer of value:

- 1997 Box Scraper – Model #B100
- Gordan Smith and Co. Inc Air Compressor
- 8ft Tilt Trailer
- 2015 John Deere Z997r (Insurance buy back)
- Kubota 4x4 RTV 900 Diesel

**WHEREAS**, the items are being presented to the Board of Aldermen of the City of Smithville as surplus equipment.

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

**THAT** the identified property is declared as surplus equipment and the City purchasing agent is directed to dispose of such property in accordance with City Ordinance 2916-15.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19<sup>th</sup> day of December 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



## City Administrator's Report

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December 14, 2023

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### Employee Recognition

The annual City Employee Holiday Luncheon was held today. This provides a time for employees to come together and celebrate the achievements of the past year. We also recognize milestone years of service. This year, the following employees celebrate milestones in their tenure here:

#### *Five Years of Service*

Jim Morgan  
Keowa Norton  
Tony Turner  
Cynthia Wagner

#### *Ten Years of Service*

Linda Drummond  
Jason Herschberger

#### *Fifteen Years of Service*

Brian Gleason  
Chris Mendoza

#### *Twenty-Five Years of Service*

Bob Lemley

This year, a new element has been added. The Communications Committee recommended the implementation of an Employee Spotlight program. Employees can nominate other individual employees or employee teams for recognition of outstanding efforts in customer service, teamwork, innovation, etc. These recognitions are included in the employee newsletter as they are received. Earlier this month, all nominations were compiled and submitted to all staff to vote for the Employee and Team of the Year.

Employee Spotlight nominations for 2023 are provided below.



### *Individual Nominations*

**Mark Fairchild** - Mark went above and beyond to help a camper staying at Smith's Fork Campground to restore their power after it was determined the issue was on their side. He also stayed late to help another camper jump their RV. Mark is always willing to help the community and goes the extra mile to help out our residents and visitors.

**Grant Clesson** - The Parks Maintenance team ran into a significant water leak out at Smith's Fork Park. The Parks Department had reach out to the Utilities Department for some assistance. Grant helped supply tools and equipment that were needed to get the water leak repaired as quick as possible. Grant even stayed and helped the Park Maintenance team until it was fully completed. The Parks Department appreciated the help!

**Jeanette Chastain** - Jeanette received multiple employee spotlight entries - Complete dedication to the department and city, could not do our jobs without her! It should be noted that this entire police department would not function the way it does without Jeanette. She is also like a work mom to the officers, we can always count on her for advice or a place to vent. She is the best! She deserves a shout out for all her hard work and dedication over the last 21 years. For all the work she does behind the curtains. She is a positive soul who lifts her peers up daily. She constantly strives to give her job 100% every day and doesn't allow the stress to derail her. She looks to see the lesson or assess how she can better serve the team no matter what the day brings her.

**Brandan Fischer** - While driving downtown checking storm drains, Brandan noticed an elderly gentleman trying to put a fallen flag back up on the pole so Brandan pulled over and put the flag back up.

**Linda Drummond** - Linda is both our City Clerk and a valuable resource for IT support across all City Departments. She consistently has the necessary supplies to quickly resolve any issues and get our staff up and running. It's wonderful to have someone dependable that our staff can count on!

**Jim Waddle** - Jim is always willing to do the odds and ends jobs here at City Hall. From touching up the paint on the walls to putting in the new electronic door lock on the server room door. It does not matter what it is all I have to do is ask and he works it into his schedule to get it done. He is our Mr. Fix-it!

**Melissa Knowles** - Over the past two years Detective Knowles has been instrumental in making the yearly Shop with a Cop be successful, even doing this on her own time. Knowles is very passionate about other officers and their wellbeing. And even though she is a Detective she is always willing to help out patrol to make sure we have adequate coverage.

**Thea Gomez** - Thea has been a rockstar during our configuration meetings for the city's financial migration to ERP Pro 10. She has coordinated with vendors about needed information to make this migration more seamless. All while making sure that payroll was completed, and inputting the new insurance deduction codes.

**Norm Wells** - Norm is a true team player! When the city hosted an event in November, he volunteered without hesitation. Later that month, he assisted with data

entry for a DNR project. This week, when a resident reported their mailbox had been removed and not returned by a contractor, Norm acted promptly. He rushed to the streets department, retrieved the mailbox, and ensured it was placed back where it belonged. Norm is always ready to help out, which is really awesome, and everyone really values and appreciates all the things he does.

### *Team Nominations*

**Tony Turner and Clint Coldren** - they both helped a goose at Helvey Park that had been tangled in fishing line for quite a while. They caught it, removed the line and have been quietly keeping an eye on it since to make sure that it's not having any other problems. This is definitely outside of their job description and it's awesome that they did this on their own.

**Cody Manville and Dave Schuerger** - Cody did 25 disconnections in September all by himself, while Dave managed the Wastewater Plant in the heat. Other staff members were at a training, so these two kept our operations running!

**Clint Coldren, Tony Turner, and Allan Jensen** - Clint and Tony helped the water department when we had the major leak on North Main St. Tony and Clint stayed the entire time got us gravel and parts and helped to clean up the area. With classes and personnel out for one reason or another the department was short-handed. With their help we had the leak fixed and the road cleaned up within 2 hours. Thank you Street Department.

Employees selected Jeanette Chastain as individual employee of the year and the team of Cody Manville and Dave Schuerger as team of the year.

Jeanette will be submitted as an Employee of the Year candidate for the Community Awards recognition at the 2024 Community Awards Banquet to be held February 29, 2024 at White Iron Ridge.

### **City Hall and Meeting Schedule**

City Hall will be closed Monday, December 25 and Monday, January 1 for the Christmas and New Year's Holidays. City staff wish you and yours a very happy holiday season!

Mayor Boley has cancelled the January 2 Board of Aldermen meeting.



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Bill No. 3018-23, Declaring and Certifying the November 7, 2023 Election Results for the Public Safety Sales Tax – 2nd reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3018-23, to officially declare the results of the one-half percent Public Safety Sales Tax from the November 7, 2023 Special election failed. The results of the election are certified by the Clay and Platte County Election Boards. Second reading by title only.

**SUMMARY:**

This ordinance will formally declare the election results for the November 7, 2023 election to impose a one-half percent Public Safety Sales Tax for general revenue purposes failed with 458 No votes and 402 Yes votes.

**PREVIOUS ACTION:**

**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 type="checkbox"/> Resolution                               | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report                             | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Election Certification |                                   |

**AN ORDINANCE DECLARING AND CERTIFYING THE RESULTS OF  
THE NOVEMBER 7, 2023 SPECIAL ELECTION HELD IN THE CITY  
OF SMITHVILLE, MISSOURI**

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

**Section 1.** That it is hereby found and declared that the vote at the election held in the City of Smithville, Missouri, on Tuesday, November 7, 2023, on the following questions:

**Proposition**

**Shall the City of Smithville impose a citywide sales tax at  
the rate of one-half of one percent for the purpose of  
improving the public safety of the City?**

resulted as follows: 402 Yes

458 No

**Section 2.** That attached hereto as **Exhibit A** is a full, true and correct copy of the ballot used at said election.

**Section 3.** That attached hereto as **Exhibit B** is a full, true and correct copy of the certifications of election results cast at said election received from the Clay County Board of Election Commissioners and the Platte County Board of Election Commissioners, that said certifications of election results are the final and last certifications of election results for said election, and that said certifications of election results constitute the official returns of the election pursuant to Section 115.507(2) of the Comprehensive Election Act, Revised Statutes of Missouri, as amended.

**Section 5.** That it is further found and declared that notice of said election was duly given by publication in the manner provided by law as evidenced by the affidavit of publication attached hereto as **Exhibit C**, and that said election was held and conducted in all respects in conformity with the Constitution and laws of the State of Missouri.

**Section 6.** That upon the certified results of the Special Election from the Board of Election Commissioners, the proposed Public Safety Sales Tax question was defeated.

**PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF SMITHVILLE,  
MISSOURI THIS 19<sup>th</sup> DAY OF DECEMBER 2023.**

[SEAL]

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 12/05/2023

Second Reading: 12/19/2023

DARLA WIERZBECKI, CHAIRMAN  
TOM BROWN, MEMBER  
J. AARON CRAIG, ATTORNEY  
TERRIE UHLMANN, INTERIM DIRECTOR



MEGAN WORD, SECRETARY  
ANTHONY BOLOGNA, MEMBER  
STEVEN B. SALMON, ATTORNEY  
TIFFANY ELLISON, DIRECTOR

**CLAY COUNTY  
BOARD OF ELECTION COMMISSIONERS**

100 W. Mississippi Street. Liberty, MO 64068 Phone: 816-415-8683 Fax: 816-792-5334  
[www.voteclaycountymo.gov](http://www.voteclaycountymo.gov)

November 14, 2023

Linda Drummond  
City of Smithville, Clerk  
107 West Main Street  
Smithville, MO 64089

As provided by 115.507 RSMo, Supp. 2002

STATE OF MISSOURI )  
                                  )  
COUNTY OF CLAY    )

**November 7, 2023 Special Election  
Certification of Election Results**

The Clay County Board of Election Commissioners hereby certifies the attached document/s to be a true, correct and complete abstract of all the votes cast in the Clay County, Missouri, at the Special Election held on November 7, 2023 as shown by the returns made from the precincts in said district within Clay County, and as verified by the Verification Board.

IN TESTIMONY WHEREOF, I hereunto  
set my hand and affix the seal of the County  
at the Board of Election Commissioners  
office in Liberty, Missouri.

(SEAL)

*Terrie Uhlmann*

Terrie Uhlmann  
Interim Republican Director

*Tiffany Ellison*

Tiffany Ellison  
Democrat Director

Election Summary Report  
SPECIAL ELECTION  
CLAY COUNTY, MISSOURI  
TUESDAY, NOVEMBER 7, 2023  
Election Results  
OFFICIAL

Date: 11/14/2023  
Time: 2:02:34 PM CST  
Page 1/1

Registered Voters 178,004 - Total Ballots 14,569 : 8.18%

84 of 84 Precincts Reporting 100.00%

CLAY COUNTY PROP A

Number of Precincts	84	
Precincts Reporting	84	100.00%
Total Votes	14,513	
YES	8,834	60.87%
NO	5,679	39.13%

KANSAS CITY QUESTION 1

Number of Precincts	43	
Precincts Reporting	43	100.00%
Total Votes	7,614	
YES	4,553	59.80%
NO	3,061	40.20%

KANSAS CITY QUESTION 2

Number of Precincts	43	
Precincts Reporting	43	100.00%
Total Votes	7,593	
YES	4,039	53.19%
NO	3,554	46.81%

SMITHVILLE PROPOSITION

Number of Precincts	5	
Precincts Reporting	5	100.00%
Total Votes	860	
YES	402	46.74%
NO	458	53.26%



Statement of Votes Cast  
SPECIAL ELECTION  
CLAY COUNTY, MISSOURI  
TUESDAY, NOVEMBER 7, 2023  
Election Results  
OFFICIAL

Date: 11/14/2023  
Time: 2:03:38 PM CST  
Page 8/8

SMITHVILLE PROPOSITION

	Reg. Voters	Total Votes	YES		NO	
Jurisdiction Wide						
PLATTE 1	4648	482	237	49.17%	245	50.83%
PLATTE 2	632	68	36	52.94%	32	47.06%
PLATTE 3	2458	228	99	43.42%	129	56.58%
VOTE CENTER	0	2	0	-	2	100.00%
ABSENTEE	0	80	30	37.50%	50	62.50%
Total	7738	860	402	46.74%	458	53.26%



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3019-23, Annexation 809 Second Creek Road. 2nd Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3019-23 to annex 809 Second Creek Road for second reading by title only.

**SUMMARY:**

Approving this ordinance would annex this property into the city limits. The property is contiguous to the City of Smithville and constitutes part of an island completely surrounded by the city limits. The property is a single-family home located on a .88 acre lot.

The application to annex this land was submitted by the property owners in order to connect to the existing city sewers.

**PREVIOUS ACTION:**

None.

A public hearing was advertised in the paper more than seven days in advance of the hearing (November 23) and less than 60 days have elapsed since the application was submitted (November 6) in compliance with §71.012 RSMo.

**POLICY ISSUE:**

Annexation

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

**AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY  
INTO THE CITY OF SMITHVILLE, MISSOURI**

**WHEREAS**, on the 6<sup>th</sup> day of November 2023, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

**WHEREAS**, said real estate as hereinafter described is adjacent to and contiguous with to the present corporate limits of the City of Smithville, Missouri; and

**WHEREAS**, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 5<sup>th</sup> day of December 2023; and

**WHEREAS**, notice of said public hearing was given by publication of notice hereof on the 23<sup>rd</sup> of November 2023 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

**WHEREAS**, at said public hearing all interested persons, corporation or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation, and whereas no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Smithville, Missouri, within fourteen (14) days after the public hearing; and

**WHEREAS**, the Board of Aldermen of the City of Smithville, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the City; and

**WHEREAS**, the City is able to furnish normal municipal services to said area within a reasonable time after annexation.

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

SECTION 1. Pursuant to the provisions of Section 71.012 RSMo 1969, as amended by laws of 1976, the following described real estate is hereby annexed into the City of Smithville, Missouri, to wit:

All that part of the South one-half of the Southeast Quarter of Section 22, Township 53 North, Range 33 West in Clay County, Missouri, described as follows: Beginning at a point on the North line of the South one-half of the

Southeast Quarter of said Section 22 which is North 89 degrees 30 minutes East, a distance of 282.70 feet from the Northwest corner of the South one-half of the Southeast Quarter of said Section 22; thence South 0 degrees 42 minutes 02 seconds East, a distance of 414.89 feet; thence North 89 degrees 30 minutes East and parallel with the North line of the South one-half of the Southeast Quarter of said Section 22, a distance of 105.00 feet; thence North 0 degrees 42 minutes 02 seconds West, a distance of 414.85 feet to a point on the North line of the South one-half of the Southeast Quarter of said Section 22; thence South 89 degrees 30 minutes West along the North line of the South one-half of the Southeast Quarter of said Section 22, a distance of 105.00 feet to the Point of Beginning. Subject to that part in the roadways and any easements and restrictions of record.

SECTION 2. The boundaries of the City of Smithville, Missouri, are hereby altered so as to encompass the above-described tract of land lying adjacent to and contiguous with the present corporate limits.

SECTION 3. The City Clerk of the City of Smithville, Missouri, is hereby ordered to cause three (3) certified copies of this ordinance to be filed with the Clay County Clerk.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor, only if no written objection is received within fourteen (14) days of the public hearing as provided by Section 71.012.

PASSED THIS 19<sup>th</sup> DAY OF DECEMBER 2023.

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Damien Boley, Mayor

ATTEST

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Linda Drummond  
City Clerk

First Reading: 12/05/2023

Second Reading 12/19/2023



## **Voluntary Annexation**

### **Staff Report**

November 27, 2023

Annexation of Parcel Id #05-504-00-02-004.01

**Bill No. 3019-23**

---

#### Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation

Property Information: Address: 809 Second Creek Road  
Owner: Connie Murphy, Trustee

Notice Date: November 23, 2023

#### GENERAL DESCRIPTION:

The applicant seeks to annex 809 Second Creek Road into the city to be able to connect to the city sewers.



#### COMPLIANCE WITH COMPREHENSIVE PLAN

Voluntary annexation is a request by a property owner and is subject to the discretion of the City. The Comprehensive Plan currently identifies certain areas that can be considered for annexation. The subject property is part of an island of unincorporated land completely surrounded by the city limits.

#### CONTIGUOUS AND COMPACT

Property meets the State law requirement of 15% of the boundary be contiguous.

ABILITY TO PROVIDE SERVICES

All utilities and services are provided at this time.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

---

Zoning Administrator



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3020-23, Annexation 14422 North Mount Olivet Road. 2nd Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3020-23 to annex 14422 North Mount Olivet Road for second reading by title only.

**SUMMARY:**

Approving this ordinance would annex this property into the city limits. The property is contiguous to the City of Smithville on its' west side and is served by county water services and is slated for private septic systems once fully developed. All other city services are available to serve the property immediately.

The application to annex this land was submitted by the property owners in order to develop this 185 acre parcel into 32 large lots in an A-R zoning district.

**PREVIOUS ACTION:**

None.

A public hearing was advertised in the paper more than seven days in advance of the hearing (November 23) and less than 60 days have elapsed since the application was submitted (November 6) in compliance with §71.012 RSMo.

**POLICY ISSUE:**

Annexation

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes



**AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY  
INTO THE CITY OF SMITHVILLE, MISSOURI**

**WHEREAS**, on the 6<sup>th</sup> day of November 2023, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

**WHEREAS**, said real estate as hereinafter described is adjacent to and contiguous with to the present corporate limits of the City of Smithville, Missouri; and

**WHEREAS**, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 5<sup>th</sup> day of December 2023; and

**WHEREAS**, notice of said public hearing was given by publication of notice hereof on the 23<sup>rd</sup> day of November 2023 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

**WHEREAS**, at said public hearing all interested persons, corporation or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation, and whereas no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Smithville, Missouri, within fourteen (14) days after the public hearing; and

**WHEREAS**, the Board of Aldermen of the City of Smithville, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the City; and

**WHEREAS**, the City is able to furnish normal municipal services to said area within a reasonable time after annexation.

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

SECTION 1. Pursuant to the provisions of Section 71.012 RSMo 1969, as amended by laws of 1976, the following described real estate is hereby annexed into the City of Smithville, Missouri, to wit:

A Tract Of Land In The West Fractional Half Of Section 31, Township 53 North, Range 32 West, In Clay County, Missouri, Being Described As Follows: Beginning At The Southwest Corner Of Said Section 31; Thence N00°25'54"E, Along The

West Line Of The Fractional Southwest Quarter Of Said Section 31, A Distance Of 1381.18 Feet To The Southwest Corner Of A Tract Of Land Described In Book 1704 At Page 152; Thence N87°49'16"E, Along The Southerly Line Of Said Tract, A Distance Of 370.97 Feet To The Southeasterly Corner Of Said Tract; Thence N00°26'48"E, Along The Easterly Line Of Said Tract, A Distance Of 440.24 Feet To The Northeasterly Corner Of Said Tract; Thence N83°02'20"W, Along The Northerly Line Of Said Tract, A Distance Of 373.13 Feet To A Point On The West Line Of Said Fractional Southwest Quarter; Thence N00°25'54"E, Along Said West Line, A Distance Of 770.92 Feet To The Northwest Corner Of Said Fractional Southwest Quarter, Said Point Also Being The Southwest Corner Of The Fractional Northwest Quarter Of Said Section 31; Thence N00°15'36"E, Along The West Line Of Said Fractional Northwest Quarter, A Distance Of 899.06 Feet To The Southwesterly Corner Of A Tract Of Land Described In Book 6085 At Page 14; Thence S89°34'19"E, Along The Southerly Line Of Said Tract, And Along The Southerly Line Of A Tract Of Land Described In Book 5223 At Page 180, A Distance Of 2385.78 To The East Line Of Said Fractional Northwest Quarter; Thence S00°40'41"W, Along Said Line, A Distance Of 924.90 Feet To The Southeast Corner Of Said Fractional Northwest Quarter, Said Point Also Being The Northeast Corner Of The Fractional Southwest Quarter Of Said Section 31; Thence S00°40'28"W, Along The East Line Of Said Fractional Southwest Quarter, A Distance Of 2636.02 Feet To The Southeast Corner Of Said Fractional Southwest Quarter; Thence N89°19'35"W, Along The South Line Of Said Fractional Southwest Quarter, A Distance Of 2367.73 Feet To The Point Of Beginning.

SECTION 2. The boundaries of the City of Smithville, Missouri, are hereby altered so as to encompass the above-described tract of land lying adjacent to and contiguous with the present corporate limits.

SECTION 3. The City Clerk of the City of Smithville, Missouri, is hereby ordered to cause three (3) certified copies of this ordinance to be filed with the Clay County Clerk.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor, only if no written objection is received within fourteen (14) days of the public hearing as provided by Section 71.012.

PASSED THIS 19<sup>th</sup> DAY OF DECEMBER 2023.

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Damien Boley, Mayor

ATTEST

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Linda Drummond  
City Clerk

First Reading: 12/05/2023

Second Reading 12/19/2023



# SMITHVILLE

## DEVELOPMENT

### **Voluntary Annexation Staff Report**

November 27, 2023

Annexation of Parcel Id #06-703-00-02-004.00

**Bill No. 3020-23**

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Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation

Property Information: Address: 14422 North Mt. Olivet

Owner: John & Ralph Yallaly

Notice Date: November 16, 2023

#### **GENERAL DESCRIPTION:**

The applicant seeks to annex 185 acres at 14422 North Mt. Olivet into the city to develop the land into 32 large A-R zoned lots.



#### COMPLIANCE WITH COMPREHENSIVE PLAN

Voluntary annexation is a request by a property owner and is subject to the discretion of the City. The Comprehensive Plan currently identifies certain areas that can be considered for annexation. The subject property is immediately contiguous to the current eastern border at Wise Rd. and 144<sup>th</sup> St., and is in an area that will not cause inefficient extensions of water or sewers.

#### CONTIGUOUS AND COMPACT

Property meets the State law requirement of 15% of the boundary be contiguous to current city limits.

#### ABILITY TO PROVIDE SERVICES

All utilities and services are available adjacent to the proposed subdivision, or will be extended at the developers sole cost and extent. No other city utilities are needed in the area.

#### STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

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Zoning Administrator



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Bill No. 3021-23, authorizing and directing the Mayor to sign a supplemental agreement with MoDOT. 2nd Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No.3021-23, authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Bridge Street from Church Street to First Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 2<sup>nd</sup> reading by title only.

**SUMMARY:**

In 2020 the City was awarded a Transportation Alternatives Program (TAP) grant for Streetscape Phase III improvements on Bridge Street from Church Street to First Street

By Ordinance 311-21, the City entered into an agreement with MODOT for \$488,000 in 2021.

On October 3, 2023 bids were opened for the project and exceed the budgeted funds.

On November 8, 2023 the City requested of the Active Transportation and Pedestrian Committee (ATPC) of the Mid-America Regional Council (MARC) to reduce the scope of the project to be in line with the budget. The ATPC recommended increasing the federal funding by \$1 million for a total federal participation of \$1,488,000 to complete the project.

The Supplemental Agreement includes the additional funding.

**PREVIOUS ACTION:**

- Ordinance 3111-21 authorizing Mayor to sign the original cost share agreement with MoDOT.
- Included in the 2022/2023 Capital Improvement Plan

**POLICY ISSUE:**

Continued service, infrastructure maintenance

**FINANCIAL CONSIDERATIONS:**

This agreement sets up the funding authority with MoDOT for 80% of construction related costs

**ATTACHMENTS:**

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

- ☒ Contract
- ☐ Plans
- ☐ Minutes

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE  
A TRANSPORTATION ALTERNATIVES FUNDS PROGRAM SUPPLEMENTAL  
AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION FOR IMPROVEMENTS TO BRIDGE STREET FROM CHURCH  
STREET TO FIRST STREET INCLUDING INFRASTRUCTURE IMPROVEMENTS  
ENCOURAGING SAFER ROUTES FOR NON-MOTORIZED USERS AND  
IMPROVING THE PEDESTRIAN ENVIRONMENT**

**WHEREAS**, on September 20th, 2021, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City") entered into a Transportation Enhancements Funds Agreement for the construction of Smithville Streetscape Phase III (hereinafter, " Project"); and

**WHEREAS**, the Commission and the City now desire to revise the original Agreement to reflect additional funding for the Project.

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

Section 1. That the Mayor is authorized and directed to execute a supplemental agreement with the Missouri Highways and Transportation Commission for public improvements to be completed on Bridge Street from Church Street to First Street, in the City of Smithville.

Section 2. This ordinance shall take effect and be in full force from and after its passage according to law.

PASSED THIS 19<sup>th</sup> DAY OF DECEMBER, 2023

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 12/05/2023

Second Reading: 12/19/2023



CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 10/22 (MWH)

Modified: 11/23 (KFJ)

Clay County

City of Smithville

Project TAP 3302(434)

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: TAP – 3302(434)

Award Year: 2024

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
TRANSPORTATION ENHANCEMENTS FUNDS  
SUPPLEMENTAL AGREEMENT**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City/County/Grantee").

WITNESSETH:

WHEREAS, on September 20th, 2021\_, the Commission and the City previously entered into a Transportation Enhancements Funds Agreement as to public improvements designated as 2021-06-64001, for the construction of Smithville Streetscape Phase III, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

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

(1) REVISION: Paragraph 16 of the Original Agreement (is/are) removed and replaced with the following:

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share for this project will be 80 percent not to exceed \$1,488,400.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs.

Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this \_\_\_\_\_ (date).

Executed by the Commission this \_\_\_\_\_ (date).

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF SMITHVILLE

\_\_\_\_\_

By \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance No.: \_\_\_\_\_



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 3022-24 - 19950 North F Highway Rezoning – 1st Reading

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**REQUESTED BOARD ACTION:**

A motion to read Bill No. 3022-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 19950 North F Highway by Title Only for First Reading.

**SUMMARY:**

Applicant seeks to rezone an assembled 9 acre parcel of land that contains both R-1 and A-1 zoned land into A-R in order to allow subdividing the land into three one-acre parcels.

**PREVIOUS ACTION:**

None

**POLICY OBJECTIVE:**

Implement the Comprehensive Plan elements for north Smithville.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

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

## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicant: Dirk Talley

Land Use Proposed: A-R

Zoning: A-1 and R-1B

Property Location: 19950 N. F Hwy

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on December 12, 2023, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

### Finding of Facts

*1. Character of the neighborhood.*

The surrounding area is comprised of three single family homes on varying large lots, and the remainder if vacant land being farmed.

*2. Consistency with the City's Comprehensive Plan and ordinances.*

The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for the north part of the city to remain single family residential for the most part.

*3. Adequacy of public utilities and other needed public services.*

Adequate utilities are available, and the lots are large enough for septic systems.

*4. Suitability of the uses to which the property has been restricted under its existing zoning.*

The current use is A-1, agricultural with a small sliver of R-1B zoned land that is also farmed. The current zoning does not allow for any additional residential building to be constructed, but dividing the land allows the construction, and triggers the more restrictive A-R district.

*5. Length of time the property has remained vacant as zoned.*

The property was zoned to its' existing district classification when annexed, and the agricultural nature is not being changed significantly. The change would additional housing similar to the adjacent lots.

*6. Compatibility of the proposed district classification with nearby properties.*

The proposed district is essentially the same as the existing adjacent uses.

7. *The extent to which the zoning amendment may detrimentally affect nearby property.*

No detriment is anticipated.

8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*

No loss to landowners is expected.

9. That in rendering this Finding of Fact, testimony at the public hearing on December 12, 2023, has been taken into consideration as well as the documents provided.

#### Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

A. This application and the Rezoning of this property from A-1 and R-1B to A-R is governed by Section 400.560 of the zoning ordinance of Smithville, Missouri.

B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.

C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of rezoning the land to A-R.

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS  
OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE  
CITY OF SMITHVILLE, MISSOURI**

**WHEREAS**, The City of Smithville received an application for rezoning 19950 N. F Hwy on October 16, 2023; and

**WHEREAS**, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent not less than 15 days prior to the Public Hearing conducted before the Planning Commission on December 12, 2023; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning request; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF  
THE CITY OF SMITHVILLE, MISSOURI, THAT;**

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

A tract of land in the Northwest Quarter of Section 36, Township 54 North, Range 33 West, Clay County, Missouri, described as follows: Beginning at a point on the North line of said Northwest Quarter, said point being 130.2 feet North, 88 degrees, 55 minutes East of the Northwest corner of said Northwest Quarter; thence South 00 degrees, 35 minutes East, 660.4 feet; thence North 88 degrees, 55 minutes East, 601.77 feet to a point on the Westerly right-of-way line of State Route F (said point being 2016.4 feet North of the South line of said Northwest Quarter, measured along said Westerly right-of-way line); thence North 00 degrees, 35 minutes West, along said Westerly right-of-way line, 357.75 feet to a point of curve; thence on a curve to the left with a radius of 271.04 feet and a central angle of 88 degrees, 22 minutes, 416.27 feet; thence North 01 degrees, 03 minutes East, 10 feet; thence continuing along said right-of-way line, North 88 degrees, 57 minutes West, 169.9 feet to a point of a curve; thence on a curve to the right, with a radius of 330.33 feet, 79.46 feet to the said North line of said Northwest Quarter; thence South 88 degrees, 55 minutes West, 90.4 feet to the point of beginning.

And Also

Commencing at the Northwest Corner of Section 36, Township 54 North, Range 33 West, Clay County, Missouri; thence along the North line of the Northwest Quarter South 89 degrees 37 minutes 38 seconds East, 130.20 feet; thence South 00 degrees 52 minutes 22 seconds West, 660.40 feet; thence South 89 degrees 38 minutes 13 seconds East, 601.77 feet to the Point of Beginning; thence South 00 degrees 45 minutes 26 seconds West, 36.24 feet; thence North 89 degrees 38 minutes 13 seconds West, 601.84 feet; thence North 00 degrees 52 minutes 22 seconds East, 36.24 feet to the Point of Beginning.

is hereby changed from A-1 and R-1B to A-R.

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS 16<sup>th</sup> DAY OF JANUARY, 2024

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Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

First Reading: 12/19/2023

Second Reading 01/16/2024





STAFF REPORT  
December 7, 2023

Rezoning of Parcel Id's # 01-904-00-01-004.00  
and the north ½ acre of 01-904-00-01-006.00  
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 19950 N. F Hwy.  
Owners: High Tide Properties  
Current Zoning: R-1B and A-1  
Proposed Zoning: A-R

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 23, 2023  
Letters to Property Owners w/in 185': November 17, 2023

GENERAL DESCRIPTION



The applicants seek to rezone the subject property from R-1B and A-1 to A-R. These properties were zoned many years ago at the time of annexation.

The purpose of the rezoning is to allow three lots to be created to allow homes to be constructed on each lot.

#### EXISTING ZONING:

The existing zoning is R-1B and A-1.

#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a predominantly agricultural with large lot residential to the east, west and north.

#### CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The new Comprehensive Plan was approved on November 10<sup>th</sup>, 2020, and formally adopted as the policy of the City on November 17<sup>th</sup>, 2020. That plan seeks to continue developing this north area as residential, so amending this zoning brings this land into the comprehensive plans desired use.

#### ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

The property has existing utilities sufficient for housing and any other A-R use.

#### SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4.*

The current use is farmland with the area surrounding the land developing into large lot residences.

#### TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was zoned to the existing district classification upon annexation and no changes have been sought.

#### COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The proposed district is compatible with the existing nearby land as all the uses are large lot residential.

#### EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560C.7*

No detrimental effects are anticipated to the adjacent property values.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO  
ADJOINING PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

No detrimental effects are anticipated to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to A-R be approved.



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** 3023-24 - 18212 North Main Street Rezoning. 1st Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 3023-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at 18212 North Main Street by Title only for First Reading.

**SUMMARY:**

Applicant seeks to change the zoning from R-1A to A-R on his 5.11 acre parcel.

**PREVIOUS ACTION:**

Property was rezoned from B-3 to R-1A in 2022 to correct an old error in zoning to match the actual uses.

**POLICY OBJECTIVE:**

Implement the Comprehensive Plan elements for north Smithville.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

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

## **FINDING OF FACTS AND CONCLUSIONS OF LAW**

Applicants: Zachary & Lindsay Nicholas  
Dennis Brewer

Land Use Proposed: A-R

Zoning: R-1A

Property Location: 18212 N. Main St.

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on December 12, 20232022, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

### Finding of Facts

1. *Character of the neighborhood.*  
The surrounding area is a predominantly large lot single family uses on Agriculturally zoned land to the east, and standard R-1 single family housing to the north. Vacant B-3 lies to the west and fronts upon 169 Hwy
2. *Consistency with the City's Comprehensive Plan and ordinances.*  
The new Comprehensive Plan was approved on November 10th, 2020, and formally adopted as the policy of the City on November 17th, 2020. That plan calls for the north part of the city to remain single family residential for the most part.
3. *Adequacy of public utilities and other needed public services.*  
The property is served with all utilities.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*  
The current use is vacant single family residential, zoned R-1A. The change would allow an outbuilding/barn to be constructed as the primary/initial structure, which is not allowed in any R-1 designated district.
5. *Length of time the property has remained vacant as zoned.*  
The property was zoned to the existing district classification in 2022 from B-3

6. *Compatibility of the proposed district classification with nearby properties.*  
The properties all front on N. Main St. and the proposed district will match the existing uses and approximate lot sizes.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*  
No detrimental effects are anticipated to the adjacent property values.
8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*  
No detrimental effects are anticipated to adjacent properties.
9. That in rendering this Finding of Fact, testimony at the public hearing on December 12, 2023, has been taken into consideration as well as the documents provided.

#### Recommendation of the Planning Commission

Based on the foregoing findings of fact, we conclude that:

- A. This application and the Rezoning of this property from R-1A to A-R is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of rezoning the property to A-R.

**BILL NO. 3023-24**

**ORDINANCE NO. 32XX-24**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS  
OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE  
CITY OF SMITHVILLE, MISSOURI**

**WHEREAS**, The City of Smithville received an application for rezoning Lots 5, 6 and the north 100.93 feet of Lot 7, Wait Acres on October 11, 2023; and

**WHEREAS**, the public was notified by publishing in the CT paper on November 23<sup>rd</sup> and 30<sup>th</sup> and December 7, 2023 and notices were mailed to adjoining property owners on November 17, 2023.

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on December 12, 2023; and

**WHEREAS**, the rezoning is to change the zoning from R-1A to A-R; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning request; and,

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

Section 1. Having received a recommendation from the Planning Commission, and proper notice having been given and public hearing held as provided by law, and under the authority of and subject to the provisions of the zoning ordinances of the City of Smithville, Missouri, by a majority council vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

Lots 5, 6 and the north 100.93 feet of Lot 7 of Wait Acres, a subdivision in Smithville, Clay County, Missouri.

Changed from R-1A to A-R

Section 2. Upon the taking effect of this ordinance, the above zoning changes shall be entered and shown upon the "Official Zoning Map" previously adopted and said Official Zoning Map is hereby reincorporated as a part of the zoning ordinance as amended.

Section 3. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS 16<sup>th</sup> DAY OF JANUARY, 2024

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Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

First Reading: 12/19/2023

Second Reading 01/16/2024





STAFF REPORT  
December 7, 2023

Rezoning of Parcel Id's# 05-303-00-01-001.11  
Application for Rezoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 18212 N. Main St.  
Owners: Zachary and Lindsay Nicholas  
Current Zoning: R-1A  
Proposed Zoning: A-R

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 23, 2023  
Letters to Property Owners w/in 185': November 17, 2023

GENERAL DESCRIPTION



The applicants seek to rezone the subject property from R-1A to A-R.  
These properties were zoned B-3 many years ago as a part of the Wait Storage

business off 169. In 1994, when this subdivision was created, it was still zoned B-3 and the subdivision was allowed to proceed without rezoning the land to a residential zone. In 2022, the lots were again rezoned to R-1A to better match the existing usage as single family housing. At the time, three different owners sought to rezone, two of which were on 185' wide lots, which were too narrow to allow A-R zoning. The third owner owned four lots with sufficient frontage to allow the A-R district zoning, but chose to simplify the hearing process by making all the zones the same. Subsequently, that owner sold his house and one lot to one purchaser, and then the remaining 3 lots to the applicant.

#### EXISTING ZONING:

The existing zoning is R-1A which was the lowest zoning classification available for lots that were less than 200'.

#### CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a predominantly agricultural/residential to the east and south, Single family R-1A and R-1B on the north and vacant B-3 land to the west. Other than the vacant commercial to the west, large lot residential uses predominate the area.

#### CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES *400.560.C.2*

The new Comprehensive Plan was approved on November 10<sup>th</sup>, 2020, and formally adopted as the policy of the City on November 17<sup>th</sup>, 2020. That plan seeks to continue developing this north area as residential, so amending this zoning brings this land into the comprehensive plans desired use.

#### ADEQUACY OF PUBLIC UTILITIES OR OTHER PUBLIC SERVICES *400.560.C.3*

The property has existing utilities sufficient for housing and any other A-R use.

#### SUITABILITY OF THE USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED UNDER ITS EXISTING ZONING *400.560.C.4.*

The current use restricts the ability to build a barn or outbuilding as the first/primary structure on the lot without including 1,100 square feet of it as a single family residence. The applicant seeks to be able to construct a barn first, then when he approaches retirement, he can then build the single family home and move to Smithville.

#### TIME THE PROPERTY HAS REMAINED VACANT AS ZONED *400.560.C.5*

The property was zoned to the existing district classification in July of 2022.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY LAND *400.560.C.6*

The proposed district is compatible with the existing nearby land as all the uses are large lot residential.

EXTENT WHICH THE AMENDMENT MAY DETRIMENTALLY AFFECT NEARBY PROPERTY *400.560C.7*

No detrimental effects are anticipated to the adjacent property values.

WHETHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN *400.560.C.8*

No detrimental effects are anticipated to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends that the rezoning to A-R be approved.



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Parks and Recreation

**AGENDA ITEM:** Resolution 1296 – Bid Award – Diamond Crest Restroom

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1296, authorizing the expenditure of funds for the purchase of a park restroom from CXT LB Foster for the parks and recreation department through the cooperative purchasing agreement with Sourcewell in the amount of \$64,144.

**SUMMARY:**

the FY24 Budget includes \$90,000 for a restroom, shelter and sidewalk at Diamond Crest Park. Currently there are no permanent restrooms, only one temporary one.

City Code Section 105.080.C authorizes staff to utilize cooperative purchasing agreements. CXT LB Foster has provided a purchase price from their Sourcewell cooperative purchasing agreement in the amount of \$64,144.

**PREVIOUS ACTION:**

N/A

**POLICY OBJECTIVE:**

N/A

**FINANCIAL CONSIDERATIONS:**

The Parks and Recreation budget included \$90,000 for this purchase.

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

## **RESOLUTION 1296**

### **A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF A PARK RESTROOM FROM CXT LB FOSTER FOR THE PARKS AND RECREATION DEPARTMENT THROUGH THE COOPERATIVE PURCHASING AGREEMENT WITH SOURCEWELL IN THE AMOUNT OF \$64,144**

**WHEREAS**, the Parks and Recreation Department oversees Diamond Crest Park;  
and

**WHEREAS**, the 2024 Parks and Recreation Budget includes funds for the park  
restroom; and

**WHEREAS**, the City Code Section 105.080.C authorizes staff to utilize cooperative  
purchase agreements; and

**WHEREAS**, staff has made a recommendation to purchase the park restroom  
from CXT LB Foster, through the cooperative purchasing agreement with  
Sourcewell.

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

**THAT** staff is hereby authorized and directed to purchase said parks restroom  
from CXT LB Foster in the amount of \$64,144.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the  
Mayor of the City of Smithville, Missouri, this 19<sup>th</sup> day of December 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk



CXT® Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

1. ORDERING ADDRESS(ES): CXT Precast Concrete Products, 606 N. Pines Road, Suite 202, Spokane Valley, WA 99206

2. ORDERING PROCEDURES: Fax 509-928-8270

3. PAYMENT ADDRESS(ES):

**Remitting by check:**

CXT, Inc., PO Box 676208, Dallas, TX 75267-6208

**Remitting by ACH or wire transfer:**

Beneficiary: CXT, Inc.

Beneficiary Bank: PNC Bank, Pittsburgh, PA

Account: 1077766885 ABA/Routing: 043000096

Email remittance details to AR@lbfoster.com

4. WARRANTY PROVISIONS: CXT provides a one (1) year warranty. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT.

This warranty shall not apply to:

1. Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely affect the stability or reliability thereof;

2. To any goods which have been subject to misuse, negligence, acts of God or accidents; or

3. To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

5. TERMS AND CONDITIONS OF INSTALLATION (IF APPLICABLE): All prices subject to the "Conditions of Sale" listed on the CXT quotation form.

Customers are responsible for marking exact location building is to be set; providing clear and level site, free of overhead and/or underground obstructions; and providing site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements. Site must allow for the crane to be within three feet of the building location and the truck to be within three feet of the crane. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles to access. CXT reserves the right to charge the customer for additional costs incurred for

special equipment required to perform delivery and installation. Customers will negotiate installation on a project-by-project basis, which shall be priced as separate line items. For more information regarding installation and truck turning radius guidelines please see our website at <http://www.cxtinc.com>.

In the event delivery of the building/s ordered is/are not completed within 30 days of the agreed to schedule through no fault of CXT, an invoice for the full contract value (excluding shipping and installation costs) will be submitted for payment. Delivery and installation charges will be invoiced at the time of delivery and installation.

Should the delivery and installation costs increase due to changes in the delivery period, this increase will be added to the price originally quoted, and will be subject to the contract payment terms.

In the event that the delivery is delayed more than 90 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of 1-1/2% of contract price per month or any part of any month will be charged.

**\*\*Customer is responsible for all local permits and fees.**

6. DELIVERY CHARGE: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers.

7. PAYMENT TERMS: All orders are cash in advance. At CXT's discretion, credit may be given after approval of credit application. Payment to CXT by the purchaser of any approved credit amount is net 30 days after submission of invoice to purchaser. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning with the 35th day (includes five (5) day grace period) from the date of the invoice. Under no circumstance can retention be taken. If CXT initiates legal proceeding to collect any unpaid amount, purchaser shall be liable for all of CXT's costs, expenses and attorneys' fees and costs of any appeal.

8. LIMITATION OF REMEDIES: In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be liable for damages in excess of the purchase price of the goods herein offered.

9. DELIVERY INFORMATION: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers. Use the information below to determine the origin:

- F.O.B. 6701 E. Flamingo Avenue, Building 300, Nampa, ID 83687 applies to: AK, CA, HI, ID, MT, ND, NV, OR, SD, UT, WA, WY.

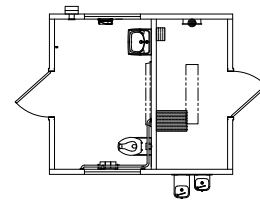
- F.O.B. 901 North Highway 77, Hillsboro, TX 76645 applies to AR, AZ, CO, IA, KS, LA, MN, MO, MS, NE, NM, OK, TX.

- F.O.B. 362 Waverly Road, Williamstown, WV 26183 applies to AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, PR, RI, SC, TN, VA, VT, WI, WV.

- Prices exclude all federal/state/local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.

## OZARK I – 10' 6" x 12'

Ozark I with chase has one single user fully accessible flush restroom. Standard features include simulated barnwood textured walls, simulated cedar shake textured roof, vitreous china fixtures, 4-gallon water heater, interior and exterior lights, off loaded, and set up at site.



**CXT**  
800.696.5766  
cxtinc.com

Price Per Unit			
Base Price	\$		\$
Added Cost Options	Click to Select		
Final Connection to Utilities	\$		
Optional Wall Texture - <i>choose one</i>	Split Face Block (\$5,500)	Stone (\$7,000)	
Optional Roof Texture	Ribbed Metal	\$	
Insulation and Heater	\$		
Vitreous China Urinal	\$		
Stainless Steel Water Closet & Lavatory	\$		
Stainless Steel Urinal	\$		
Electric Hand Dryer	\$		
Electronic Flush Valve	\$		
Electronic Lavatory Faucet	\$		
Electronic Urinal Flush Valve	\$		
Paper Towel Dispenser	\$		
Toilet Seat Cover Dispenser	\$		
Sanitary Napkin Disposal Receptacle	\$		
Baby Changing Table	\$		
Skylight in Restroom	\$		
Marine Grade Skylight in Restroom	\$		
Marine Package ( <i>excluding fiberglass doors and frames</i> )	\$		
Exterior Mounted ADA Drinking Fountain w/Cane Skirt	\$		
2K Anti-Graffiti Coating	\$		
Optional Door Closure	\$		
Fiberglass Entry and Chase Doors and Frames (each)	\$		
Timed Electric Lock System (2 doors- does not include chase door) (each)	\$		
Exterior Frostproof Hose Bib with Box	\$		
Total for Added Cost Options:			\$
Custom Options:			\$
Engineering and State Fees:			\$
Estimated One-Way Transportation Costs to Site (quote):			\$
Estimated Tax:			\$
Total Cost per Unit Placed at Job Site:			\$

*Estimated monthly payment on 5 year lease*

This price quote is good for 60 days from date below, and is accurate and complete.

I accept this quote. Please process this order.

Company Name

CXT Sales Representative

Date

Company Representative

Date



## OPTIONS

**Exterior Color(s)** (For single color mark an X. For two-tone combinations use W = Walls and R = Roof.)

<input type="checkbox"/> Amber Rose	<input type="checkbox"/> Berry Mauve	<input type="checkbox"/> Buckskin	<input type="checkbox"/> Cappuccino Cream
<input type="checkbox"/> Charcoal Grey	<input type="checkbox"/> Coca Milk	<input type="checkbox"/> Evergreen	<input type="checkbox"/> Georgia Brick
<input type="checkbox"/> Golden Beige	<input type="checkbox"/> Granite Rock	<input type="checkbox"/> Hunter Green	<input type="checkbox"/> Java Brown
<input type="checkbox"/> Liberty Tan	<input type="checkbox"/> Malibu Taupe	<input type="checkbox"/> Mocha Caramel	<input type="checkbox"/> Natural Honey
<input type="checkbox"/> Nuss Brown	<input type="checkbox"/> Oatmeal Buff	<input type="checkbox"/> Pueblo Gold	<input type="checkbox"/> Raven Black
<input type="checkbox"/> Rich Earth	<input type="checkbox"/> Rosewood	<input type="checkbox"/> Sage Green	<input type="checkbox"/> Salsa Red
<input type="checkbox"/> Sand Beige	<input type="checkbox"/> Sun Bronze	<input type="checkbox"/> Toasted Almond	<input type="checkbox"/> Western Wheat

Special roof color # \_\_\_\_\_ Special wall color # \_\_\_\_\_

Special trim color # \_\_\_\_\_

**Stone Color** (Mark option with an X.) \*If option is not available, verify stone option is selected on previous page.

☐ Basalt\* ☐ Mountain Blend\* ☐ Natural Grey\* ☐ Romana\*

**Roof Texture** \*If option is not available, verify roof texture option is selected on previous page.

☐ Ribbed Metal\*

**Wall Texture(s)** (For single texture mark an X. For top and bottom textures use T = Top and B = Bottom.)

\*If option is not available, verify wall texture option is selected on previous page.

☐ Split Face Block\* ☐ Horizontal Lap\* ☐ Board & Batt\* ☐ Stucco\*\*  
☐ Brick\*\* ☐ Distressed Wood\*\*

**Stone Wall Texture** (bottom texture only) \*If option is not available, verify stone option is selected on previous page.

☐ Napa Valley\*\* ☐ River Rock\*\* ☐ Flagstone\*\* ☐ Stacked Rock\*\*

#Textures not included in CXT's quote are additional cost.

### Door Opener

☐ Non-locking ADA Handle

☐ Privacy ADA Latch

☐ Pull Handle/Push Plate

### Deadbolt

### Accessible Signage

☐ Men

☐ Women

☐ Unisex

### Toilet Paper Holder

☐ 2-Roll Stainless Steel

☐ 3-Roll Stainless Steel

### Notes:

cxtinc.com  
800.696.5766







## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1297 - authorizing Amendment No. 1 of Authorization No. 96 with HDR Engineering, Inc. for additional design services for Streetscape Phase III in an amount of \$38,250.

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1297, authorizing Amendment No. 1 of Authorization No. 96 with HDR Engineering, Inc. for additional design services for Streetscape Phase III in the amount of \$38,250.

**SUMMARY:**

The City was awarded \$488,000 in federal construction funding for Streetscape Phase III – Bridge Street from Church Street to First Street. The project includes the same streetscape theme of downtown including lighting, sidewalks, curb and gutter, new road surface, storm sewer, bike sharrows, brick inlays and new attractive railing / fencing on the bridge.

In February 2022, the Board approved Resolution 1026, Authorization 96 and authorized Part 1 – Design Services in the amount of \$181,380.

In April 2023, the City approved Resolution 1216, Part 2 bidding and construction phase services in the amount of \$65,220.

On October 5, 2023, the City bid the project and received two bids that exceeded the budget by nearly \$1 million.

In November 2023 the Mid-America Regional Council Transportation Alternatives Program Committee recommended the City receive an additional \$1 million to complete the project, so the total Federal Funding received will be a maximum of \$1,488,000 (up to 80% of the project cost).

Amendment 1 with HDR includes some revisions to the plans to ensure that when the project is re-bid we will have sufficient budget to award the project. Those revisions include taking out the utility work (which is not eligible for federal cost share) and providing a separate set of plans that the City can bid, removing decorative pillars, revisions to sidewalks and removing lighting in the intersection of First Street and Bridge (these lights would have to be removed when the roundabout is constructed in the next couple years).

Mayra Toothman will be the project manager. Both Mayra and Dennis Witt became LPA certified in 2022.

The revised project schedule includes:

Advertisement for Letting - February

Bid Opening - March

Construction Contract Award - March

**PREVIOUS ACTION:**

Board Approved Res 1026, Approving Authorization 96 – Design services

Board approved Res 1216, Approving Part 2 of Authorization 96- bidding and construction services

**POLICY ISSUE:**

Infrastructure Maintenance, Community Oasis

**FINANCIAL CONSIDERATIONS:**

This project is included in the 2023 CIP

**ATTACHMENTS:**

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: agreement

☐ Contract

☐ Plans

☐ Minutes

## **RESOLUTION 1297**

### **A RESOLUTION AUTHORIZING AMENDMENT NO. 1 OF AUTHORIZATION NO. 96 WITH HDR ENGINEERING, INC. FOR ADDITIONAL DESIGN SERVICES FOR STREETScape PHASE III IN THE AMOUNT OF \$38,250**

**WHEREAS**, the City was awarded federal construction funding for the Streetscape Phase III – Bridge Street from Church Street to First Street; and

**WHEREAS**, the City approved Resolution 1026 on February 15, 2022 authorizing the design phase services of Authorization 96; and

**WHEREAS**, plans for Streetscape III will need some modifications after the bids exceeded budget authority and receipt of additional funding through MARC; and

**WHEREAS**, HDR has developed Amendment No. 1 in the amount of \$38,250 for the additional design services needed.

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

**THAT** the Mayor is hereby authorized to execute Amendment No. 1 to Authorization No. 96 with HDR Engineering, Inc. for additional design services in the amount of \$38,250.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19<sup>th</sup> day of December, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

**AMENDMENT NO. 1 TO AUTHORIZATION NO. 96**  
**TO**  
**AGREEMENT BETWEEN**  
**CITY OF SMITHVILLE, MISSOURI**  
**AND**  
**HDR ENGINEERING, INC. (FORMALLY E.T. ARCHER CORPORATION)**  
**FOR**  
**PROFESSIONAL ENGINEERING SERVICES**

**BRIDGE STREET STREETScape PHASE III – TAP-3302(434)**

In accordance with Section 1.A. of the December 18, 2003 Agreement, ENGINEER is hereby authorized to assist the City with the topographic survey, design, preparation of construction documents, bidding assistance, construction administration for the Bridge Street Streetscape Phase III along Bridge Street from Church Street to First Street. The streetscape project includes a topographic survey of the project area. The Project includes mill and overlay of the street, new curb and gutter, sidewalks, storm sewer, bridge railing enhancement, street lighting, and landscaping.

Addendum Number 1 expands the original scope of the project to include a rebid of the project with modified construction scope. The initial project bid prices were higher than the City budget allowed. After talks with MoDOT, the City was awarded additional grant funds to finish the project. The City has also elected to make modifications to reduce the construction costs of the project. These modifications include:

- Remove the four (4) decorative concrete columns at corners of the bridge.
- Remove the sanitary sewer improvements.
- Bid the waterline improvements separately.
- Add ADA crosswalk east and west on Bridge Street south of First Street which will include two ramps.
- Reduce the scope at the north end of the project bringing it out of the intersection:
  - Remove three (3) decorative lights, foundations, and brick accents.
  - Reduce sidewalk on the west side.
  - Remove the asphalt overlay in the intersection.
  - Relocate storm boxes for new crosswalk.

The Scope of Services will more specifically include the following project improvements & tasks.

**SCOPE OF SERVICES**

**Tasks 1-7 – Part of Original Work Authorization 96 – Original scope**

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**Task 8. Design (Construction Scope Reduction) – Additional Scope**

1. Remove waterline improvements – HDR will remove the waterline plans, details, references, and specifications from the Streetscape.
2. Final Design Plans - HDR will incorporate the rebid comments from the City listed above.
3. Project Manual and Technical Specifications – HDR update the project manual and project specific technical specifications to include the rebid comments.
4. Cost estimate – HDR will prepare a final itemized opinion of probable construction costs.
5. Internal QC Review – HDR will perform an internal quality control review on the final plans, project manual, and cost estimate.
6. Client Review Meeting – HDR will attend one online meeting with the City to review the final documents.
7. Submit to MoDOT – HDR will submit final plans, specifications, and cost estimate (PS&E) along the PS&E Supporting Documents to MoDOT for their review.
8. MoDOT Review Meeting – HDR will attend one online meeting with MoDOT and the City to review the final documents.
9. Finalize Bid Documents – HDR will incorporate comments from the City and MoDOT and finalize the Plans and Specifications for bid.
10. Overall Project Management – Perform project management, scheduling, and cost control for the project.

**Task 9. Rebid – Additional Scope**

1. Prepare bid package – HDR will assist Owner in advertising by submitting electronic copies of the bidding documents to MoDOT and Drexel Plan Room.
2. Pre-bid conference – HDR will create a meeting agenda and attend the pre-bid conference.
3. Bidder's questions and addenda – HDR will address bidder questions and issue up to two (2) Addenda to clarify or modify the Bidding Documents.
4. Bid Opening – HDR will attend the bid opening, prepare bid tabulations, and assist Owner in evaluating bids or proposals and provide a bid award recommendation to the City.
5. Bid award – After Acceptance from the City and MoDOT, HDR will create conformed to bid drawings and specs.

**Task 10. Waterline Separation – Additional Scope**

1. Waterline Technical Specifications – HDR will create separate technical specifications for the waterline improvements.
2. Waterline Plans – HDR will create a separate plan set for the waterline improvements.
3. Waterline Internal QC Review - HDR will perform an internal quality control review on the final plans, project manual, and cost estimate.
4. Finalize Bid Documents – HDR will incorporate City comments and provide sealed plans and specifications to the City via email.

## **PROJECT ASSUMPTIONS**

- Project will not bid again.
- Contractor or City will provide necessary Construction Materials Testing.
- Submittals to MoDOT are assumed to be electronic.
- HDR will provide bidding documents for the waterline improvements (plans and technical specifications). The City will be responsible for contract documents, bidding services, and construction administration of this portion of the work.

## **SCHEDULE**

12/20/23	Notice to Proceed
01/15/24	Waterline Plans to the City
01/31/24	Streetscape Plans to the City
02/15/24	PS&E Submittal to MoDOT
03/01/24	MoDOT PS&E Approval
03/08/24	Streetscape Advertisement for Letting

**FEE**

The CITY shall compensate ENGINEER for the Downtown Streetscape Phase III - Amendment No. 1 in an amount not to exceed \$38,250.

This AUTHORIZATION shall be binding on the parties hereto only after it has been duly executed and approved by the CITY and ENGINEER.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this AGREEMENT in duplicate on the respective dates indicated below.

(SEAL)

CITY: SMITHVILLE, MISSOURI

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

\_\_\_\_\_  
Type or Print Name

Title \_\_\_\_\_

Date \_\_\_\_\_

(SEAL)

ENGINEER: HDR Engineering, Inc. (formally  
E.T. ARCHER CORPORATION)

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

\_\_\_\_\_  
Cory Imhoff, P.E.

Type or Print Name

Title \_\_\_\_\_ Senior Vice President

Date \_\_\_\_\_



## Board of Aldermen Request for Action

**MEETING DATE:** 12/19/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Adjournment to Executive Session Pursuant to Section 610.021(1&3) RSMo.

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**REQUESTED BOARD ACTION:**

A motion to close the regular session for the purpose of discussing legal and personnel matters pursuant to Section 610.021(1&3) RSMo.

**SUMMARY:**

To allow the Board of Aldermen to adjourn to Executive Session to discuss legal and 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(1&3) RSMo.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes