



**City of Smithville, Missouri**  
**Board of Aldermen – Regular Session Agenda**  
**February 21, 2023**

**7:00 pm – 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 through FaceBook Live.

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**

Join Zoom Meeting

<https://us02web.zoom.us/j/86377936125>

Meeting ID: 863 7793 6125

Passcode: **831832**

- **Minutes**
  - February 7, Board of Aldermen Work Session Minutes
  - February 7, Board of Aldermen Regular Session Minutes
- **Finance Report**
  - Financial Report for January 2023
- **Resolution 1184, MOU for Farmer's Makers Market**

A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with the Smithville Lion's Club for the 2023 Farmer's and Makers Market.
- **Resolution 1185, Expenditure Approval for Purchase of Water Meter Setters**

A Resolution authorizing the expenditure of funds from the Combined Water and Wastewater Systems Fund for the purchase of utility meter setters from Kansas City Winnelson Company in the amount of \$23,021.05.
- **Resolution 1186, Chlorine Dioxide Generator**

A Resolution authorizing the purchase of a chlorine dioxide generator at the water treatment plant from Chem-Sult in the amount of \$9,330.
- **Resolution 1187, Award Bid - Clean Main Lift Station**

A Resolution awarding a bid in the amount of \$21,039.90 to Ace Pipe Cleaning to clean the main lift station at the Wastewater Treatment Plant.
- **Resolution 1188, Purchase of the Variable Frequency Drive**

A Resolution authorizing the purchase of a Variable Frequency Drive (VFD) at the Wastewater Treatment Plant from Mid-America Pump in the amount of \$13,564.60.
- **Resolution 1189, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Dustin Conover in the amount of \$471.42 for his December utility bill.

## REPORTS FROM OFFICERS AND STANDING COMMITTEES

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### 4. Committee Reports

- Planning and Zoning Commission
- Finance Committee
- Lake Fest/Founders Day Update

### 5. City Administrator's Report

## ORDINANCES & RESOLUTIONS

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- 6. Bill No. 2974-23, Repealing and Replacing Section 100.220 – 2<sup>nd</sup> Reading**  
An Ordinance repealing section 100.220 regarding general penalties related to marijuana and enacting in its place a new section 100.220 regarding general penalties. 2<sup>nd</sup> reading by title only.
- 7. Bill No. 2975-23, Repealing and Replacing Section 205.1810– 2<sup>nd</sup> Reading**  
An Ordinance repealing Sections 205.1800 and 205.1810 and replacing it with a new Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances. 2<sup>nd</sup> reading by title only.
- 8. Bill No. 2976-23, Electric Fence for Industrial Zones – 2<sup>nd</sup> Reading**  
An Ordinance authorizing electric fences in both A-1 and Industrial zones, subject to certain performance standards. 2<sup>nd</sup> reading by title only.
- 9. Bill No. 2977-23, Conceptual Plan – Fairview Crossing North – 1<sup>st</sup> Reading**  
An Ordinance approving the conceptual plan for Fairview Crossing North. 1<sup>st</sup> reading by title only.
- 10. Bill No. 2978-23, Rezoning Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3 - 1<sup>st</sup> Reading**  
An Ordinance approving the rezoning of the Northeast Corner of Second Creek and Lowman Road from A-1 to R-1B and R-3. 1<sup>st</sup> reading by title only.
- 11. Resolution 1190, Agreement with Jeffrey Place, Labor Law Attorney**  
A Resolution approving the engagement of Jeffrey Place for labor attorney services.
- 12. Resolution 1191, Reimbursement of Expenses Related to COP Projects**  
A Resolution declaring the intent of the City of Smithville to finance costs of a utility project and reimburse itself for expenditures relating to this project from proceeds of the financing.

## OTHER MATTERS BEFORE THE BOARD

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- 13. 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.
- 14. 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.
- 15. Adjourn**





## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:**

Administration/Finance/Public Works

**AGENDA ITEM:** Consent Agenda

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### **REQUESTED BOARD ACTION:**

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

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  - February 7, Board of Aldermen Regular Session Minutes
- **Finance Report**
  - Financial Report for January 2023
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A Resolution authorizing the expenditure of funds from the Combined Water and Wastewater Systems Fund for the purchase of utility meter setters from Kansas City Winnelson Co in the amount of \$23,021.05.
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- **Resolution 1189, Leak Adjustment**

A Resolution approving a water and wastewater leak adjustment request for Dustin Conover in the amount of \$471.42 for his December utility bill.

### **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:**

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: Finance Report, MOU

☐ Contract

☐ Plans

☒ Minutes

## SMITHVILLE BOARD OF ALDERMEN

### WORK SESSION

February 7, 2023, 6:30 p.m.  
City Hall Council Chambers and Via Videoconference

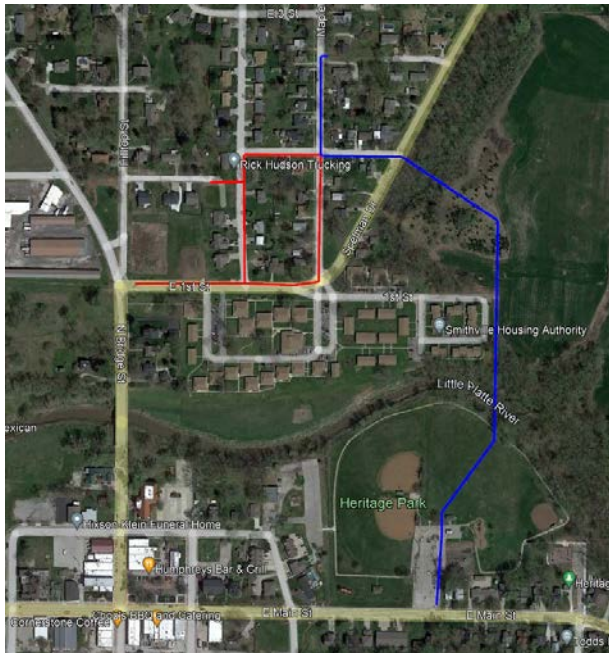
#### 1. Call to Order

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

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

#### 2. Public Works – Projects Update

Chuck Soules, Public Works Director, presented an update on the public works projects that are currently underway or in the design stages.



RIVER CROSSING

#### River Crossing

*Our current distribution system has restricted capacity to supply water to the North Water Tower. In order to equalize the pressure between the north and south towers and prevent the south tower from overtopping, the Water Master Plan recommends that the City install a continuous 12-inch supply line from the water treatment plant to the north tower. The River Crossing Project is the first phase to accomplish this goal. The project will tie onto the 12-inch main installed on Main Street heading north through Heritage Park, under the river and tie into Maple just south of 3<sup>rd</sup> Street. This project is under design and will be bid in the fall. On the agenda is an amendment with HDR for additional survey work required to revise the alignment.*

Chuck explained that we entered into an agreement with HDR Engineers to design this project. Our Water Master Plan calls out for a continuous 12-inch water main to go

from the Water Plant all the way to the North Water Tower. This is to equalize the pressure between the north and south systems. The river crossing is the first phase or could be considered the second phase because we already have the 12-inch line on Main Street. This will tie into the 12-inch main that we laid on Main Street when the Streetscape project was done. The 12-inch main will go north go around the Housing Authority and tie back in on Third Street. There is also going to be some additional distribution work on the streets where you see the red lines above. The project is under design now and on the agenda this evening is a change order with HDR for an additional \$11,000 for surveying services.

Alderman Russell asked if this would have any impact on development or any future development in that area.

Chuck asked if he was referring to the vacant lot.

Alderman Russell said he was.

Chuck explained that it will allow them to have water available.

Chuck explained that the additional surveying services are needed because the initial alignment was going to go right through on the Housing Authority property. Instead of tearing up their parking and driveways staff thought it would be better to go around them and it will be cheaper for construction and we will not have to disrupt the Housing Authority. This is the reason for the additional \$11,000.



## Aerobic Digester Improvements

### **Aerobic Digester Improvements / Floating Aerator**

*This project is under construction. David E. Ross Construction is the contractor. The project bid was \$491,900. The work is progressing, but not unlike other projects, the delivery of the driver for the floating aerator has been delayed. The original completion date was December 2022, the project completion date is now projected in April 2023. The project includes a sludge pump, catwalk, new electrical, variable speed pump, drivers, headworks, and floating aerator.*

Chuck noted that the aerobic digestive improvements and the floating aerator in the pictures above show the new catwalk in the left-hand corner. Pictured in the right-hand corner is the digester that was cleaned, and some new electrical projects are also pictured. The project is under construction, David E. Ross is the contractor. Chuck explained that not unlike any of our other projects, equipment, materials, supplies and motors, VFD's, etc. is taking time to get. Chuck noted that originally this project was expected to be done in December and now we are looking at April, 2023. This project includes a sludge pump, catwalk, new electrical, speed pumps, drivers, head works and floating aerator but there are some parts that are on backorder, but they are expected to come in and we do expect it to be done by April.



## 144<sup>th</sup> Street Pump Station & West Force Main

### **144th Street Lift Station and West Interceptor**

*This project is in the final design phase. Staff is currently working with property owners to secure easement for the force main. In the upcoming weeks, the Board will need to take steps towards eminent domain for three properties that staff is not making any progress towards securing the easements needed. The project includes a regional lift station that will accept wastewater from Hills of Shannon allowing the decommissioning of that pump station and converting it to gravity, ability to decommission the McDonalds and Platte Valley Bank lift stations, serve the Fairview Crossing Development and additional development in southern Smithville, and have capacity for Forest Oaks. The west force main will extend from the 144<sup>th</sup> Street pump station to Cliff Drive. The project will bid in late spring/early summer.*

Chuck explained that this project is going to start on 144<sup>th</sup> Street and will pump to the Wastewater Treatment Plant. The reason for this is to take off the Hills of Shannon Pump Station and convert it to gravity which will drain down into this line. There are other pump stations, the McDonald's Pump Station and the Platte Valley Bank Pump Station that in the future we will be able to gravity into this line. Future development will also be able to use this lift station. It will have capacity for Forest Oaks if we get the line from Forest Oaks up to 144<sup>th</sup> Street it will dump into this pump station. Staff is currently working on getting the easements and have gotten all of them but three. Chuck noted that in the next few weeks we will probably have some action to begin the imminent domain process, due to not coming to terms with the three property owners. We have obtained ten of the easements needed.

Alderman Ulledahl asked what the three remaining properties were zoned.

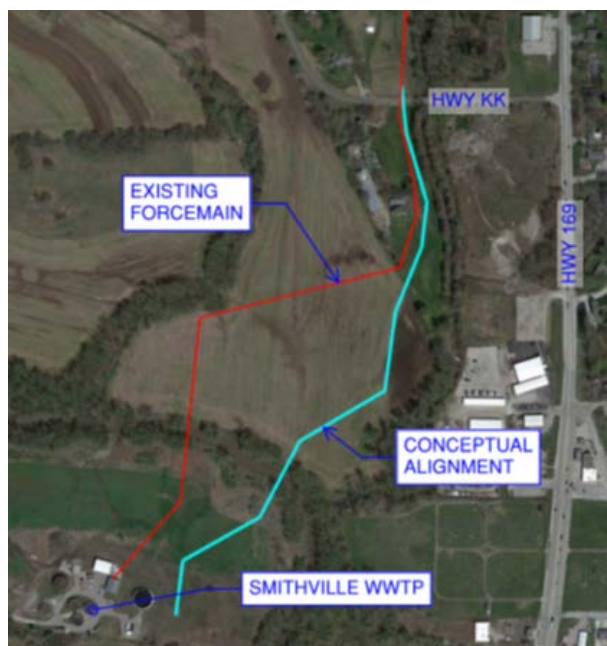
Chuck said that one is AG, one commercial and the one is residential.

Alderman Russell asked if the capacity of this pump station be enough for all of Forest Oaks.

Chuck explained that it will have enough capacity for any development south of 144<sup>th</sup> Street.

Mayor Boley explained that the Forest Oaks project is part of the Water Resources Development Act (WRDA), and we are waiting on legislation to decide when it can be completed. So, it could happen sooner than we expected.

Chuck noted that when he first started with the City they were working on the 144<sup>th</sup> Street Pump Station and Forest Oaks line and we have since found that we need to have this West Bypass line in first before we put that online. That is why Forest Oaks is not included at this time, but it is nearly ready to bid as far as design goes and we still need some easements for that project if it were to move forward and get funded.



## **OWENS BRANCH SANITARY SEWER INTERCEPTOR**

Chuck noted that the Owen's Branch and Sanitary Sewer Interceptor shown in the picture is the blue-green line. There is an existing force main, which is shown in the red. The Owens Branch line is going to go from Wastewater Treatment Plant all the way up to KK Highway. It will basically relieve or take away the need for that force main and will be a gravity sewer about 2,800 feet of 30-inch gravity line. The agreement with HDR for the design is on the agenda at the regular meeting this evening.



**Smith Forks  
Sewer Pump  
Station**



**Raw Water Pump Station**



### **Raw Water Pump Station**

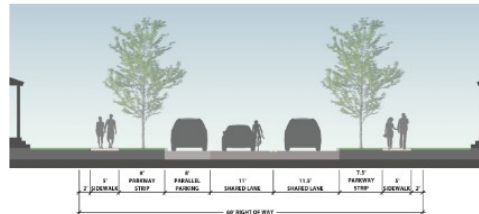
*Bid was awarded to Irvinbilt Constructors June 15, 2021, with expected completion date of June 2022. Due to material supply and parts /equipment issues, the completion date is expected this April 2023. The pump station is complete, and the copper ion generator is on site. The new valve vault needs to be completed and we have been waiting on the Corps project to finish up. The Corps has been installing new underdrain system and have material stored / stockpiled in the area where the valve vault will be located. The Corps project is expected to wrap up in next few days. Once the valve vault is completed we will be able to tie the new pump station into the 12-inch main to the water plant.*

Chuck noted that the Raw Water Pump Station now has all the parts, and we have the generator for it. We do not have the generator yet for the sewer pump station. We still have to do the valve vault by the dam. He explained that the Corps of Engineers has a project and they are finishing up and they were doing some underdrain work and their contractor had there lay down yard and spoils in the area where we were going to put our valve vault. When their contractor was using the area in December the decision was made that it was not going to be good time for concrete, not going to be good time for to turn the water off and switch it over to do the changeover, nor was it going to be good time for painting and we needed to hold off. Staff made the conscious decision to hold this off and start in March when the Corps would be done with their project and we can get started again. Chuck said that we have the valve vault and it will take about six to eight weeks to complete it, get all the concrete work done, get the painting of the pipes that are going in there and then do the tie-in. We are looking probably mid-April to have that up and running.

The Smith's Fork Pump Station is done and it is running however, it is not running like we think it should. The pipe is not quite full at the discharge end which indicates there

is some kind of blockage or collapse in the piping. Staff is talking to HDR about the solutions for that. Chuck explained that it may be that we need to run a new force main from there all the way over he believes Fourth Street. Staff will probably bring this back to the Board sometime in the next couple of meetings to keep them informed as to what is going on. Chuck noted that the pump station is working and the pumps are working everything seems to be okay but we are not getting the flow we think we should through the pipe.

## STREETSCAPE PH III



### Streetscape Phase III

*Improvements will be on Bridge Street from Church Street to First Street. The project includes new sidewalks on both sides of Bridge St, curbs, storm sewer, overlay, bike sharrows, lighting, trees, and a new railing on the bridge. The City received a grant from MARC in an amount of \$488,000 with a total project estimate of \$960,000. The project will be bid by MODOT in May with construction this summer.*

Chuck explained that this is just a schematic of the project. The project is on Bridge Street from Church Street to First Street. We are going to have new sidewalks, curbs, mill and overlay, we will have bike share roads, new lighting, new railing on the bridge and we will have a little seating area on the south side of the bridge. On the west side and we will have a little plaque that will show the drainage basin of the Little Platte River as an educational piece. This project is partially being funded by MARC, about 50/50. MoDOT is to make the bid letting for the project May 5 and then we will get started on it. Staff is working right now with the properties to get the temporary easements we need so we can do the tie backs for the sidewalks and driveways to their homes and re-seed properly and make sure that the grades are set right.

### Other Projects:

Winner & Woods – Watermain nearly complete, overlay summer 2023

The water and service lines are complete and everyone has water. Chuck noted that the neighborhood has been great to work with even though they have had to put up with a lot. The contractor is waiting for warmer temperatures to pour the concrete because we do not want them pouring concrete on frozen subgrade. The concrete will

be poured up to the top and then this summer as part of the \$8 million MARC program we are receiving \$52,000 and we will do overlay all of Winner and Woods Street.

4th St and 4th Terrace – Water, storm, sewer, street improvements, easements complete, bidding MARC

We have all of the easements for the project and it has gone out for bid which closes on February 28. Staff will be bringing it forward for Board approval hopefully the first meeting in March. Chuck explained that this will be a large project because there are a lot of access issue there because of all the narrow dead-end streets.

Quincy Ave – Watermain, storm sewer, street and sidewalk improvements, need to acquire easements, bidding Spring 2023

We are also including a sidewalk in this project. There are 55 easements that staff will have to obtain. Chuck explained that we are probably looking at late spring for this project

CIPP program – Quincy Avenue, Bidding February

Chuck explained that this is the cured and place pipe program (slip-line program). This is currently out to bid and it closes on February 28. Staff will be bringing it forward for Board approval the first meeting in March

Sidewalk maintenance program- Liberty Road, letters to property owners will be mailed February bid in March

Sidewalks on Liberty have been marked with different color paint showing which ones that need to be replaced or repaired. The different color paint designates what the City is paying for and property owner and the City are sharing the cost on.

Water Plant improvements – determining scope including filter rehab, valve replacement and additional rehabilitation items

Chuck noted that we have a million dollars budgeted to do some major maintenance items.

2023 Street Maintenance Program – Micro-surfacing Spellman, bid spring with construction in summer.

Chuck noted that on July 19, staff reported the need to order 107 meter setters for development and City projects. We have finally received the parts and invoice. At the February 21 Board meeting, staff will present a Resolution authorizing payment for these parts totaling \$25,021.05.

Chuck also noted that we will have the initial Stormwater Master Plan findings at the February 21 work session presented by GBA. Chuck explained that we have held public meetings, internet presence and the Stormwater page on the website where we take input. We have also interviewed staff and they looked at all the issues that came up and received suggestions.

Alderman Russell asked if the meters setters would be billed to developers.

Chuck explained that it is all figured in when they get a new tap.

**3. Adjourn**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:45 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

February 7, 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 6:59 p.m. A quorum of the Board was present: John Chevalier, Leeah Shipley, Marv Atkins, Dan Hartman, Ronald Russell and Dan Ulledahl.

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

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

**3. Consent Agenda**

- **Minutes**

- January 17, Board of Aldermen Work Session Minutes
- January 17, Board of Aldermen Regular Session Minutes

- **Resolution 1172, Fourth of July City/County Fireworks Display**

A Resolution renewing the contract with Premier Pyrotechnics for the Fourth of July City/County event to be held on Saturday, July 1, in an amount not to exceed \$16,000.

- **Resolution 1173, Temporary Liquor License – Main Street District**

A Resolution issuing a Temporary Liquor License to Smithville Main Street District for Humphrey's Gravel Adventure Bike Race and Wine Walk to be held Saturday, May 6, 2023.

- **Resolution 1174, Special Event Permit**

A Resolution issuing a Special Event Permit for Humphrey's Gravel Adventure and Wine Walk on May 6, 2023.

- **Resolution 1175, Mobile Data Terminals in Patrol Cars**

A Resolution authorizing the purchase of four Mobile Data Terminals for police vehicles, replacing four MDTs, in an amount not to exceed \$10,456.48.

- **Resolution 1176, Engineering Authorization No. 98 – Owens Branch**

A Resolution approving Engineering Authorization No. 98 with HDR Engineering, Inc. for engineering design in the amount of \$315,500 for the Owens Branch Sanitary Sewer.

- **Resolution 1177, Authorize payment for Utility Easement**

A Resolution authorizing payment of \$13,160 for a utility easement to McMillen Enterprises.

- **Resolution 1178, Acknowledging RTP Recreational Trails Grant**

A Resolution acknowledging Board of Aldermen support of an application for the Recreational Trails Grant through the Missouri Department of Natural Resources.

- **Resolution 1179, Authorize Expenditure for Backwash Pump Replacement**

A Resolution acknowledging the expenditure of \$16,917.34 to Mid-America Pump for a backwash pump at the Water Treatment Plant.

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

No discussion.

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

## REPORTS FROM OFFICERS AND STANDING COMMITTEES

### 4. Committee Reports

Alderman Hartman reported on the January 26 Parks and Recreation Committee meeting. The discussed an overview of the projects in the parks during the summer months and the February 23 Night at the Oscars Chamber of Commerce/Legacy Fund Fundraiser.

Mayor Boley asked that Alderman Russell report on the Lakefest/Founder's Day at the February 21 meeting.

### 5. City Administrator's Report

Cynthia Wagner, City Administrator, noted that she had some items to call to the Board's attention from the report and asked for their feedback. Included in the City Administrator's report in the packet was an update from Gina Pate, Assistant City Administrator, on the WayFinding Design and Signage Guideline update. Cynthia noted that at the January 17 work session, staff looked to the Board for feedback and direction on that as well as soliciting feedback on social media. Cynthia said that she believed we had more than 150 responses on social media. Staff sent the Board feedback and recommendations and the responses from social media to the consultants for them to make the revisions.



Figure 1 - Option 1



Figure 2 - Option 2

Included in the packet are options for the gateway and directional signage. Cynthia explained that staff is looking for feedback from the Board on option one or option two.

The Board all agreed on option two.

Cynthia noted that there will be some action coming before the Board over the coming months related to financing utility projects. Included FY2023 budget is the issuance of Certificates of Participation bonds. Certificates of Participation are debt financing for utility projects. We are looking at using those bonds to fund the construction of the 144<sup>th</sup> Street Lift Station. Cynthia explained that we do anticipate the sell of those certificates this summer. She noted that this is an ongoing process. The first part will come before the Board later this month or the first meeting in March. It will be a Resolution that allows us to include in the proceeds of bonds for the reimbursement of expenses incurred prior to issuance for things such as design and engineering costs, right away acquisition, etc. Staff

has been working over the last several months with Piper Sandler, the City's financial advisors that package. Throughout the process staff will provide the Board updates on progress. Cynthia explained that that we will go through a rating call to get a rating for the sale of those certificates. When we sell those certificates we will need Board approval. Piper Sandler will provide the financial information and update to the Board at that time.

Cynthia noted an update on future meeting dates. Based on a number of conflicts including spring break, election and travel, meeting change dates in March April July and August are listed on the planning calendar.

## **ORDINANCES & RESOLUTIONS**

### **6. Bill No. 2973-23, Destruction of Records – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2973-23, authorizing staff to proceed with the destruction of certain administrative and finance documents as authorized by the retention and destruction schedule approved by the Secretary of State's Office. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2973-23 approved.

### **7. Bill No. 2974-23, Repealing and Replacing Section 100.220 – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2974-23, repealing section 100.220 regarding general penalties related to marijuana and enacting in its place a new section 100.220 regarding general penalties. 1<sup>st</sup> reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2974-23 approved first reading.

### **8. Bill No. 2975-23, Repealing and Replacing Section 205.1810– 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2975-23, repealing Sections 205.1800 and 205.1810 and replacing it with a new Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances. 1<sup>st</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Chevalier - Aye, Alderman Ulledahl - Aye, Alderman Atkins – Aye,

Alderman Russell - Aye, Alderman Hartman – Aye, Alderman Shipley - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2975-23 approved first reading.

**9. Bill No. 2976-23, Electric Fence for Industrial Zones – 1<sup>st</sup> Reading**

Alderman Ulledahl moved to approve Bill No. 2976-23, authorizing electric fences in both A-1 and Industrial zones, subject to certain performance standards. 1<sup>st</sup> reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2976-23 approved first reading.

**10. Resolution 1180, Change Order No. 6, Raw Water Pump Station – Electrical**

Alderman Ulledahl moved to approve Resolution 1180, approving Change Order No. 6 with Irvinbilt Constructors, Inc. in the amount of \$4,500.90 for additional electrical work at the Raw Water Pump Station. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1180 approved.

**11. Resolution 1181, Authorization No. 97, Amendment No. 1 with HDR**

Alderman Ulledahl moved to approve Resolution 1181, approving Amendment No. 1. to Authorization No. 97 with HDR Engineering, Inc. in an amount of \$11,000 for the additional surveying needed for the Little Platte River Crossing. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1181 approved.

**12. Resolution 1182, Leak Adjustment**

Alderman Ulledahl moved to approve Resolution 1182, approving a water and wastewater leak adjustment for utility customer Tracy Tebbs. Alderman Hartman seconded the motion.

Stephen Larson, Finance Director, gave a brief summary on the background of this request. He noted that our Finance Department manages utility billing for the city and back in May of 2022 staff was initially notified of a leak at Mr. Tebbs' property. Staff responded with the work order and noted that the leak detector was spinning at that time. A couple of months went by, and the usage climbed a little bit at the property and eventually with the October billing cycle in 2022 that leak resulted in a lot greater usage in consumption. We were told that the service line had been nicked by contractor that was working there. At that time the consumption at the property of was 428,400 gallons. At that time, utility staff turned off the water to the home and Mr. Tebbs (who is in the audience this evening) got repairs

completed to that service line. Staff then advised Mr. Tebbs to work with AT&T see if it could be repaired and reimbursed by AT&T.

Stephen explained that in the RFA the leak adjustment has been calculated and it would be a credit of almost \$1,400. Stephen also noted that in the account balance there are a couple of late fees that were assessed and that is up to the board whether they wished to waive the late fees tonight. The late fees total almost \$730. Within the RFA, staff has provided a payment plan. Stephen noted that staff is looking to get direction from the Board for the amount of the adjustment, possibility for a payment contract and waving late fees.

Mayor Boley noted that there was a similar large volume leak occurred in 2019 the Board waived the late fees and offered a payment plan.

Cynthia noted that the payment plan is outlined in the Ordinance and the balance of \$2,956 includes the late fees and taking the \$730 off would bring the amount due down with the adjustment and the late fee credit to \$2,229.79. Cynthia explained that \$2,229.79 is the amount that would still be owed, and staff needed direction from the Board to stay with that amount or go with a different amount. She also noted the City Code outlines a timeline for payment plan and we typically work with people to get those paid within 12 months but have extended those.

Alderman Ulledahl said that he had read this over a couple times and seemed to have missed the point if it was determined that AT&T was responsible.

Blake Tebbs Dingman explained that AT&T had done work out by the front of their property and the leak was actually a leak in their barn that they never go down to anymore that is about 200-300 feet away from the road.

Alderman Ulledahl said that he agreed that we should waive the late fees.

Alderman Hartman agreed as well. He asked if it was correct that we do not normally extend the payment plan out further than 12 months

Cynthia explained that we have offered a longer payment plan on the larger leak adjustments and it is outlined in the RFA.

Alderman Hartman said that makes perfect sense agrees with extending it.

Alderman Russell agreed to also waive the late fee. He also asked where staff got the actual amount of water used versus the water that leaked.

Stephen explained staff looked at the average usage and then we double that as a part of the adjusted bill and that part gets charged at the normal rate which was 833 back in October. Everything over that amount is on the adjusted bill it is charged at the wholesale rate.

Cynthia explained that she believed that Mr. Tebbs would like to see the \$2,200 be reduced further. She also asked for direction from the Board for the length of time for a payment plan.

Alderman Chevalier asked what the maximum length of time that would be acceptable.

Cynthia explained that when this happened last time, the bill was a similar amount, we extended it to 14 months, because there was a certain amount that she had to be able to pay and it calculated out to 14 months.

Alderman Russell asked if the Board approves the adjustment and minus the late fees could the Tebbs family give their reason for wanting the additional reduction.

Blake Tebbs Dingman said that they wanted the additional reduction because they paid about \$6,000 plus just to repair the leak down by their barn and because it was a huge leak. She also gave her definition of service. It is like you give work for something that is given back. She said that they got no gain from this, they got no service done by this because it passed through, but they gained nothing from it. She went on to explain that a lot of times with a credit card if you are charged something and no service was done that will sometimes get refunded back in that full amount. That is why they are really just trying to have additional adjustment since they paid so much money in the repairs and are just not in a financial place right now to be able to pay another \$2,500 in a water bill.

Alderman Ulledahl asked on page 5, Resolution 1182 approving this leak adjustment request what the \$1,398.96 was.

*WHEREAS, the adjustment calculation set forth in 705.110 of the Code of Ordinances as amended has been determined to be \$1,398.96.*

Stephen explained that is the leak adjustment credit that is calculated. He said what would happen is if the board wish to approve just the credit of \$1,398.96 it would be applied to the account as a credit. She noted that when staff calculates that we take the original consumption of 428,400 and then the adjusted bill takes twice the monthly average which was 5,400 gallons and then anything beyond that is charged at the wholesale rate at \$4.98 those rates were effective back in October of 2022.

Mayor Boley clarified that with removing the adjustment we are crediting them over \$2,100 already.

Stephen said that is correct they would have a credit of \$1,398 plus a late fee removal of \$726.79.

Alderman Ulledahl asked what the total would be owed after taking off the credit and late fees.

Cynthia said it would be \$2,229.79. On a 12-month payment plan would be \$185.81 monthly and a 24-month payment plan would be \$92.91.

Alderman Russell asked how the wholesale rate works with the leak adjustment.

Stephen explained the wholesale rate when you adjust a bill with a leak adjustment is anything beyond twice the monthly average of water used is charged with the wholesale rate. When you are on the leak calculation sheet you take the original gallons used at the standard grade of \$8.33, which is the effective rate in October 2022, the adjusted bill is twice the monthly average monthly average, theirs was 5,400 gallons, so twice that is 10,800 gallons and that is charged at \$8.33 per thousand and then anything beyond that is

charged that the wholesale rate of \$4.98 per thousand gallons. That creates your adjusted bill and then that allows for a credit of \$1,398.

Mayor Boley asked when staff first notified the Tebbs of the leak.

Stephen explained that it was in May of 2022. We have a work order documenting that we went out to the property and noted that the leak detector was spinning.

Mayor Boley asked when the repairs were completed.

Stephen said that the paperwork given to staff has a repair date of November 2 on the bill.

Blake Tebbs Dingman noted that Mr. Tebbs tried different things in the home to see what this issue was first.

Alderman Russell asked if staff could figure anything over the average at the wholesale rate instead of doubling the average usage then figuring the wholesale rate.

Cynthia noted that the leak adjustment calculations are set by Ordinance.

Alderman Chevalier asked if the leak started off as a small leak for the first couple of months then turned into a substantial leak. He said he would be in favor of trying to come up with a better number but wanted to be careful not to set a precedent.

Alderman Ulledahl agreed and said that they could come down a little and extend the payment plan to 24-months. This would still double their bill for the next two years on average.

Blake Tebbs Dingman said that they did not use the water. She explained that Mr. Tebbs always conserves water, he takes a bath then uses the water to water his plants.

Alderman Russell said that he felt doubling the bill for 20-months along with the other increases we have had would be steep for anyone, if the leak was not self-inflicted. He said he understands what Alderman Chevalier was saying about setting precedent but thinks they should come up with a number that is a little more fair.

Alderman Ulledahl suggested to reduce it 50 percent of the total.

Alderman Russell seconded that suggestion.

Cynthia said that would take their total owed to \$1,115.

Stephen clarified that the Board is proposing half of the remaining \$2,229.79 that is owed after the adjustment and waiving of the late fee.

Cynthia noted that the total is \$1,114.85 and \$46.45 a month for 24-months..

The Board all agreed.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1182 approved.

### **13. Resolution 1183, MOU with Creative Communities Alliance**

Alderman Ulledahl moved to approve Resolution 1183, authorizing and directing the Mayor to enter into an agreement with the Creative Communities Alliance for the Sculpture on the Move project. Alderman Hartman seconded the motion.

Alderman Russell said that in the Resolution it has a \$2,000 total which is incorrect. He explained if you look at the MOU and the MOA together, the MOU says that we are responsible for not only committee, but the installation of the plaque, development of the plaque, the maintenance, the installation and \$50 a year in addition.

Cynthia said that the \$50 participation was correct. The actual participation for the sculpture use is the \$1,000 a year for the two years. There is the \$50 annually for the community piece and there will be the cost of the insurance, it would be covered through the City's policy, but we do not have an amount yet on that, whatever installation work would be, materials and in-kind work by City staff. Cynthia noted that all of that would still be pretty minimal.

Alderman Russell said that we need to have the installation of the display, we are responsible for the plaque, the name plate, the \$50 a year which is \$100 and the marketing.

Cynthia explained that the marketing would be social media information that we would post.

Alderman Russell added that we are responsible for a minimum of 50% attendance in their meetings, voting as well and then maintenance, cleaning, repair and support. He said that the way he read the Resolution versus what he read in the details that was not included.

Cynthia noted that the annual cost will be less than \$1,000 plus some additional costs and it is a two-year program. Cynthia explained that this was a way to be able to have some public art at a much lower cost than if we purchased it ourselves, which would be significantly higher. It is basically renting the artwork.

Cynthia noted that there will be a draft for the artwork, there is a couple of meetings a year and then the cost to install a plaque which would be a small name plate so that would cost \$50 to \$100.

Alderman Russell added that we would then need to organize the committee and he did not see the number of people on the committee that would need to vote. He said it also mentioned there would be some public involvement. He added there was some other intangible items.

Cynthia explained that staff has reached out to some community members for participation in that committee in putting together the list of art that the City would be interested in. One meeting for that group is with anticipated as well. Cynthia noted that working with Matt Denton, Parks Director, The Mayor and herself, they have identified Alyssa Sanders with the Main Street from downtown perspective, a local property owner in the downtown area who also has an interest in art Jeff Becker and Jeff Bloemker who is a former Alderman who had initially discussed an interest in community art and then Matt and herself. The committee will be reviewing the information of what we have and what we

need. The committee time commitment we anticipate will only be a few hours total. She noted Matt will provide the information to the committee, to look through the art, get feedback and come up with prioritization for that draft process. The process will be just like the NFL draft, all the communities are participating have their list and a number gets drawn and somebody gets to pick and then you go down the list. Cynthia noted that \$1,500 total a year would be probably more than what we would spend to be able to have that art in place.

Alderman Russell also asked about the 4X4 concrete slab for the installation and if it needed electricity.

Cynthia explained that there is one piece that is illuminated but it has solar lighting on it. She also noted that most of them provide information on maintenance costs because certain materials need some maintenance and that would be one of the things that the committee would review and determine if that is something we wanted to look at. Cynthia said she believed that 90% were no maintenance.

Alderman Russell asked how time sensitive was this for Board approval.

Cynthia explained that staff would like to be able to have approval tonight. The draft for this year is actually scheduled for February 28 once this is approved the committee can meet.

Mayor Boley explained that we do have the art installation area as part of Streetscape Phase III, so the slab cost is covered and to make sure we do not go over budget the Mayor offered to take care of the cost of the plaque.

Ayes – 5, Noes – 0, Alderman Russell did not vote, motion carries. Mayor Boley declared Resolution 1183 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **14. Public Comment**

Randall Palmer, 14702 Shamrock Way, spoke to the Board concerning the possible upcoming development at 169 Highway and Commercial Avenue. He noted that he has lived in Hills of Shannon for 20 years and this development backs up to his yard. He explained that he believes this will lead to a possible flooding issues for at least five yards in the subdivision. He does not want cars coming right up to his back yard. This development will bring more lights, sound and traffic to that area. He feels it will be encroaching further into public development. He is fine with the three or four businesses built out by the road but staff off his property. He said that he has maintained that area for the last 20 years so that it would like nice.

Contance Scott, 308 Killarney, spoke to the Board on the possible upcoming development at 169 Highway and Commercial Avenue. She said that she is the current HOA president for the Hills of Shannon. She noted that there has been a strip mall in the front of that property but it is the proposed lots four through six and the road on the second half of this property that has them concerned. Ms. Scott noted that she has many question concerning this development, who is the developer, water run-off, lights, sound and the additional trash and debris coming from the highway. She said that the biggest concern is the water run-off that they get in this area. She asked that Mayor Boley, Alderman Shipley and

Alderman Atkins as well as all the Alderman come and walk the woods with them to see their concerns in person.

Alex Johnson, Sergeant with the Smithville Police Department, spoke to the Board concerning collective bargaining. He explained that the way the Ordinance reads, sergeants are actually part of the command staff with the chief and the captain. So, the FOP is not able to represent the sergeants for the collective bargaining purposes. He explained that what they are wanting to change in the Ordinance is to put the sergeants as part of the patrol officers. That way they would all be under one bargaining unit.

Andrew Marr, 102 Spinnaker Drive, Vice President for the Fraternal Order of Police Lodge 50. They represent the police officers here in Smithville. He said that Sergeant Johnson was correct, they are not able to represent them only the patrol officers and are also requesting a change to the Ordinance so they would be able to represent them as well with collective bargaining. He left a folder with Linda Drummond, City Clerk, that had a letter from the president that outlays other cities across the state that allow both sergeants and patrol officers to be in the same collective bargaining unit and other cities that allow sergeants to be in separate units but be represented by the same lodge.

Kristine Bunch, 18608 Primrose Street, spoke to the Board concerning occupational licenses. She listed Tall Oaks Apartments LLC, Jefferson Apartments LLC, JRL Properties LLC, Goodwill Smithville LLC, Star Development Kansas City Property and Investments LLC, LNW Investments LLC, High Tide Properties LLC, Portside Investments Inc., Legacy Bank & Trust Company are just to name a few businesses that she found in Smithville. Ms. Bunch noted that what some or all of these businesses have in common is that they may or may not hold the City of Smithville business license and they may or may not be conducting business in Smithville. She said she did verify a few that do not hold an occupational business license in Smithville and that possibly over 100 different businesses registered with the Missouri Secretary of State are currently operating in Smithville without a business license. She said that this is missed revenue the City of Smithville could be collecting. She proposed that all businesses registered with the Missouri Secretary of State financially benefiting in Smithville needed to apply for an occupational business license.

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

Cynthia thanked Sergeant Johnson that spoke this evening, she noted that some of the officers had let Chief Lockridge know of their desire to come to the meeting this evening to speak on collective bargaining. She noted that none of our police are represented at this point in time. The Ordinance for collective bargaining outlines that process. Cynthia noted that staff received information from members of the Department concerning this. She and Chief Lockridge have also been in conversation with John Reddoch, City Attorney, and are reviewing the Ordinance. Cynthia explained that at the next meeting staff will bring forward an agreement for Board approval for representation by a labor attorney to assist in that process.

Cynthia noted there may be some interest in in pursuing the information on the Ordinance but explained that staff is trying to make sure that we do that in the best way possible to address all needs in the community.

Cynthia said that she appreciated the information we are getting from the FOP this evening to help us in understanding this issue.

Cynthia explained that she has a meeting with Chief Lockridge, Gina and an attorney if we were able to bring the agreement forward for Board approval, so that we can continue to explore those changes to the Ordinance.

Alderman Chevalier asked that staff make sure we figure out what we need to do and if see if there are other things they may need as well. Once staff has all the information he said he would like to have a discussion on the department and what their needs.

Alderman Russell noted he would like to bring forward to the Board the issue concerning information about the drinking water that went out as public notice. He first thanked staff for getting the information out. He explained that he has been questioned about the timeline, of when the notice went out and the turbidity testing had to be done manually. He had concerns where in the notice it states specifically there is nothing you should do unless you have a compromised health issue, or have an infant or are elderly. Alderman Russell had concerns about the length of time it took before the notice went out, even though the drinking water was safe except for those issues identified in the letter.

Alderman Russell said if this happens again, even though there are safeguards to put in place, but feels that advanced notification to members of the community that could be affected, instead of just the overall population. He noted that we have infants, elderly and immune compromised he would like to see if we could a possibly have a committee to identifying any critical infrastructure and make sure we have a backup plan and possibly make sure that we have the parts that we need on hand.

Alderman Russell requested that this be taken care of at a committee level instead of in discussion here so it can be looked at a little bit more in depth and then it has been.

Mayor Boley said that he believes this is something the Board of Aldermen can continue to manage.

Alderman Chevalier said that he would like staff to figure out what critical parts should be kept on hand, so we have them for incidents like this.

Cynthia explained that the timeline of events the notification went out as a result of notification to the Water Department from the Department of Natural Resources. The communication was received on a Tuesday and the mailers went out on a Friday. The City did not receive that information until late January and the notification was then sent out to residents.

Chuck Soules, Public Works Director, clarified that what Alderman Russell is concerned about is that the turbidity meter went out in October and the notice did not go out until January.

Mayor Boley noted that DNR did not notify the City until right before the letters went out. We do not have a DNR representative sitting in our water plant.

Cynthia suggested that when we have to do the manual testing we can work on communication to help make people aware of the issue. Cynthia noted that staff was testing the water during that time and it was never unsafe.

Chuck explained that if there was even a thought that the water was unsafe, the City would have notified the public immediately.

Mayor Boley said residents would be notified similar to if we have a water main break and we have a boil order.

Chuck explained that staff took the steps to monitor the situation continuously by manually monitoring the turbidity. Chuck noted that we could argue with DNR that we do not run our plant continuous we shut it down at night and start it back up in the morning. Chuck explained that staff has had those discussions with DNR but unfortunately it is just the way they interpret the regulations. He explained that people's health was not in jeopardy, but we would immediately let people know if that was the case.

Alderman Russell noted that once we knew we had the issue it was really highlighted by the staff that no one was in harm and drinking and that everything is okay with the drink water. He said the problem is that it happened in October and the notice was not sent out until January and said unless you have a severely compromised immune system like he does, an infant or elderly. He said that is the concern.

Chuck explained that verbiage is just a form that DNR gives and says that we have to send out. He said that staff did make some changes to try and soften it a little bit but there is certain language they said has to be in the notification. Chuck explained that this year has been extraordinary for getting parts, he said typically we could have called that part up within a few days but now the access to this equipment just is not there. Chuck explained to keep all the parts on hand we would have millions of dollars sitting on shelf. Typically, these turbidity meters last a long time, we had one that lasted 19 years and they are not cheap. They cost \$2,500 each and we have six of them. There is also the issue of when we need to replace them they are the old technology and by then there will be new technology.

Chuck noted that staff is working on it stocking up on parts and trying to think about more of those things. The meter setters is another piece of equipment, we did not run out we thought we had plenty but people keep using them and we could get replacements for them. Chuck noted that staff is looking into all of this as part of the improvements to the Water Treatment Plant to replace parts and update equipment.

Alderman Russell said he knows staff doing a great job he just agrees we need to identify critical parts to have on hand.

Cynthia explained that issues like this helps us to work through what are the key components that may break down and what are the things that we can do, and we can have that bench stock available. Also, what is the value and the life cycle of and the obsolescence. She noted that staff has already had several meetings on this.

Chuck explained that some of the valves at the plant cost \$20,000 and we cannot afford to have enough parts on hand to rebuild the whole plant, but staff is working to find a balance to have the parts needed on hand for when we have this type of issue.

Chuck also mentioned that there is a pump station that has a problem they are trying to figure out right now at the Wastewater Plant.

Mayor Boley noted that having the parts and equipment on hand at the Water Plant will also be part of the budget discussion.

**16. Adjourn**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:55 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor



## FY2023 BUDGET - FINANCIAL UPDATE

1/31/23

REVENUES, BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,550,279.24	5,466,340.00	2,100,856.68	5,466,340.00	38.43%
CAPITAL PROJECTS FUND	289,753.81	40,000.00	-	40,000.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	692,937.19	1,160,435.00	188,923.29	1,160,435.00	16.28%
DEBT SERVICE FUND	351,550.00	354,845.00	-	354,845.00	0.00%
TRANSPORTATION SALES TAX FUND	623,946.76	589,713.00	161,605.07	589,713.00	27.40%
COMBINED WATER/WASTEWATER SYSTEMS FUND	6,221,929.78	9,340,817.00	1,351,096.64	9,341,442.60	14.46%
SANITATION FUND	813,121.89	915,860.00	205,577.18	915,860.00	22.45%
SPECIAL ALLOCATION FUND	689,849.17	705,000.00	407,991.44	705,000.00	57.87%
PARK & STORMWATER SALES TAX FUND	701,959.69	672,435.00	188,666.82	672,435.00	28.06%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	368,778.35	422,100.00	85,721.83	422,100.00	20.31%
COMMONS CID FUND	350,438.80	380,250.00	105,839.40	380,250.00	27.83%
DONATION FUND	3,305.00	10,500.00	4,126.00	10,500.00	39.30%
AMERICAN RESCUE PLAN ACT FUND	1,120,698.48	-	-	-	
	<b>17,778,548.16</b>	<b>20,058,295.00</b>	<b>4,800,404.35</b>	<b>20,058,920.60</b>	<b>23.93%</b>

EXPENDITURES, BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,853,698.64	6,310,310.00	1,310,882.05	6,310,310.00	20.77%
CAPITAL PROJECTS FUND	127,000.00	-	-	-	
CAPITAL IMPROVEMENT SALES TAX FUND	536,192.40	1,355,370.00	29,438.81	1,355,370.00	2.17%
DEBT SERVICE FUND	339,212.50	343,040.00	250,620.00	343,040.00	73.06%
TRANSPORTATION SALES TAX FUND	656,800.23	702,246.00	44,331.91	702,246.00	6.31%
COMBINED WATER/WASTEWATER SYSTEMS FUND	4,972,647.60	13,070,115.00	1,379,507.23	13,070,115.00	10.55%
SANITATION FUND	818,525.83	900,600.00	220,522.93	900,600.00	24.49%
SPECIAL ALLOCATION FUND	1,016,185.65	703,000.00	106,931.46	703,000.00	15.21%
PARK & STORMWATER SALES TAX FUND	329,898.48	497,750.00	27,361.88	497,750.00	5.50%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	210,127.57	381,750.00	80,203.14	381,750.00	21.01%
COMMONS CID FUND	554,816.41	335,618.00	55,125.18	335,618.00	16.42%
DONATION FUND	-	20,000.00	6,386.65	20,000.00	
AMERICAN RESCUE PLAN ACT FUND	1,330,033.49	953,270.00	307,459.36	953,270.00	32.25%
	<b>16,745,138.80</b>	<b>25,573,069.00</b>	<b>3,818,770.60</b>	<b>25,573,069.00</b>	<b>14.93%</b>

## GENERAL FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	1,007,610.30	1,043,745.00	997,643.27	1,043,745.00	95.58%
SALES AND USE TAXES	2,122,572.19	2,068,284.00	525,523.33	2,068,284.00	25.41%
FRANCHISE TAXES	742,590.12	674,690.00	190,360.23	674,690.00	28.21%
OTHER TAXES	371,802.62	385,402.00	96,834.96	385,402.00	25.13%
LICENSES, FEES, AND PERMITS	402,259.69	408,964.00	81,570.42	408,964.00	19.95%
INTERGOVERNMENTAL REVENUES	48,263.29	53,210.00	14,093.09	53,210.00	26.49%
CHARGES FOR SERVICES	327,865.38	359,230.00	21,867.20	359,230.00	6.09%
FINES AND FORFEITS	123,682.24	117,775.00	31,712.03	117,775.00	26.93%
INTEREST	126,203.05	65,000.00	128,928.96	65,000.00	198.35%
DONATIONS	-	-	-	-	#DIV/0!
OTHER REVENUE	41,090.90	5,400.00	8,924.76	5,400.00	165.27%
DEBT ISSUED	8,281.91	3,300.00	-	3,300.00	
TRANSFERS IN	225,340.00	277,560.00	-	277,560.00	0.00%
	<b>5,547,561.69</b>	<b>5,462,560.00</b>	<b>2,097,458.25</b>	<b>5,462,560.00</b>	38.40%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	676,792.05	700,930.00	167,606.21	700,930.00	23.91%
STREET	1,086,191.52	1,452,960.00	228,661.60	1,452,960.00	15.74%
POLICE	2,304,749.38	2,227,070.00	542,119.63	2,227,070.00	24.34%
DEVELOPMENT	467,272.31	514,820.00	99,301.38	514,820.00	19.29%
FINANCE	443,700.30	466,260.00	105,407.42	466,260.00	22.61%
COURT	-	-	-	-	
PARKS & REC	786,066.42	859,000.00	154,062.00	859,000.00	17.94%
SENIOR CENTER	27,391.10	36,890.00	6,180.67	36,890.00	16.75%
ELECTED OFFICIALS	51,777.91	43,280.00	6,002.62	43,280.00	13.87%
ANIMAL SHELTER	9,757.65	9,100.00	1,540.52	9,100.00	16.93%
EMERGENCY	-	-	-	-	
	<b>5,853,698.64</b>	<b>6,310,310.00</b>	<b>1,310,882.05</b>	<b>6,310,310.00</b>	20.77%

## ADMINISTRATION

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,981.84	317,640.00	68,634.76	317,640.00	21.61%
PART-TIME WAGES	33,442.35	37,500.00	10,057.50	37,500.00	26.82%
OVERTIME WAGES	-	-	-	-	
FICA EXPENSE	24,516.20	27,170.00	5,879.84	27,170.00	21.64%
EMPLOYEE BENEFITS	19,898.78	23,080.00	7,515.37	23,080.00	32.56%
WORKER'S COMPENSATION	564.31	760.00	-	760.00	0.00%
RETIREMENT EXPENSE	25,680.89	33,390.00	6,039.86	33,390.00	18.09%
UNEMPLOYMENT BENEFITS	3,728.56	-	-	-	
<b>Personnel</b>	<b>401,812.93</b>	<b>439,540.00</b>	<b>98,127.33</b>	<b>439,540.00</b>	<b>22.33%</b>
REPAIRS & MAINTENANCE - BLDG	6,680.97	9,170.00	11,569.23	9,170.00	126.16%
REPAIRS & MAINTENANCE - EQUIP	6,693.10	8,840.00	1,923.48	8,840.00	21.76%
REPAIRS & MAINT - VEHICLES	-	-	-	-	
REPAIRS & MAINTENANCE - SFTWRE	18,115.03	19,400.00	1,305.60	19,400.00	6.73%
ELECTRICITY	1,305.28	2,050.00	293.46	2,050.00	14.32%
TELEPHONE/INTERNET	2,824.71	2,770.00	485.72	2,770.00	17.54%
MOBILE COMMUNICATIONS	2,410.07	2,490.00	619.17	2,490.00	24.87%
CAPITAL EXPENDITURES - EQUIP	-	19,000.00	8,449.16	19,000.00	44.47%
CAPITAL EXPENDITURES - SOFTWRE	-	60,000.00	-	60,000.00	0.00%
TOOLS & SUPPLIES	602.86	430.00	-	430.00	0.00%
<b>Operation and Maintenance</b>	<b>38,632.02</b>	<b>124,150.00</b>	<b>24,645.82</b>	<b>124,150.00</b>	<b>19.85%</b>
FUEL	-	-	-	-	
<b>Contractual Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Insurance</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
TRAINING & TRAVEL EXPENSE	13,145.37	11,410.00	894.67	11,410.00	7.84%
OFFICE SUPPLIES	8,201.09	7,170.00	2,437.33	7,170.00	33.99%
POSTAGE	1,735.85	3,000.00	763.55	3,000.00	25.45%
<b>Office and Administrative</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Capital Improvement Projects</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
<b>Transfers Out</b>					
<b>TOTAL GENERAL FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#VALUE!</b>

# PUBLIC WORKS (STREET)

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	429,174.71	497,450.00	108,511.46	497,450.00	21.81%
PART-TIME WAGES	20,971.42	22,360.00	5,049.32	22,360.00	22.58%
OVERTIME WAGES	8,795.94	8,000.00	1,318.15	8,000.00	16.48%
FICA EXPENSE	32,153.05	40,380.00	8,023.83	40,380.00	19.87%
EMPLOYEE BENEFITS	67,071.29	88,190.00	22,127.08	88,190.00	25.09%
WORKER'S COMPENSATION	32,136.78	42,610.00	-	42,610.00	0.00%
RETIREMENT EXPENSE	37,250.46	47,520.00	8,407.70	47,520.00	17.69%
UNIFORM EXPENSE	1,956.61	3,000.00	1,600.46	3,000.00	53.35%
<b>Personnel</b>	<b>629,510.26</b>	<b>749,510.00</b>	<b>155,038.00</b>	<b>749,510.00</b>	<b>20.69%</b>
REPAIRS & MAINTENANCE - BLDG	38.66	1,000.00	-	1,000.00	0.00%
REPAIRS & MAINTENANCE - EQUIP	1,620.45	1,490.00	229.42	1,490.00	15.40%
REPAIRS & MAINT - VEHICLES	2,626.95	1,500.00	1,545.79	1,500.00	103.05%
REPAIRS & MAINTENANCE - SFWRE	103,135.53	9,940.00	1,715.10	9,940.00	17.25%
ELECTRICITY	85,999.58	94,300.00	22,771.98	94,300.00	24.15%
PROPANE	5,058.39	10,000.00	2,935.25	10,000.00	29.35%
TELEPHONE/INTERNET	5,838.69	4,630.00	1,363.18	4,630.00	29.44%
MOBILE COMMUNICATIONS	4,848.98	5,200.00	1,235.77	5,200.00	23.76%
CAPITAL EXPENDITURES - EQUIP	2,076.77	-	-	-	
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
TOOLS & SUPPLIES	748.42	1,500.00	109.87	1,500.00	7.32%
FUEL	-	-	101.91	-	10191.00%
<b>Operation and Maintenance</b>	<b>211,992.42</b>	<b>129,560.00</b>	<b>32,008.27</b>	<b>129,560.00</b>	<b>24.71%</b>
PROFESSIONAL SERVICES	161,454.97	212,070.00	6,086.14	212,070.00	2.87%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Contractual Services</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
<b>Insurance</b>	<b>-</b>	<b>1,000.00</b>	<b>-</b>	<b>1,000.00</b>	<b>0.00%</b>
INSURANCE EXPENSE	13,806.82	19,370.00	-	19,370.00	0.00%
TRAINING & TRAVEL EXPENSE	4,287.44	3,000.00	258.91	3,000.00	8.63%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Office and Administrative</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
MEMBERSHIPS & SUBSCRIPTIONS	1,354.52	950.00	-	950.00	0.00%
<b>Capital Improvement Projects</b>	<b>1,354.52</b>	<b>950.00</b>	<b>-</b>	<b>950.00</b>	<b>0.00%</b>
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Other Expenses</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
<b>Transfers Out</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>
<b>TOTAL GENERAL FUND</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	<b>#N/A</b>	

**POLICE DEPARTMENT**

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	1,085,225.89	1,189,510.00	297,333.33	1,189,510.00	25.00%
PART-TIME WAGES	16,026.31	19,900.00	3,519.96	19,900.00	17.69%
OVERTIME WAGES	100,484.98	67,600.00	26,187.52	67,600.00	38.74%
FICA EXPENSE	87,449.84	92,520.00	23,781.86	92,520.00	25.70%
EMPLOYEE BENEFITS	151,300.84	174,780.00	51,958.20	174,780.00	29.73%
WORKER'S COMPENSATION	49,832.93	62,840.00	-	62,840.00	0.00%
RETIREMENT EXPENSE	94,651.97	155,890.00	27,094.07	155,890.00	17.38%
UNIFORM EXPENSE	25,246.73	24,970.00	3,091.12	24,970.00	12.38%
<b>Personnel</b>	<b>1,610,219.49</b>	<b>1,788,010.00</b>	<b>432,966.06</b>	<b>1,788,010.00</b>	<b>24.21%</b>
REPAIRS & MAINT - BLDG	13,959.99	9,910.00	2,730.08	9,910.00	27.55%
REPAIRS & MAINTENANCE - EQUIP	10,139.37	9,110.00	5,734.87	9,110.00	62.95%
REPAIRS & MAINT - VEHICLES	46,768.94	23,960.00	15,344.32	23,960.00	64.04%
REPAIRS & MAINT - SOFTWARE	28,493.70	41,860.00	11,948.16	41,860.00	28.54%
ELECTRICITY	7,190.88	7,160.00	2,004.77	7,160.00	28.00%
TELEPHONE/INTERNET	5,636.02	7,730.00	872.08	7,730.00	11.28%
MOBILE COMMUNICATIONS	7,292.03	9,390.00	2,159.12	9,390.00	22.99%
CAPITAL EXPENDITURES - EQUIP	90,751.88	26,700.00	9,657.45	26,700.00	36.17%
CAPITAL EXPENDITURES - VEHICLE	415.38	-	-	-	-
CAPITAL EXPENDITURES - SOFTWARE	20,200.87	2,500.00	-	2,500.00	0.00%
TOOLS & SUPPLIES	16,096.56	19,470.00	2,107.95	19,470.00	10.83%
FUEL	48,347.33	48,750.00	9,945.29	48,750.00	20.40%
ANIMAL CONTROL	-	500.00	-	500.00	0.00%
<b>Operation and Maintenance</b>	<b>295,292.95</b>	<b>207,040.00</b>	<b>62,504.09</b>	<b>207,040.00</b>	<b>30.19%</b>
PROFESSIONAL SERVICES	74,066.54	36,760.00	12,476.53	36,760.00	33.94%
DISPATCHING	71,104.49	72,560.00	11,799.66	72,560.00	16.26%
CONFINEMENT	3,425.21	6,000.00	1,032.57	6,000.00	17.21%
INSURANCE DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
<b>Contractual Services</b>	<b>148,596.24</b>	<b>116,320.00</b>	<b>25,308.76</b>	<b>116,320.00</b>	<b>21.76%</b>
INSURANCE EXPENSE	51,193.79	56,120.00	-	56,120.00	0.00%
<b>Insurance</b>	<b>51,193.79</b>	<b>56,120.00</b>	<b>-</b>	<b>56,120.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	33,971.78	28,810.00	6,279.41	28,810.00	21.80%
ACADEMY TRAINING	5,239.18	10,000.00	10,478.36	10,000.00	104.78%
OFFICE SUPPLIES EXPENSE	2,653.33	2,330.00	2,494.01	2,330.00	107.04%
POSTAGE	853.33	1,000.00	250.00	1,000.00	25.00%
<b>Office and Administrative</b>	<b>42,717.62</b>	<b>42,140.00</b>	<b>19,501.78</b>	<b>42,140.00</b>	<b>46.28%</b>
MEMBERSHIPS & SUBSCRIPTIONS	20,912.65	17,190.00	1,838.94	17,190.00	10.70%
<b>Capital Improvement Projects</b>	<b>20,912.65</b>	<b>17,190.00</b>	<b>1,838.94</b>	<b>17,190.00</b>	<b>10.70%</b>
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	-
MISCELLANEOUS EXPENSE	480.74	-	-	-	-
<b>Other Expenses</b>	<b>480.74</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL GENERAL FUND</b>	<b>2,169,413.48</b>	<b>2,226,820.00</b>	<b>542,119.63</b>	<b>2,226,820.00</b>	<b>-</b>

## DEVELOPMENT

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,553.34	311,210.00	72,533.63	311,210.00	23.31%
OVERTIME WAGES	432.03	750.00	41.84	750.00	5.58%
FICA EXPENSE	21,349.44	23,870.00	5,223.41	23,870.00	21.88%
EMPLOYEE BENEFITS	31,549.52	36,050.00	9,254.10	36,050.00	25.67%
WORKER'S COMPENSATION	10,171.88	12,880.00	-	12,880.00	0.00%
RETIREMENT EXPENSE	25,870.89	29,330.00	6,175.95	29,330.00	21.06%
UNIFORM EXPENSE	764.20	1,800.00	-	1,800.00	0.00%
<b>Personnel</b>	<b>383,691.30</b>	<b>415,890.00</b>	<b>93,228.93</b>	<b>415,890.00</b>	<b>22.42%</b>
REPAIRS & MAINTENANCE - BLDG	1,449.52	1,320.00	329.40	1,320.00	24.95%
REPAIRS & MAINTENANCE - EQUIP	890.01	1,630.00	528.87	1,630.00	32.45%
REPAIRS & MAINT - VEHICLES	2,866.09	1,640.00	76.13	1,640.00	4.64%
REPAIRS & MAINT - SFTWRE/MAPS	25,097.94	23,560.00	381.60	23,560.00	1.62%
ELECTRICITY	1,083.19	1,410.00	293.46	1,410.00	20.81%
TELEPHONE/INTERNET	1,708.71	1,950.00	235.36	1,950.00	12.07%
MOBILE COMMUNICATIONS	1,867.06	2,200.00	455.48	2,200.00	20.70%
CAPITAL EXPENDITURES - EQUIP	3,166.99	1,600.00	950.59	1,600.00	59.41%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - HARDWARE	-	-	-	-	
TOOLS & SUPPLIES	184.32	1,020.00	-	1,020.00	0.00%
FUEL	4,094.86	6,570.00	653.34	6,570.00	9.94%
<b>Operation and Maintenance</b>	<b>42,408.69</b>	<b>42,900.00</b>	<b>3,904.23</b>	<b>42,900.00</b>	<b>9.10%</b>
PROFESSIONAL SERVICES	27,640.88	36,190.00	714.71	36,190.00	1.97%
<b>Contractual Services</b>	<b>27,640.88</b>	<b>36,190.00</b>	<b>714.71</b>	<b>36,190.00</b>	<b>1.97%</b>
INSURANCE EXPENSE	6,537.74	7,210.00	-	7,210.00	0.00%
<b>Insurance</b>	<b>6,537.74</b>	<b>7,210.00</b>	<b>-</b>	<b>7,210.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	2,612.28	3,000.00	-	3,000.00	0.00%
OFFICE SUPPLIES EXPENSE	1,046.45	1,000.00	247.15	1,000.00	24.72%
POSTAGE	1,140.27	1,800.00	133.45	1,800.00	7.41%
ADVERTISING	2,154.70	5,400.00	1,042.91	5,400.00	19.31%
MEMBERSHIPS & SUBSCRIPTIONS	40.00	1,430.00	30.00	1,430.00	2.10%
<b>Office and Administrative</b>	<b>6,993.70</b>	<b>12,630.00</b>	<b>1,453.51</b>	<b>12,630.00</b>	<b>11.51%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
MISCELLANEOUS EXPENSE	-	-	-	-	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>467,272.31</b>	<b>514,820.00</b>	<b>99,301.38</b>	<b>514,820.00</b>	<b>19.29%</b>

## FINANCE DEPARTMENT

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	230,587.77	247,930.00	52,860.44	247,930.00	21.32%
PART-TIME WAGES	-	-	-	-	
OVERTIME WAGES	94.94	750.00	244.67	750.00	32.62%
FICA EXPENSE	16,960.54	19,030.00	3,913.84	19,030.00	20.57%
EMPLOYEE BENEFITS	40,531.98	50,450.00	10,419.44	50,450.00	20.65%
WORKER'S COMPENSATION	414.64	520.00	-	520.00	0.00%
RETIREMENT EXPENSE	19,653.90	23,380.00	4,627.83	23,380.00	19.79%
<b>Personnel</b>	<b>308,243.77</b>	<b>342,060.00</b>	<b>72,066.22</b>	<b>342,060.00</b>	<b>21.07%</b>
REPAIRS & MAINTENANCE - BLDG	915.24	880.00	219.60	880.00	24.95%
REPAIRS & MAINTENANCE - EQUIP	1,727.73	740.00	402.57	740.00	54.40%
REPAIRS & MAINTENANCE - SFTWRE	22,087.72	22,160.00	1,045.55	22,160.00	4.72%
ELECTRICITY	787.79	1,030.00	213.43	1,030.00	20.72%
TELEPHONE/INTERNET	1,132.32	1,380.00	156.51	1,380.00	11.34%
MOBILE COMMUNICATIONS	445.99	490.00	121.37	490.00	24.77%
CAPITAL EXPENDITURES - EQUIP	-	-	-	-	
TOOLS & SUPPLIES	302.71	1,340.00	908.62	1,340.00	67.81%
<b>Operation and Maintenance</b>	<b>27,399.50</b>	<b>28,020.00</b>	<b>3,067.65</b>	<b>28,020.00</b>	<b>10.95%</b>
PROFESSIONAL SERVICES	41,242.56	37,850.00	14,645.36	37,850.00	38.69%
<b>Contractual Services</b>	<b>41,242.56</b>	<b>37,850.00</b>	<b>14,645.36</b>	<b>37,850.00</b>	<b>38.69%</b>
INSURANCE EXPENSE	3,428.00	3,690.00	-	3,690.00	0.00%
<b>Insurance</b>	<b>3,428.00</b>	<b>3,690.00</b>	<b>-</b>	<b>3,690.00</b>	<b>0.00%</b>
TRAINING & TRAVEL EXPENSE	769.10	1,200.00	111.75	1,200.00	9.31%
OFFICE SUPPLIES	1,069.36	650.00	322.36	650.00	49.59%
ADVERTISING	-	260.00	-	260.00	0.00%
BANK CHARGES	61,033.01	52,010.00	15,119.08	52,010.00	29.07%
MEMBERSHIPS & SUBSCRIPTIONS	515.00	520.00	75.00	520.00	14.42%
<b>Office and Administrative</b>	<b>63,386.47</b>	<b>54,640.00</b>	<b>15,628.19</b>	<b>54,640.00</b>	<b>28.60%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>443,700.30</b>	<b>466,260.00</b>	<b>105,407.42</b>	<b>466,260.00</b>	<b>22.61%</b>



# MUNICIPAL COURT

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
salaries & wages	-	-	-	-	
part-time wages	-	-	-	-	
overtime wages	-	-	-	-	
fica expense	-	-	-	-	
employee benefits	-	-	-	-	
WORKER'S COMPENSATION	-	-	-	-	
retirement expense	-	-	-	-	
<b>Personnel</b>	-	-	-	-	
repairs & maintenance - bldg	-	-	-	-	
repairs & maintenance - equip	-	-	-	-	
repairs & maintenance - sftwre	-	-	-	-	
ELECTRICITY	-	-	-	-	
TELEPHONE/INTERNET	-	-	-	-	
capital expenditures - hrdwre	-	-	-	-	
tools & supplies	-	-	-	-	
<b>Operation and Maintenance</b>	-	-	-	-	
professional services	-	-	-	-	
<b>Contractual Services</b>	-	-	-	-	
insurance expense	-	-	-	-	
<b>Insurance</b>	-	-	-	-	
training & travel	-	-	-	-	
office supplies expense	-	-	-	-	
postage	-	-	-	-	
bank charges	-	-	-	-	
<b>Office and Administrative</b>	-	-	-	-	
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	-	-	-	-	



PARKS & RECREATION

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	263,511.32	321,350.00	69,015.84	321,350.00	21.48%
PART-TIME WAGES	17,576.48	21,840.00	-	21,840.00	0.00%
PART-TIME RECREATION WAGES	4,647.46	4,100.00	-	4,100.00	0.00%
OVERTIME WAGES	3,625.49	2,000.00	912.30	2,000.00	45.62%
FICA EXPENSE	21,503.89	26,730.00	5,312.64	26,730.00	19.88%
EMPLOYEE BENEFITS	30,541.75	56,220.00	8,746.10	56,220.00	15.56%
WORKER'S COMPENSATION	11,738.41	15,730.00	-	15,730.00	0.00%
RETIREMENT EXPENSE	18,556.94	30,400.00	4,869.04	30,400.00	16.02%
UNIFORM EXPENSE	2,428.34	3,250.00	2,865.83	3,250.00	88.18%
Personnel	374,130.08	481,620.00	91,721.75	481,620.00	19.04%
REPAIRS & MAINTENANCE - BLDG	2,568.07	1,000.00	173.34	1,000.00	17.33%
REPAIRS & MAINTENANCE - EQUIP	34,033.23	11,500.00	5,852.18	11,500.00	50.89%
REPAIRS & MAINT - VEHICLES	295.81	750.00	342.57	750.00	45.68%
REPAIRS & MAINT - INFRASTRUCTR	7,694.71	21,000.00	6,618.89	21,000.00	31.52%
REPAIRS & MAINT - PARKS	13,920.35	19,000.00	3,617.11	19,000.00	19.04%
REPAIRS & MAINT - SOFTWARE	14,468.59	15,420.00	2,801.96	15,420.00	18.17%
REPAIRS & MAINT - SMITH'S FORK	109,752.67	10,000.00	8,400.55	10,000.00	84.01%
ELECTRICITY	28,060.96	32,400.00	5,370.54	32,400.00	16.58%
PROPANE	5,387.10	9,000.00	3,260.62	9,000.00	36.23%
TELEPHONE/INTERNET	6,392.63	7,250.00	1,387.67	7,250.00	19.14%
MOBILE COMMUNICATIONS	2,989.98	3,260.00	919.39	3,260.00	28.20%
CAPITAL EXPENDITURES - EQUIP	-	-	-	-	
CAPITAL EXPENDITURES - VEHICLE	-	47,850.00	-	47,850.00	0.00%
CAPITAL EXPENDITURES - HRDWARE	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	-	-	-	-	
TOOLS & SUPPLIES	8,017.12	6,000.00	485.41	6,000.00	8.09%
FUEL	16,849.31	12,380.00	1,233.07	12,380.00	9.96%
recreation	-	-	-	-	
YOUTH REC LEAGUE UNIFORMS	19,920.45	20,010.00	2,024.26	20,010.00	10.12%
YOUTH REC LEAGUE UMPIRES	18,003.93	12,320.00	5,506.25	12,320.00	44.69%
ADULT REC LEAGUE UNIFORMS	-	1,000.00	40.71	1,000.00	4.07%
ADULT REC LEAGUE OFFICIALS	-	1,000.00	-	1,000.00	0.00%
REC LEAGUE BACKGROUND CHECKS	400.42	720.00	-	720.00	0.00%
REC LEAGUE SUPPLIES/AWARDS	15,035.30	27,010.00	4,524.00	27,010.00	16.75%
REC LEAGUE ADVERTISING	1,195.37	1,000.00	250.00	1,000.00	25.00%
Operation and Maintenance	304,986.00	259,870.00	52,808.52	259,870.00	20.32%
BIKE RACE	1,488.67	11,550.00	-	11,550.00	0.00%
PROFESSIONAL SERVICES	14,672.45	5,310.00	4,691.77	5,310.00	88.36%
LEASE PAYMENTS	38,701.20	40,640.00	-	40,640.00	0.00%
CAMP HOST SERVICES	14,700.00	14,700.00	-	14,700.00	0.00%
FIREWORKS DISPLAY	16,000.00	16,000.00	-	16,000.00	0.00%
Contractual Services	85,562.32	88,200.00	4,691.77	88,200.00	5.32%
MOVIE NIGHTS	2,062.07	2,400.00	-	2,400.00	0.00%
Insurance	2,062.07	2,400.00	-	2,400.00	0.00%
INSURANCE EXPENSE	12,701.27	15,500.00	-	15,500.00	0.00%
TRAINING & TRAVEL EXPENSE	3,639.83	7,890.00	1,395.00	7,890.00	17.68%
OFFICE SUPPLIES	534.52	750.00	2,398.96	750.00	319.86%
POSTAGE	-	-	-	-	
ADVERTISING	2,125.33	1,000.00	276.00	1,000.00	27.60%
MEMBERSHIPS	325.00	770.00	770.00	770.00	100.00%
Office and Administrative	19,325.95	25,910.00	4,839.96	25,910.00	18.68%
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	
Capital Improvement Projects	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	786,066.42	858,000.00	154,062.00	858,000.00	

## SENIOR CENTER

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	10,663.97	8,180.00	781.88	8,180.00	9.56%
ELECTRICITY	2,206.69	1,740.00	545.05	1,740.00	31.32%
NATURAL GAS	1,134.35	1,560.00	334.75	1,560.00	21.46%
TELEPHONE/INTERNET	1,641.89	1,970.00	507.57	1,970.00	25.76%
TOOLS & SUPPLIES	99.85	2,750.00	545.67	2,750.00	19.84%
<b>Operation and Maintenance</b>	<b>15,746.75</b>	<b>16,200.00</b>	<b>2,714.92</b>	<b>16,200.00</b>	<b>16.76%</b>
PROFESSIONAL SERVICES	7,855.25	16,900.00	3,465.75	16,900.00	20.51%
<b>Contractual Services</b>	<b>7,855.25</b>	<b>16,900.00</b>	<b>3,465.75</b>	<b>16,900.00</b>	<b>20.51%</b>
INSURANCE	3,789.10	3,790.00	-	3,790.00	0.00%
<b>Insurance</b>	<b>3,789.10</b>	<b>3,790.00</b>	<b>-</b>	<b>3,790.00</b>	<b>0.00%</b>
<b>Office and Administrative</b>	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	
<b>Capital Improvement Projects</b>	-	-	-	-	
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>27,391.10</b>	<b>36,890.00</b>	<b>6,180.67</b>	<b>36,890.00</b>	<b>16.75%</b>

## ELECTED OFFICIALS

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
PART-TIME WAGES	14,550.00	15,150.00	3,600.00	15,150.00	23.76%
FICA EXPENSE	1,113.44	1,160.00	275.49	1,160.00	23.75%
WORKER'S COMPENSATION	30.34	40.00	-	40.00	0.00%
<b>Personnel</b>	<b>15,693.78</b>	<b>16,350.00</b>	<b>3,875.49</b>	<b>16,350.00</b>	<b>23.70%</b>
WORKER'S COMPENSATION	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	1,163.55	1,320.00	292.80	1,320.00	22.18%
REPAIRS & MAINT - SOFTWARE	1,067.08	2,140.00	376.74	2,140.00	17.60%
ELECTRICITY	1,378.63	1,160.00	373.51	1,160.00	32.20%
TELEPHONE/INTERNET	1,383.91	1,590.00	174.61	1,590.00	10.98%
MOBILE COMMUNICATIONS	-	-	-	-	
TOOLS & SUPPLIES	7.50	220.00	-	220.00	0.00%
<b>Operation and Maintenance</b>	<b>5,000.67</b>	<b>6,430.00</b>	<b>1,217.66</b>	<b>6,430.00</b>	<b>18.94%</b>
COMMUNITY RELATIONS ALLOWANCE	-	-	-	-	
<b>Contractual Services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
PROFESSIONAL SERVICES	14,266.46	5,160.00	94.81	5,160.00	1.84%
<b>Insurance</b>	<b>14,266.46</b>	<b>5,160.00</b>	<b>94.81</b>	<b>5,160.00</b>	<b>1.84%</b>
INSURANCE EXPENSE	1,363.42	1,660.00	-	1,660.00	0.00%
TRAINING & TRAVEL EXPENSE	1,905.72	2,750.00	175.00	2,750.00	6.36%
OFFICE SUPPLIES	563.61	1,000.00	76.86	1,000.00	7.69%
ADVERTISING	12,199.25	8,350.00	187.80	8,350.00	2.25%
MEMBERSHIPS & SUBSCRIPTIONS	785.00	1,580.00	375.00	1,580.00	23.73%
<b>Office and Administrative</b>	<b>16,817.00</b>	<b>15,340.00</b>	<b>814.66</b>	<b>15,340.00</b>	<b>5.31%</b>
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Principal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Debt - Interest</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL GENERAL FUND</b>	<b>51,777.91</b>	<b>43,280.00</b>	<b>6,002.62</b>	<b>43,280.00</b>	<b>13.87%</b>

## ANIMAL SHELTER

1/31/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINT - BLDG	853.46	600.00	654.85	600.00	109.14%
TOOLS & SUPPLIES	1,584.57	1,500.00	262.61	1,500.00	17.51%
<b>Operation and Maintenance</b>	<b>2,438.03</b>	<b>2,100.00</b>	<b>917.46</b>	<b>2,100.00</b>	<b>43.69%</b>
PROFESSIONAL SERVICES	7,141.62	6,000.00	623.06	6,000.00	10.38%
<b>Contractual Services</b>	<b>7,141.62</b>	<b>6,000.00</b>	<b>623.06</b>	<b>6,000.00</b>	<b>10.38%</b>
<b>Insurance</b>	-	-	-	-	
ADVERTISING	-	-	-	-	
<b>Office and Administrative</b>	-	-	-	-	
TRAINING & TRAVEL	178.00	1,000.00	-	1,000.00	0.00%
<b>Capital Improvement Projects</b>	<b>178.00</b>	<b>1,000.00</b>	<b>-</b>	<b>1,000.00</b>	<b>0.00%</b>
<b>Other Expenses</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
<b>Transfers Out</b>	-	-	-	-	
<b>TOTAL GENERAL FUND</b>	<b>9,757.65</b>	<b>9,100.00</b>	<b>1,540.52</b>	<b>9,100.00</b>	<b>16.93%</b>



## SPECIAL ALLOCATION FUND (MARKETPLACE TIF)

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	189,504.87	195,000.00	292,436.52	195,000.00	149.97%
SALES AND USE TAXES	500,344.30	510,000.00	115,554.92	510,000.00	22.66%
	<b>689,849.17</b>	<b>705,000.00</b>	<b>407,991.44</b>	<b>705,000.00</b>	57.87%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	1,016,185.65	703,000.00	106,931.46	703,000.00	15.21%
	<b>1,016,185.65</b>	<b>703,000.00</b>	<b>106,931.46</b>	<b>703,000.00</b>	15.21%

## CAPITAL PROJECTS FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
INTERGOVERNMENTAL REVENUES	-	-	-	-	
DEBT ISSUED	-	-	-	-	
TRANSFERS IN	112,274.47	-	-	-	#DIV/0!
PARK IMPROVEMENT REVENUE	77,479.34	40,000.00	-	40,000.00	
	<b>112,274.47</b>	-	-	-	#DIV/0!
EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	127,000.00	-	-	-	#DIV/0!
	<b>127,000.00</b>	-	-	-	#DIV/0!



## TRANSPORTATION SALES TAX FUND

1/31/23

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES AND USE TAXES		608,120.52	589,713.00	161,605.07	589,713.00	27.40%
PROCEEDS FROM DEBT ISSUED		-	-	-	-	
TRANSFERS IN		-	-	-	-	
		<b>608,120.52</b>	<b>589,713.00</b>	<b>161,605.07</b>	<b>589,713.00</b>	27.40%

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET		656,800.23	702,246.00	44,331.91	702,246.00	6.31%
		<b>656,800.23</b>	<b>702,246.00</b>	<b>44,331.91</b>	<b>702,246.00</b>	6.31%

# TRANSPORTATION SALES TAX FUND

1/31/23

TRANSPORTATION SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	1,753.72	1,000.00	232.58	1,000.00	23.26%
REPAIRS & MAINTENANCE - EQUIP	15,897.09	15,000.00	5,804.92	15,000.00	38.70%
REPAIRS & MAINTENANCE - STREET	83,173.97	107,000.00	6,499.33	107,000.00	6.07%
CAPITAL EXPENDITURES - EQUIP	18,500.00	6,960.00	11,692.00	6,960.00	167.99%
SUPPLIES - STREET SIGNS	-	-	-	-	
FUEL	18,948.76	17,820.00	2,763.47	17,820.00	15.51%
<b>Operation and Maintenance</b>	<b>138,273.54</b>	<b>147,780.00</b>	<b>26,992.30</b>	<b>147,780.00</b>	<b>18.27%</b>
PROFESSIONAL SERVICES	3,721.47	105,000.00	7,200.00	105,000.00	
<b>Contractual Services</b>	<b>3,721.47</b>	<b>105,000.00</b>	<b>7,200.00</b>	<b>105,000.00</b>	
DEBT PRINCIPAL PAYMENTS	38,969.28	35,010.00	-	35,010.00	0.00%
<b>Insurance</b>	<b>38,969.28</b>	<b>35,010.00</b>	<b>-</b>	<b>35,010.00</b>	<b>0.00%</b>
INSURANCE EXPENSE	-	-	-	-	
<b>Office and Administrative</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Capital Improvement Projects</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Other Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
PROFESSIONAL SERVICES	3,721.47	105,000.00	7,200.00	105,000.00	6.86%
<b>Debt - Principal</b>	<b>3,721.47</b>	<b>105,000.00</b>	<b>7,200.00</b>	<b>105,000.00</b>	<b>6.86%</b>
TOOLS & SUPPLIES	6,388.47	41,000.00	713.93	41,000.00	1.74%
<b>Debt - Interest</b>	<b>6,388.47</b>	<b>41,000.00</b>	<b>713.93</b>	<b>41,000.00</b>	<b>1.74%</b>
<b>Transfers Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TRANSPORTATION SALES TAX FUND</b>	<b>191,074.23</b>	<b>433,790.00</b>	<b>42,106.23</b>	<b>433,790.00</b>	<b>9.71%</b>

## CAPITAL IMPROVEMENT SALES TAX FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES AND USE TAXES	692,937.19	672,435.00	188,923.29	672,435.00	28.10%
TRANSFERS IN	-	-	-	-	
	<b>692,937.19</b>	<b>672,435.00</b>	<b>188,923.29</b>	<b>672,435.00</b>	28.10%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	536,192.40	1,355,370.00	29,438.81	1,355,370.00	2.17%
	<b>536,192.40</b>	<b>1,355,370.00</b>	<b>29,438.81</b>	<b>1,355,370.00</b>	2.17%

## CAPITAL IMPROVEMENT SALES TAX FUND

1/31/23

CAPITAL IMPROVE SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Office and Administrative	-	-	-	-	
PROFESSIONAL SERVICES	72,367.93	109,000.00	29,438.81	109,000.00	27.01%
Capital Improvement Projects	72,367.93	109,000.00	29,438.81	109,000.00	27.01%
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	-	891,000.00	-	891,000.00	0.00%
Transfers Out	-	891,000.00	-	891,000.00	0.00%
<b>TOTAL CAPITAL IMPROVE SALES TAX FUND</b>	<b>72,367.93</b>	<b>1,000,000.00</b>	<b>29,438.81</b>	<b>1,000,000.00</b>	

**DEBT SERVICE FUND**
**1/31/23**

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	PROPERTY TAXES	-	-	-	-	
	TRANSFERS IN	351,550.00	354,845.00	-	354,845.00	0.00%
		<b>351,550.00</b>	<b>354,845.00</b>	-	<b>354,845.00</b>	0.00%

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	STREET	339,212.50	343,040.00	250,620.00	343,040.00	73.06%
		<b>339,212.50</b>	<b>343,040.00</b>	<b>250,620.00</b>	<b>343,040.00</b>	73.06%

## DEBT SERVICE FUND

1/31/23

DEBT SERVICE FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
LEASE PAYMENTS	145,000.00	155,000.00	155,000.00	155,000.00	100.00%
Debt - Principal	145,000.00	155,000.00	155,000.00	155,000.00	100.00%
INTEREST	194,212.50	188,040.00	95,620.00	188,040.00	50.85%
Debt - Interest	194,212.50	188,040.00	95,620.00	188,040.00	50.85%
Transfers Out	-	-	-	-	
TOTAL DEBT SERVICE FUND	339,212.50	343,040.00	250,620.00	343,040.00	



## WATER & WASTEWATER SYSTEMS FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
LICENSES, FEES, AND PERMITS	-	-	-	-	
CHARGES FOR SERVICES	5,857,400.49	5,070,817.00	1,316,718.29	5,071,442.60	25.97%
IMPACT FEES	283,906.00	330,000.00	21,500.00	330,000.00	6.52%
OTHER REVENUE	37,079.81	-	7,634.00	-	
DEBT ISSUED	43,543.48	3,940,000.00	4,894.35	3,940,000.00	0.12%
TRANSFERS IN	-	-	-	-	
	<b>6,221,929.78</b>	<b>9,340,817.00</b>	<b>1,350,746.64</b>	<b>9,341,442.60</b>	14.46%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
UTILITIES	4,972,647.60	13,070,115.00	1,379,507.23	13,070,115.00	10.55%
	<b>4,972,647.60</b>	<b>13,070,115.00</b>	<b>1,379,507.23</b>	<b>13,070,115.00</b>	10.55%

PUBLIC WORKS (UTILITIES)

1/31/23

CWWS FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	777,255.74	912,150.00	193,661.13	912,150.00	21.23%
OVERTIME WAGES	28,068.48	20,000.00	7,470.03	20,000.00	37.35%
FICA EXPENSE	59,721.82	71,310.00	14,761.40	71,310.00	20.70%
EMPLOYEE BENEFITS	94,132.53	123,760.00	29,151.23	123,760.00	23.55%
WORKER'S COMPENSATION	35,672.44	47,920.00	-	47,920.00	0.00%
RETIREMENT EXPENSE	68,589.85	87,630.00	17,142.92	87,630.00	19.56%
UNIFORM EXPENSE	6,201.53	9,000.00	3,975.74	9,000.00	44.17%
Personnel	1,069,642.39	1,271,770.00	266,162.45	1,271,770.00	20.93%
REPAIRS & MAINTENANCE - EQUIP	5,040.58	6,990.00	7,968.04	6,990.00	113.99%
REPAIRS & MAINT - VEHICLES	2,968.05	3,000.00	138.81	3,000.00	4.63%
REPAIRS & MAINT - WATER LINES	77,932.59	88,500.00	14,464.52	88,500.00	16.34%
REPAIRS & MAINT - SEWER LINES	149,136.80	200,000.00	119,144.06	200,000.00	59.57%
REPAIRS & MAINT - WATER PLANT	76,796.75	294,000.00	4,323.00	294,000.00	1.47%
REPAIRS & MAINT - WW PLANT	167,406.00	180,000.00	122,600.69	180,000.00	68.11%
REPAIRS & MAINT - SOFTWARE	13,409.27	25,730.00	1,332.19	25,730.00	5.18%
REPAIRS & MAINT - WATER TOWERS	110,294.84	126,270.00	27,816.74	126,270.00	22.03%
ELECTRICITY	242,199.15	243,490.00	64,851.81	243,490.00	26.63%
PROPANE	5,814.00	15,000.00	3,203.90	15,000.00	21.36%
TELEPHONE/INTERNET	15,161.57	12,250.00	3,815.91	12,250.00	31.15%
MOBILE COMMUNICATIONS	10,041.33	10,850.00	2,396.82	10,850.00	22.09%
CAPITAL EXPENDITURES - EQUIP	4,153.55	15,000.00	16,856.07	15,000.00	112.37%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - SOFTWRE	97,950.00	1,500.00	1,700.00	1,500.00	113.33%
CAPITAL EXPENDITURES - HRDWRE	-	-	-	-	
CAPITAL EXPENDITURES - TOWERS	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	9,840.00	-	-	-	
CAPITAL EXPENDITURES - WATER P	-	-	-	-	
CAPITAL EXPENDITURES - WW PLAN	-	-	-	-	
CAPITAL EXPENDITURES - LINES	-	-	-	-	
TOOLS & SUPPLIES	26,644.02	25,000.00	7,034.64	25,000.00	28.14%
SUPPLIES - CONNECTIONS	76,695.45	90,000.00	33,867.08	90,000.00	37.63%
SUPPLIES - LAB	26,894.64	30,000.00	8,356.24	30,000.00	27.85%
SUPPLIES - WATER CHEMICALS	157,562.11	150,000.00	43,712.98	150,000.00	29.14%
SUPPLIES - WW CHEMICALS	10,264.38	15,000.00	2,773.69	15,000.00	18.49%
FUEL	19,503.91	18,600.00	5,084.97	18,600.00	27.34%
Operation and Maintenance	1,305,708.99	1,551,180.00	491,442.16	1,551,180.00	31.68%
PROFESSIONAL SERVICES	618,079.49	1,060,330.00	93,476.25	1,060,330.00	8.82%
EASEMENT ACQUISITION	-	75,000.00	30,961.00	75,000.00	41.28%
DEBT PRINCIPAL PAYMENTS	548,750.81	355,000.00	20.00	355,000.00	0.01%
Contractual Services	1,166,830.30	1,490,330.00	124,457.25	1,490,330.00	8.35%
WASTEWATER TREATMENT SERVICE	127,167.30	136,850.00	32,719.05	136,850.00	23.91%
Insurance	127,167.30	136,850.00	32,719.05	136,850.00	23.91%
INSURANCE EXPENSE	79,220.49	71,720.00	-	71,720.00	0.00%
OTHER LEASE EXPENSE	-	17,147.00	-	17,147.00	0.00%
TRAINING & TRAVEL EXPENSE	3,461.10	7,500.00	511.22	7,500.00	6.82%
OFFICE SUPPLIES	1,514.25	6,000.00	1,025.62	6,000.00	17.09%
POSTAGE	2,040.34	1,500.00	1,122.01	1,500.00	74.80%
ADVERTISING	-	250.00	-	250.00	0.00%
Office and Administrative	86,236.18	104,117.00	2,658.85	104,117.00	2.55%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
CAPITAL IMPROVEMENT PROJECTS	826,651.85	6,941,900.00	424,556.52	6,941,900.00	6.12%
Capital Improvement Projects	#N/A	#N/A	#N/A	#N/A	#N/A
WATER IMPACT PROJECTS	-	200,000.00	-	200,000.00	0.00%
WASTEWATER IMPACT PROJECTS	-	700,000.00	-	700,000.00	0.00%
AMORTIZATION EXPENSE	-	-	-	-	
Other Expenses	-	900,000.00	-	900,000.00	0.00%
Debt - Principal	-	-	-	-	
MEMBERSHIPS & SUBSCRIPTIONS	1,040.99	380.00	35.95	380.00	9.46%
Debt - Interest	1,040.99	380.00	35.95	380.00	9.46%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Transfers Out	#N/A	#N/A	#N/A	#N/A	#N/A
TOTAL CWWS FUND	#N/A	#N/A	#N/A	#N/A	#N/A

## SANITATION FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
CHARGES FOR SERVICES	813,121.89	915,860.00	205,577.18	915,860.00	22.45%
TRANSFERS IN	-	-	-	-	
	<b>813,121.89</b>	<b>915,860.00</b>	<b>205,577.18</b>	<b>915,860.00</b>	22.45%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMIN	818,525.83	900,600.00	220,522.93	900,600.00	24.49%
	<b>818,525.83</b>	<b>900,600.00</b>	<b>220,522.93</b>	<b>900,600.00</b>	24.49%

## SANITATION FUND

1/31/23

SANITATION FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
<b>Personnel</b>	-	-	-	-	
yard waste	-	-	-	-	
HOUSEHOLD HAZARDOUS WASTE	11,342.54	12,630.00	11,607.20	12,630.00	91.90%
SOLID WASTE SERVICES	807,183.29	887,970.00	208,915.73	887,970.00	23.53%
RECYCLING SERVICES	-	-	-	-	
<b>Operation and Maintenance</b>	<b>818,525.83</b>	<b>900,600.00</b>	<b>220,522.93</b>	<b>900,600.00</b>	<b>24.49%</b>
<b>Contractual Services</b>	-	-	-	-	
<b>Debt - Principal</b>	-	-	-	-	
<b>Debt - Interest</b>	-	-	-	-	
SOLID WASTE SERVICES	807,183.29	887,970.00	208,915.73	887,970.00	23.53%
<b>Transfers Out</b>	<b>807,183.29</b>	<b>887,970.00</b>	<b>208,915.73</b>	<b>887,970.00</b>	<b>23.53%</b>
<b>TOTAL SANITATION FUND</b>	<b>1,625,709.12</b>	<b>1,788,570.00</b>	<b>429,438.66</b>	<b>1,788,570.00</b>	

# PARK AND STORMWATER SALES TAX FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARK & STRMWTR SALES TAX	690,959.69	672,435.00	188,666.82	672,435.00
MISCELLANEOUS REVENUE	11,000.00	-	-	-
	<b>701,959.69</b>	<b>672,435.00</b>	<b>188,666.82</b>	<b>672,435.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARKS & RECREATION	282,573.48	30,000.00	-	30,000.00
UTILITIES	47,325.00	467,750.00	27,361.88	467,750.00
	<b>47,325.00</b>	<b>497,750.00</b>	<b>27,361.88</b>	<b>467,750.00</b>

## VEHICLE AND EQUIPMENT REPLACE FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
SALE OF PERSONAL PROPERTY	193,778.35	352,100.00	15,721.83	352,100.00
TRANSFERS IN	193,778.35	70,000.00	70,000.00	70,000.00
	<b>387,556.70</b>	<b>422,100.00</b>	<b>85,721.83</b>	<b>422,100.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
ADMINISTRATION	104,036.17	-	-	-
STREETS	48,486.42	105,000.00	21,407.20	105,000.00
POLICE	8,859.46	97,500.00	22,021.30	97,500.00
DEVELOPMENT	8,870.13	36,750.00	4,828.53	36,750.00
PARKS & RECREATION	28,109.05	77,500.00	14,221.24	77,500.00
UTILITIES	11,766.34	65,000.00	17,724.87	65,000.00
	<b>210,127.57</b>	<b>381,750.00</b>	<b>80,203.14</b>	<b>381,750.00</b>



## COMMONS CID FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
SALES TAXES	345,227.10	373,750.00	104,641.78	373,750.00
USE TAXES	5,211.70	6,500.00	1,197.62	6,500.00
	<b>350,438.80</b>	<b>380,250.00</b>	<b>105,839.40</b>	<b>380,250.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
CONTRACTED SERVICES	554,816.41	335,618.00	55,125.18	335,618.00
	<b>554,816.41</b>	<b>335,618.00</b>	<b>55,125.18</b>	<b>335,618.00</b>

## DONATION FUND

1/31/23

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
OTHER REVENUE - POLICE DONATIONS	3,305.00	10,500.00	4,126.00	10,500.00
OTHER REVENUE - PARK DONATIONS	-	-	-	-
	<b>3,305.00</b>	<b>10,500.00</b>	<b>4,126.00</b>	<b>10,500.00</b>

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
CAPITAL OUTLAY - ADMINISTRATION	-	-	300.00	-
CAPITAL OUTLAY - POLICE	-	20,000.00	6,086.65	20,000.00
	-	<b>20,000.00</b>	<b>6,386.65</b>	<b>20,000.00</b>

# AMERICAN RESCUE PLAN ACT FUND

1/31/23

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

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
UTILITIES	1,330,033.49	953,270.00	307,459.36	2,178,300.00
	<b>1,330,033.49</b>	<b>953,270.00</b>	<b>307,459.36</b>	<b>2,178,300.00</b>



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 1184, Farmers and Maker's Market MOU for 2023

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1184, authorizing the Mayor to enter into a Memorandum of Understanding (MOU) with the Smithville Lions Club for the 2023 Farmers and Maker's Market.

**SUMMARY:**

The public facility use policy allows the City to sponsor events if a written agreement is executed that describes the obligations between the parties.

The Lions Club once again wishes to host a Farmers and Maker's Mark on Wednesdays in the summer months.

Changes to the MOU for the 2023 season include the closing of Commercial Street from Main Street to Church Street to allow for food trucks and community activities. The Lions Club and Farmer's and Marker's Market will work to identify food trucks and activities in an effort to expand the offerings of Farmer's Market and, in turn, increase attendance.

Staff and representatives of Lion's Club have reviewed and agreed to the terms and responsibilities outlined in the MOU.

**PREVIOUS ACTION:**

MOUs have been approved by the Board for use of the Courtyard beginning with the 2018 season.

**POLICY ISSUE:**

Economic Development Policy.

**FINANCIAL CONSIDERATIONS:**

None.

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

## **RESOLUTION 1184**

### **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE LION'S CLUB FOR SPONSORSHIP OF THEIR FARMERS AND MAKERS MARKET**

**WHEREAS**, the Lion's Club organized and operates a Farmers and Makers Market at the Downtown Courtyard Park on Wednesdays throughout the summer; and,

**WHEREAS**, the Public Facility Use Policy authorizes the City to sponsor such events, but **ONLY** if there is a written agreement; and,

**WHEREAS**, an initial Memorandum of Understanding was approved with the 2018 season;

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

**THAT THE MAYOR BE AUTHORIZED TO EXECUTE THE ATTACHED  
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE  
LION'S CLUB FOR THE FARMERS AND MAKERS MARKET FOR 2023.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

Memorandum of Understanding  
Between the City of Smithville, Missouri  
And the  
Smithville Lion's Club  
For the  
Smithville Farmers and Makers Market

This agreement is entered into between the City of Smithville, Missouri, a Municipal Corporation, and the Smithville Lion's Club, a Missouri Not for Profit Organization for the express purpose of complying with the Joint Use agreement requirement in the City's Public Facility Use Policy, and for the following stated purposes:

Whereas, the Smithville Lion's Club members have created and hosted the Smithville Farmers and Makers Market since 2015 in the downtown Courtyard Park; and,

Whereas, the market provides opportunity for local vendors to set up booth spaces in the park and to bring customers and citizens to the center of downtown; and,

Whereas, an integral part of any community's economic development is the sense of community created with programming activities to foster community pride; and,

Whereas, the City and the Lions Club desire to enter into an agreement for the 2023 season that creates a partnership between them.

Now, therefore, the parties do hereby agree to the following terms:

The City of Smithville shall:

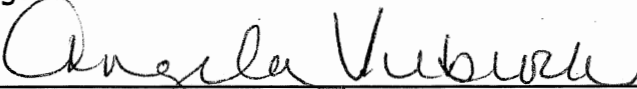
1. Reserve the Courtyard Park each Wednesday from 3:00 pm until 8:00 pm from the first Wednesday in June until the fifth Wednesday in August 2023 on behalf of the Lion's Club.
2. Waive the fees and costs associated with the cost of Courtyard rental.
3. Clean and stock the restrooms (when open), empty trashcans and generally clean the park of trash each Wednesday prior to the event.
4. Authorize the placement of a banner along the back of the stage, except with prior notice to the Club if a different entity has reserved the Courtyard on any day during the months of May – August.
5. Authorize placement of a temporary sign on City property at 169 Highway and Main Street from May through August advertising the Market.
6. Provide promotional assistance on its' social media presence.

7. Allow for the closure of Commercial Street from Bridge Street to Church street to provide access for food trucks and children's activities.

The Lion's Club shall:

1. Identify a person who will be the Lion's Club's official Market Manager for each evening's event. The responsible party must:
  - a. Check out keys for water and electrical connections at the beginning of the season and be responsible for their safekeeping and return at the end of the season.
  - b. Be responsible for opening and closing all locks to the electric and water services at the beginning and end of each market.
  - c. Agree to be present during the entire time the event is operating that evening and provide a cell phone number where they can be reached in the event of an issue at the park. In the event that the Market Manager is unable to be at a Market, provide to the City the name and contact information of a responsible party for that date.
  - d. Pick up and place all trash in the bins provided at the end of the evening.
2. Ensure the Farmers and Makers Market participants are complying with Clay County Public Health Center guidelines.
3. Inform and Enforce the Park Rules, along with any additional reasonable rules set by the Club, on all its' vendors and patrons each evening. If the Responsible Party cannot resolve any such rules violation, they should contact the Smithville Police Department for assistance.
4. Coordinate weekly food truck and community activities to compliment the market with a goal of expanded participation.
5. Allow non-profit participation in Farmer's Market free of charge with completed application and verification of non-profit status.

The City of Smithville and the Lion's Club recognize and agree that this agreement is for the 2023 summer season, and it shall expire following the end of the last event in August.

  
\_\_\_\_\_  
Smithville Lion's Club Representative/Market Manager

2-14-2023

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Smithville

\_\_\_\_\_  
Date



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1185, authorizing the expenditure of \$23,021.05 for the purchase of utility meter setters.

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1185, authorizing the expenditure of funds from the Combined Water and Wastewater Systems Fund for the purchase of utility meter setters from Kansas City Winnelson Company in the amount of \$23,021.05.

**SUMMARY:**

As the board is aware, the City was experiencing delays in receiving the parts needed to set up new water services, causing builders to wait for several weeks. In order to prevent this issue from occurring again in the future, the city ordered 107 meter setters in July based on lots that were available at that time. These setters have been delivered to the City.

**PREVIOUS ACTION:**

**POLICY ISSUE:**

Water Meter and Tapping Service

**FINANCIAL CONSIDERATIONS:**

The 2023 CWWS fund has sufficient budget for this expense.

**ATTACHMENTS:**

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

## **RESOLUTION 1185**

### **A RESOLUTION ACKNOWLEDGING AND APPROVING THE EXPENDITURE OF FUNDS FROM THE COMBINED WATER AND WASTEWATER FUND FOR THE PURCHASE OF WATER METER SETTERS**

**WHEREAS**, the City has been experiencing delays in receiving parts needed to set up new water services causing builders to wait for several weeks; and

**WHEREAS**, in an effort to avoid delays, the city has been proactive in anticipating potential needs and placed an order for 107 meter setters based on available lots for July 2022; and

**WHEREAS**, the City received the water meters setters at the end of January.

**WHEREAS**, the total cost of the water meters setters was \$23,021.05.

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

**THAT** the Board acknowledges and approves the expenditure of funds from the Combined Water and Wastewater Fund for the purchase of water meter setters in the amount of \$23,021.05 from Kansas City Winnelson Company.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023.

---

Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

## Original Invoice

531

KANSAS CITY WINNELSON CO.  
 PO BOX 3359  
 KANSAS CITY, KS 66103-3359

Page	Date Printed	Invoice No.
1	1/18/23	008454 02

## To Reorder Contact Us At

Phone No. : (913) 262-6868

Fax No .. : (913) 262-6843

DB# 13

Sold To:

Ship To:

CITY OF SMITHVILLE  
 1 HELVY PARK DR  
 SMITHVILLE, MO 64089-8376

CITY OF SMITHVILLE  
 16401 LOWMAN ROAD  
 SMITHVILLE, MO 64089

Customer Number 00240-002862	Customer Purchase Order DAVID	Job Name SETTERS/CORPS/AMR METERS
Placed By DAVID	Salesman 070-JOHN CROSS	Type Shipment Stock
	Ship VIA	Date Shipped 1/18/23

\*\*\*\*\* THANK YOU FOR YOUR BUSINESS \*\*\*\*\*

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
107	EA	760-218QN22 33X15 METER SETTER	107		215.1500		.00	23,021.05	N
107	EA	74701-22 3/4 AWXCTS PLUG CORP	0	B	49.7500		.00	.00	N

\*\*KANSAS CITY WINNELSON COMPANY--LOCALLY OWNED AND OPERATED\*\*THANK YOU

\*\*\*OUR REMIT ADDRESS HAS CHANGED. EFFECTIVE IMMEDIATELY PLEASE REMIT  
 ALL PAYMENTS TO: PO BOX 3359 Kansas City, KS 66103\*\*\*

Terms: Monthly Finance Charge May Be Applied To Past Due Accounts.

NET 30 DAYS

Pay full balance by 2/17/23

Tax Area ID:	Net Sales	23,021.05
MO - 260473351	Freight	.00
State Tax % .000	State Tax	.00
Local Tax % .000	Local Tax	.00
	Invoice Amount	23,021.05

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please call (913) 262-6868.

T&C: You agree that the sale of these products/services is subject to all of our standard terms and conditions of sale located at [www.winsupplyinc.com/tcsale](http://www.winsupplyinc.com/tcsale).



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1186, authorizing the purchase of a chlorine dioxide generator at the water treatment plant.

---

**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1186, authorizing the purchase of a chlorine dioxide generator at the water treatment plant. From Chem-Sult in the amount of \$9,330.

**SUMMARY:**

Chem-Sult is the sole proprietor to build and install a new chlorine dioxide generator at the water treatment plant. This unit injects chlorine dioxide into the raw water line before water enters the plant as a pre-disinfection treatment process. The current equipment which was specifically built for the treatment facility design and chemical demand was installed in 2008.

**PREVIOUS ACTION:**

The 2023 CIP budget includes \$1 million for upgrades and maintenance at the water treatment plant. HDR is preparing a contract for the filters, actuators and lagoon cleaning. The purchase of this equipment is something staff can handle without the added costs for engineering.

**POLICY ISSUE:**

Facility / infrastructure maintenance

**FINANCIAL CONSIDERATIONS:**

The 2023 CWWS CIP fund has budgeted for this expense.

**ATTACHMENTS:**

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: Proposal

☐ Contract

☐ Plans

☐ Minutes

## **RESOLUTION 1186**

### **A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW CHLORINE DIOXIDE GENERATOR AT THE WATER TREATMENT PLANT**

**WHEREAS**, the City of Smithville operates a water treatment plant to provide drinking water to the residents of the City; and

**WHEREAS**, the plant uses chlorine dioxide as a method of disinfection in the treatment process; and

**WHEREAS**, Chem-Sult is the sole provider to build and install a new chlorine dioxide generator for the water treatment plant.

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

**THAT** the Board authorizes the purchase of a new chlorine dioxide generator from Chem-Sult at the water treatment plant in the amount of \$9,330.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



**ACE PIPE CLEANING**  
A Carylton Company

6601 Universal Avenue  
Kansas City, MO 64120  
p: (816) 241-2891  
f: (816) 241-5054  
office@acepipe.com

**CONTRACT PROPOSAL**

Date: 2/8/23

Customer: CITY OF SMITHVILLE  
Attn: BOB LEMLEY  
Address: 1 HELVEY PARK DR  
SMITHVILLE MO 64089  
Email: utilities@smithvillemo.org  
Phone: 816-532-0577

Proposal #: 23-282

1. **PROJECT DESCRIPTION:**

Smithville, MO – 16401 Lowman Rd – Wet Well Cleaning

2. **SCOPE OF WORK:**

Ace Pipe Cleaning, Inc. ("APC") will provide the labor, equipment, material, and supplies for work performed on the Project in accordance with this Proposal (the "Work"), and will include the following:

Operators, Laborers, Jetter/Vac Combo Unit, Support Truck and Plug and Bypass to perform Wet Well Cleaning as directed by customer located at 16401 Lowman Rd, Smithville, MO.

3. **PRICING AND PAYMENT:**

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
OPERATOR & JETTER/COMBO UNIT	16	HRS	\$ 215.00	\$ 3,440.00
ADDITIONAL LABOR X 2	32	HRS	\$ 110.00	\$ 3,520.00
SUPPORT TRUCK	24	HRS	\$ 110.00	\$ 2,640.00
12% FUEL	24	HRS	\$ 25.80	\$ 619.20
OPERATOR & JETTER/COMBO OT	8	HRS	\$ 230.00	\$ 1,840.00
ADDITIONAL LABOR OT	16	HRS	\$ 130.00	\$ 2,080.00
PLUG AND BYPASS	1	WEEK	\$ 6,900.00	\$ 6,900.00
TOTAL ESTIMATED PRICE				\$ 21,039.20

Payment shall be due Net 30 days from APC's invoice date. Billing will reflect actual quantities achieved.

4. **SCHEDULE:** To be determined upon acceptance of this Proposal.

**5. CLARIFICATIONS/ASSUMPTIONS: TERMS & CONDITIONS:**

The Clarifications/Assumptions are part of this Proposal. APC's Terms and Conditions are attached and are incorporated into and part of this Proposal. Please review the Clarifications/Assumptions and APC's Terms and Conditions carefully. The pricing is based upon Customer's acceptance of APC's Clarifications/Assumptions and Terms and Conditions. This Proposal represents our complete offering. If there are any conflicts between Customer's requirements or plans and specifications and this Proposal, this Proposal shall govern.

**PREVAILING WAGE? YES ☐ NO ☒**

If yes, please provide Wage Determination.

**TAX EXEMPT? YES ☒ NO ☐**

If yes, please provide Tax Exemption Certificate.

ACE PIPE CLEANING, INC.	ACCEPTED by CUSTOMER:
Signed: <u>Jeremy Cheek</u> Date <u>2/8/23</u> Title: <u>Superintendent</u>	Signed: _____ Date _____ Title: _____

## **CLARIFICATIONS / ASSUMPTIONS**

All pricing is conditioned upon the Clarifications/Assumptions listed below.

### **1. CLARIFICATIONS:**

- a. The Proposal excludes any sales or use or other similar taxes. If the Project is tax exempt, Customer shall provide APC the appropriate documentation.
- b. If payment of prevailing wages or submission of certified payroll reports is required, Owner shall provide a wage determination sheet and/or certified payroll instructions.
- c. Except as otherwise stated herein, the Proposal does not include by-pass pumping.
- d. Price quoted is portal to portal from our location at 6601 Universal Ave, KCMO and is a four-hour minimum fee.
- e. Overtime rates will apply for any work that exceeds an (8) eight-hour workday (applicable to hourly rate quoted).
- f. Any corrections, repairs, or extractions required due to existing structural defects or failures are excluded from the Work.
- g. APC will provide traffic control (cones) if necessary.
- h. Except as otherwise provided herein, the Proposal is for normal cleaning only. Normal cleaning is considered cleaning requiring three passes or less using high-velocity hydraulic equipment capable of pumping 80 gpm at 2,000 psi. Heavy cleaning shall be considered all cleaning other than normal cleaning but does not include mechanical cleaning with bucket machines and winches. Heavy cleaning will be charged at a negotiated hourly rate.

### **2. ASSUMPTIONS:**

- a. Customer will provide free access to the work site which will be adequate for APC's equipment and will be at least 150 feet from the manhole. APC reserves the right to charge Customer if additional mobilizations are required if access is not available.
- b. Customer will coordinate the Work with any private property owners.
- c. Customer will provide disposal site.
- d. Customer will provide water for cleaning and access to hydrant and hydrant meter.
- e. Pricing is subject to change 90 days from the date of the proposal.
- f. There are no hazardous materials present in the project area.
- g. Any cleaning required under reduced, or no-flow conditions will be charged at a negotiated hourly rate.

## Terms and Conditions

1. **General Conditions:** These general terms and conditions are incorporated by reference into the proposal and are part of the Agreement under which services are to be performed by the Contractor for the Customer. Customer's signature and return of the proposal as presented, or Customer's authorization of Contractor to commence the work, shall constitute acceptance of all of its terms and conditions.

2. **Warranty:** Contractor warrants that its work will be free from defects caused by faulty workmanship for a period of twelve months after substantial completion of the work. Any warranty claim must be presented in writing to Contractor within 12 months after the substantial completion of Contractor's work, or the claim shall be waived.

3. **Terms of Payment:** Unless otherwise noted, payments are due within thirty days from the submission to Customer of an invoice. A "past due payment" charge of one and one-half percent (1½ %) per month or the maximum legal interest rate, whichever is greater, will be made on all monies past due and shall be paid immediately.

4. **Customer Responsibilities:** Customer will provide mechanical services. Operation and control of Customer's equipment is the Customer's responsibility. If Contractor's work is interrupted due to circumstances caused or allowed by Customer and of which Contractor was not apprised prior to starting the work, an hourly fee will be charged.

5. **Pre-existing Conditions:** The Contractor is not responsible for liability, loss or expense (including damage caused by the backup of basement sewers) caused by pre-existing conditions, including faulty, inadequate or defective design, construction, maintenance or repair of property or contamination of the subsurface where the condition existed prior to the start of the Contractor's work. Customer is responsible for loss of service equipment caused by the pre-existing condition at the job site.

6. **Environmental Conditions:** The debris is represented to Contractor to be non-hazardous, requiring no manifesting or special permitting. The Customer will be responsible for any additional costs or claims associated with the treatment, storage, disposal of the removed debris, or breach of the above representation, at any time during or after the completion of this project. Notwithstanding anything herein to the contrary, when the Work includes removal of industrial waste, Customer represents and warrants it holds clear title to all waste debris or other materials Contractor may handle, process or transport and Customer agrees to supply all necessary manifests or permits and Customer shall indemnify Contractor for liability, loss and expense caused by discharge, escape, release of liquids, gases or any other material contaminant or pollutant into the atmosphere or into or onto land, water or property, except to the extent such liability, loss and expense is caused by Contractor's negligence.

7. **Indemnification:** The Customer and Contractor will each indemnify the other in proportion to relative fault for liability, loss and expense incurred by the other party resulting from a negligent act or omission in performance of work under this Agreement. The Customer also will indemnify Contractor for liability, loss and expense resulting from Contractor services if the Contractor is acting at the direction or instruction of the Customer, or where the primary cause of any damages is due to information provided by the Customer. Where the Customer provides labor for the Contractor, the Customer will indemnify the Contractor for liability, loss or expense for work related injuries to those laborers not provided by the Contractor.

8. **Entire Agreement:** This proposal together with any written documents which may be incorporated by specific references

herein, constitutes the entire agreement between the parties and supersedes all previous communications between them, either oral or written. The waiver by Contractor of any term, condition or provision herein stated shall not be construed to be a waiver of any other term, condition or provision hereof.

9. **Performance Dates:** The performance schedule, if stated in the proposal, is approximate and is not guaranteed by Contractor. Contractor shall not be liable for delays in the progress of the Work due to acts of government, acts of God, adverse weather, war, riot, labor disputes, civil insurrection or any other causes beyond Contractor's reasonable control, and the date of performance shall be adjusted for any such delays. Further, Contractor shall not be responsible for delays in the project caused by the failure of material/equipment suppliers to deliver material, equipment or services in the time and manner agreed upon or in the time and manner anticipated.

10. **Scope Limitations:** Any material, equipment, structure or service item that is not explicitly a part of this Contract is specifically excluded from Contractor's Work.

11. **Contract Amendments:** The following contract amendment procedure is to be used for work performed for the Customer by Contractor, which is beyond the scope of the proposal. (a) As change order items are identified and before any work is done, Contractor and the Customer will review and agree on the work to be performed; (b) A contract amendment or change order will be completed with regard to scope and price and any schedule impact. All parties involved will sign the contract amendment or change order; and (c) Contractor will perform the work and bill the Customer. For time and materials work, back-up documentation will be provided.

12. **Limitation of Liability:** In no event shall Contractor be liable for any indirect, special or consequential loss or damage arising out of any work performed for Customer. To the fullest extent permitted by law, the total liability, in the aggregate, of Contractor to Customer or anyone claiming by or through Customer, for any and all liabilities, claims, losses, expenses, or damages whatsoever arising out of or in any way related to Contractor's services, the Project, or the Proposal, from any cause or causes whatsoever, including without limitation, negligence, strict liability, indemnity, warranty, or breach of contract, shall not exceed the Contract Amount. The Contractor is not responsible for the rendering of or failure to render architectural, engineering or surveying professional services. Customer and Contractor waive all rights of subrogation for claims covered by the parties' insurance.

13. **Attorney's Fees:** The prevailing party in any dispute between Contractor and Customer shall be entitled to receive attorneys' fees, court costs and other legal fees from the non-prevailing party. APC shall be entitled to collect reasonable attorney's fees incurred to collect any "past due payments."

14. **NOTICE TO OWNER FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT, YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.**



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1187, awarding a bid to Ace Pipe Cleaning to clean the main lift station at the Wastewater Treatment Plant

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### **REQUESTED BOARD ACTION:**

A motion to approve Resolution 1187, awarding a bid in the amount of \$21,039.90 to Ace Pipe Cleaning to clean the main lift station at the Wastewater Treatment Plant.

### **SUMMARY:**

The main lift station at the treatment plant has four pumps. The pumps can become plugged with rags and other debris, necessitating cleaning in order to avoid a shutdown of the lift station. Preventive cleaning of the lift station will ensure continued service and extend the running life of the pumps.

Staff received two proposals from two firms to complete this work:

Ace Pipe Cleaning	\$21,039.20
Clean Harbors	\$52,387.04

Staff recommends award of the lowest and best bid to Ace Pipe Cleaning in the amount of \$21,039.20.

### **PREVIOUS ACTION:**

In May of 2020, Resolution 786 authorized emergency cleaning of the main lift station by Ace Pipe Cleaning.

### **POLICY ISSUE:**

Facility / infrastructure maintenance

### **FINANCIAL CONSIDERATIONS:**

The 2023 CWWWS maintenance has budget for this expense.

### **ATTACHMENTS:**

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

## **RESOLUTION 1187**

### **A RESOLUTION AWARDING BID TO ACE PIPE CLEANING TO CLEAN THE MAIN LIFT STATION AT THE WASTEWATER TREATMENT PLANT**

**WHEREAS**, debris and rags accumulate in the influent pump station causing the pumps to become plugged and inoperable; and

**WHEREAS** as preventative maintenance, it is important to periodically clear the debris from the wet well to avoid clogging pumps and an unscheduled shut down of the treatment process; and

**WHEREAS**, two bids were received to complete the work with Ace Pipe Cleaning providing the responsive bid \$21,039.20; and

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

Award bid to Ace Pipe Cleaning in an amount of \$21,039.20 to clean the decries from the main influent pump station at the Wastewater Treatment Plant.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



**ACE PIPE CLEANING**  
A Carylton Company

6601 Universal Avenue  
Kansas City, MO 64120  
p: (816) 241-2891  
f: (816) 241-5054  
office@acepipe.com

**CONTRACT PROPOSAL**

Date: 2/8/23

Customer: CITY OF SMITHVILLE  
Attn: BOB LEMLEY  
Address: 1 HELVEY PARK DR  
SMITHVILLE MO 64089  
Email: utilities@smithvillemo.org  
Phone: 816-532-0577

Proposal #: 23-282

1. **PROJECT DESCRIPTION:**

Smithville, MO – 16401 Lowman Rd – Wet Well Cleaning

2. **SCOPE OF WORK:**

Ace Pipe Cleaning, Inc. ("APC") will provide the labor, equipment, material, and supplies for work performed on the Project in accordance with this Proposal (the "Work"), and will include the following:

Operators, Laborers, Jetter/Vac Combo Unit, Support Truck and Plug and Bypass to perform Wet Well Cleaning as directed by customer located at 16401 Lowman Rd, Smithville, MO.

3. **PRICING AND PAYMENT:**

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
OPERATOR & JETTER/COMBO UNIT	16	HRS	\$ 215.00	\$ 3,440.00
ADDITIONAL LABOR X 2	32	HRS	\$ 110.00	\$ 3,520.00
SUPPORT TRUCK	24	HRS	\$ 110.00	\$ 2,640.00
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PLUG AND BYPASS	1	WEEK	\$ 6,900.00	\$ 6,900.00
TOTAL ESTIMATED PRICE				\$ 21,039.20

Payment shall be due Net 30 days from APC's invoice date. Billing will reflect actual quantities achieved.

4. **SCHEDULE:** To be determined upon acceptance of this Proposal.

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The Clarifications/Assumptions are part of this Proposal. APC's Terms and Conditions are attached and are incorporated into and part of this Proposal. Please review the Clarifications/Assumptions and APC's Terms and Conditions carefully. The pricing is based upon Customer's acceptance of APC's Clarifications/Assumptions and Terms and Conditions. This Proposal represents our complete offering. If there are any conflicts between Customer's requirements or plans and specifications and this Proposal, this Proposal shall govern.

**PREVAILING WAGE? YES ☐ NO ☒**

If yes, please provide Wage Determination.

**TAX EXEMPT? YES ☒ NO ☐**

If yes, please provide Tax Exemption Certificate.

ACE PIPE CLEANING, INC.	ACCEPTED by CUSTOMER:
Signed: <u>Jeremy Cheek</u> Date <u>2/8/23</u> Title: <u>Superintendent</u>	Signed: _____ Date _____ Title: _____

## **CLARIFICATIONS / ASSUMPTIONS**

All pricing is conditioned upon the Clarifications/Assumptions listed below.

### **1. CLARIFICATIONS:**

- a. The Proposal excludes any sales or use or other similar taxes. If the Project is tax exempt, Customer shall provide APC the appropriate documentation.
- b. If payment of prevailing wages or submission of certified payroll reports is required, Owner shall provide a wage determination sheet and/or certified payroll instructions.
- c. Except as otherwise stated herein, the Proposal does not include by-pass pumping.
- d. Price quoted is portal to portal from our location at 6601 Universal Ave, KCMO and is a four-hour minimum fee.
- e. Overtime rates will apply for any work that exceeds an (8) eight-hour workday (applicable to hourly rate quoted).
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- g. APC will provide traffic control (cones) if necessary.
- h. Except as otherwise provided herein, the Proposal is for normal cleaning only. Normal cleaning is considered cleaning requiring three passes or less using high-velocity hydraulic equipment capable of pumping 80 gpm at 2,000 psi. Heavy cleaning shall be considered all cleaning other than normal cleaning but does not include mechanical cleaning with bucket machines and winches. Heavy cleaning will be charged at a negotiated hourly rate.

### **2. ASSUMPTIONS:**

- a. Customer will provide free access to the work site which will be adequate for APC's equipment and will be at least 150 feet from the manhole. APC reserves the right to charge Customer if additional mobilizations are required if access is not available.
- b. Customer will coordinate the Work with any private property owners.
- c. Customer will provide disposal site.
- d. Customer will provide water for cleaning and access to hydrant and hydrant meter.
- e. Pricing is subject to change 90 days from the date of the proposal.
- f. There are no hazardous materials present in the project area.
- g. Any cleaning required under reduced, or no-flow conditions will be charged at a negotiated hourly rate.

## **Terms and Conditions**

1. **General Conditions:** These general terms and conditions are incorporated by reference into the proposal and are part of the Agreement under which services are to be performed by the Contractor for the Customer. Customer's signature and return of the proposal as presented, or Customer's authorization of Contractor to commence the work, shall constitute acceptance of all of its terms and conditions.

2. **Warranty:** Contractor warrants that its work will be free from defects caused by faulty workmanship for a period of twelve months after substantial completion of the work. Any warranty claim must be presented in writing to Contractor within 12 months after the substantial completion of Contractor's work, or the claim shall be waived.

3. **Terms of Payment:** Unless otherwise noted, payments are due within thirty days from the submission to Customer of an invoice. A "past due payment" charge of one and one-half percent (1½ %) per month or the maximum legal interest rate, whichever is greater, will be made on all monies past due and shall be paid immediately.

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6. **Environmental Conditions:** The debris is represented to Contractor to be non-hazardous, requiring no manifesting or special permitting. The Customer will be responsible for any additional costs or claims associated with the treatment, storage, disposal of the removed debris, or breach of the above representation, at any time during or after the completion of this project. Notwithstanding anything herein to the contrary, when the Work includes removal of industrial waste, Customer represents and warrants it holds clear title to all waste debris or other materials Contractor may handle, process or transport and Customer agrees to supply all necessary manifests or permits and Customer shall indemnify Contractor for liability, loss and expense caused by discharge, escape, release of liquids, gases or any other material contaminant or pollutant into the atmosphere or into or onto land, water or property, except to the extent such liability, loss and expense is caused by Contractor's negligence.

7. **Indemnification:** The Customer and Contractor will each indemnify the other in proportion to relative fault for liability, loss and expense incurred by the other party resulting from a negligent act or omission in performance of work under this Agreement. The Customer also will indemnify Contractor for liability, loss and expense resulting from Contractor services if the Contractor is acting at the direction or instruction of the Customer, or where the primary cause of any damages is due to information provided by the Customer. Where the Customer provides labor for the Contractor, the Customer will indemnify the Contractor for liability, loss or expense for work related injuries to those laborers not provided by the Contractor.

8. **Entire Agreement:** This proposal together with any written documents which may be incorporated by specific references

herein, constitutes the entire agreement between the parties and supersedes all previous communications between them, either oral or written. The waiver by Contractor of any term, condition or provision herein stated shall not be construed to be a waiver of any other term, condition or provision hereof.

9. **Performance Dates:** The performance schedule, if stated in the proposal, is approximate and is not guaranteed by Contractor. Contractor shall not be liable for delays in the progress of the Work due to acts of government, acts of God, adverse weather, war, riot, labor disputes, civil insurrection or any other causes beyond Contractor's reasonable control, and the date of performance shall be adjusted for any such delays. Further, Contractor shall not be responsible for delays in the project caused by the failure of material/equipment suppliers to deliver material, equipment or services in the time and manner agreed upon or in the time and manner anticipated.

10. **Scope Limitations:** Any material, equipment, structure or service item that is not explicitly a part of this Contract is specifically excluded from Contractor's Work.

11. **Contract Amendments:** The following contract amendment procedure is to be used for work performed for the Customer by Contractor, which is beyond the scope of the proposal. (a) As change order items are identified and before any work is done, Contractor and the Customer will review and agree on the work to be performed; (b) A contract amendment or change order will be completed with regard to scope and price and any schedule impact. All parties involved will sign the contract amendment or change order; and (c) Contractor will perform the work and bill the Customer. For time and materials work, back-up documentation will be provided.

12. **Limitation of Liability:** In no event shall Contractor be liable for any indirect, special or consequential loss or damage arising out of any work performed for Customer. To the fullest extent permitted by law, the total liability, in the aggregate, of Contractor to Customer or anyone claiming by or through Customer, for any and all liabilities, claims, losses, expenses, or damages whatsoever arising out of or in any way related to Contractor's services, the Project, or the Proposal, from any cause or causes whatsoever, including without limitation, negligence, strict liability, indemnity, warranty, or breach of contract, shall not exceed the Contract Amount. The Contractor is not responsible for the rendering of or failure to render architectural, engineering or surveying professional services. Customer and Contractor waive all rights of subrogation for claims covered by the parties' insurance.

13. **Attorney's Fees:** The prevailing party in any dispute between Contractor and Customer shall be entitled to receive attorneys' fees, court costs and other legal fees from the non-prevailing party. APC shall be entitled to collect reasonable attorney's fees incurred to collect any "past due payments."

14. **NOTICE TO OWNER FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT, YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.**



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 1188, authorizing the purchase of a Variable Frequency Drive (VFD) at the Wastewater Treatment Plant.

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**REQUESTED BOARD ACTION:**

A motion to approve Resolution 1188, authorizing the purchase of a VFD at the Wastewater Treatment Plant from Mid-America Pump in the amount of \$13,564.60.

**SUMMARY:**

One of three VFDs that run the influent pumps is not working at the Wastewater Treatment Plant. The VFD regulates power coming into the plant and adjusts pump speeds depending on flows coming into the plant. This piece of equipment is essential to plant operations and needs to be replaced as quickly as possible. Mid-America Pump can get this VFD within a couple weeks.

**PREVIOUS ACTION:**

none

**POLICY ISSUE:**

Facility / infrastructure maintenance

**FINANCIAL CONSIDERATIONS:**

The 2023 Combined Water and Wastewater Systems maintenance budget includes sufficient funds for this maintenance expense.

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

## **RESOLUTION 1188**

### **A RESOLUTION AUTHORIZING THE PURCHASE OF A VARIABLE FREQUENCY DRIVE (VFD) AT THE WASTEWATER TREATMENT PLANT**

**WHEREAS**, the City of Smithville operates a Wastewater Treatment Plant to treat the City's sanitary sewage; and

**WHEREAS**, one of the VFDs that regulates power to the plants influent pump station is not working; and

**WHEREAS**, replacement of the VFD is necessary and essential for the operation of the plant; and

**WHEREAS**, Mid-America Pump has provided a bid in an amount of \$13,564.60 and can replace the equipment in a couple weeks.

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

**THAT** the Board authorizes the purchase of a new VFD from Mid-America Pump in the amount of \$13,564.60.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



5600 Inland Drive  
Kansas City, Kansas 66106  
Phone 913-287-3900  
Fax 913-287-6641

## REPAIR PROPOSAL

SKP: 7725

Customer PO #:

Repair Estimate: \$13,564.60

Prepared By #: Brad Saul

Replacement Price:

Date: 2/8/2023

Estimated Delivery:

### Customer Information

#### Bill To:

#### Contact Info:

#### Ship To:

Company Name: City of Smithville  
Address: 107 W. Main Street  
City: Smithville  
State/Zip Code: Missouri 64089-

First Name: Bob  
Last Name: Lemley  
Phone: (816) 532-0070  
Fax: (816) 532-8331

Company:   
Address:   
City:   
State/Zip Code:

### Description of Problem

This is for replacing the existing VFD on pump #3 at the main lift station.

### Pump Information

Pump Make:   
Model: Eaton POWER XL DG1  
Style: VFD  
Pump RPM:   
Motor RPM:   
☐ Seal  
☐ Packing  
Serial No:   
HP: 40  
Voltage: 460  
Coupling:

### Repair Description

Repair proposal to include:  
1ea - New POWER XL DG1 VFD CAT NO. DG1-34046FB-C21C STYLE NO. 9702-3006-00P  
Labor to unwire the old VFD and remove it; install the new VFD and reland the wiring;  
programming of the VFD and testing  
Truck and MLS charges

\*\*Lead time is 1-2 weeks on the VFD\*\*

\*\*\*Does not include FREIGHT or anything else not listed above, please see terms and conditions\*\*\*

### Application Information

Pumpage:   
Head:   
Flow:   
Temp:   
Viscosity:   
Specific Gravity:   
☐ Hazardous ☐ Rotation Left  
☐ MSDS ☐ Rotation Right

### Terms and Conditions

1 Freight Charges Not Included  
2 Taxes Not Included  
3 Expedite Fees Not Included  
4 Payment Terms - Net 30  
5 Warranty Period - 90 Days  
6 Proposal Valid for 30 Days  
7 Teardown/Inspection/Field Service Hours/MLS  
will be charged if Equipment is Not Repaired or  
Replaced through Mid-America Pump

## **RESOLUTION 1189**

### **A RESOLUTION APPROVING A WATER AND WASTEWATER LEAK ADJUSTMENT REQUEST**

**WHEREAS**, the City approved Ordinance No. 2989-18 amending Section 705.110 of the Code of Ordinances on February 6, 2018; and,

**WHEREAS**, Dustin Conover, a residential utility billing customer with account 02-001480-01, has notified the City of a water leak and is requesting a leak adjustment; and,

**WHEREAS**, the conditions set forth in Section 705.110 of the Code of Ordinances as amended have been met; and,

**WHEREAS**, the adjustment calculation set forth in 705.110 of the Code of Ordinances as amended has been determined to be \$471.42.

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

A water and wastewater leak adjustment in the amount of \$471.42 shall be credited to account 02-001480-01, of residential utility billing customer Dustin Conover.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Finance

**AGENDA ITEM:** Resolution 1189, A Resolution approving a Water Leak Adjustment Request

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1189, approving a water and wastewater leak adjustment request of \$471.42 to Dustin Conover's utility account.

**SUMMARY:**

The City has received notice from Dustin Conover, a residential utility billing customer, of a repaired water leak and his request for a water leak adjustment. All requirements set forth in Ordinance 2989-18 have been met.

On or about December 28, 2022, the Utilities Department obtained electronic reads of water usage for the month of December. Those reads were uploaded to the billing system later and same day which provides warnings for customers with no, little, or high usage.

Following the month of the December 2022 billing cycle, Dustin Conover had started the cycle with a meter read of 3,972 and finished the December cycle with a meter read of 4,396 which resulted in consumption of 42,400 gallons. This amount was more than twice the established monthly average. As required by Ordinance 2989-18, Dustin Conover has provided proof of repair/maintenance of the broken service line which caused the high usage during the December 2022 billing cycle.

If approved, the leak adjustment would issue a credit of \$471.42 to Dustin Conover's utility account.

**PREVIOUS ACTION:**

The Board has approved previous leak adjustments in this fiscal year when conditions have been met.

**POLICY OBJECTIVE:**

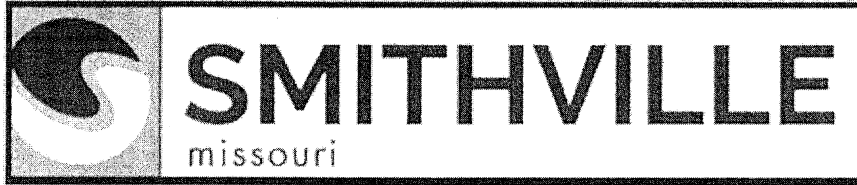
[Click or tap here to enter text.](#)

**FINANCIAL CONSIDERATIONS:**

Reduce utility revenues by \$471.42.

**ATTACHMENTS:**

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



### Water and Wastewater Leak Adjustment Request

Utility Customer Name: Dustin Conover

Utility Service Address: 406 S Commercial

Utility Account Number: 02-0001480-01

The residential utility billing customer referenced above has notified City staff of a water leak and is requesting a leak adjustment. City staff has verified the water consumption of the month(s) in question is more than two (2) times the monthly average for this property, no other leak adjustment has occurred in the previous thirty-six (36) month period, covers a single event and repair receipts have been provided.

In accordance with the Leak Adjustment Ordinance No. 705.110, the Board of Alderman may consider a leak adjustment calculated to be \$471.42 at the Board of Alderman meeting on 2/21/23.

I, Dustin Conover, agree to attend the Board of Alderman meeting referenced above, and understand that my failure to be present is cause for the Board of Alderman to deny my request.

Upon resolution by the Board of Alderman, I, Dustin Conover, shall make payment in full or make formal payment arrangements with City staff no later than ten days (10) following the Board of Alderman consideration. I understand that failure to do so will result in imposition of late fees and/or disconnection of service.

A handwritten signature in black ink, appearing to read 'Dustin Conover', written over a horizontal line.

Customer's Signature

2-14-2023

Date



## Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: **Dustin Conover**

Utility Service Address: **406 S Commercial**

Utility Account Number: **02-0001480-01**

### Breaking down key figures in Ordinance 2989-18(C), Adjustment Calculations

1. The adjusted bill(s) shall charge the City's normal water rate on all water volume used up to two (2) times the average monthly water use for this property.

City's normal water rate (per 1,000 gallons): **\$9.04**  
 Average monthly water usage for this property: **600 gallons**

2. Adjusted bill(s) shall also charge the City's wholesale water rate on all water volume used greater than two (2) times the average monthly water use for this property.

City's wholesale water rate (per 1,000 gallons): **\$5.40**

3. If the leak is inside the home, the wastewater bill(s) shall not be adjusted because the water volume used will have drained into the sanitary system of the home.

If the leak is outside the home, the wastewater bill(s) will be adjusted to reflect the average monthly wastewater usage for this property.

City's normal wastewater rate (per 1,000 gallons): **\$7.69**  
 Average monthly wastewater usage for this property: **600 gallons**  
 Was the leak inside or outside the home: **outside**  
 Was the wastewater billed winter average or actual usage: **actual usage**

### Calculating the adjustment amount using Ordinance 705.110(C), Adjustment Calculations

MONTH 1	
Original Water Bill Amount	
<b>42,400</b> gallons @ 9.04 per 1,000 gallons =	383.30
Adjusted Water Bill Amount	
1,200 gallons @ 9.04 per 1,000 gallons =	10.85
+ 41,200 gallons @ 5.4 per 1,000 gallons =	222.48
	233.33
Water Discount =	
	149.97
Original Wastewater Bill Amount	
42,400 gallons @ 7.69 per 1,000 gallons =	326.06
Adjusted Wastewater Bill Amount	
600 gallons @ 7.69 per 1,000 gallons =	4.61
Wastewater Discount =	
	321.45

MONTH 2 (if applicable)	
Original Water Bill Amount	
<b>0</b> gallons @ 9.04 per 1,000 gallons =	0.00
Adjusted Water Bill Amount	
0 gallons @ 9.04 per 1,000 gallons =	0.00
+ 0 gallons @ 5.4 per 1,000 gallons =	0.00
	0.00
Water Discount =	
	0.00
Original Wastewater Bill Amount	
0 gallons @ 7.69 per 1,000 gallons =	0.00
Adjusted Wastewater Bill Amount	
0 gallons @ 7.69 per 1,000 gallons =	0.00
Wastewater Discount =	
	0.00

**Total Discount = 471.42**

# Porters Building Centers

Porters of Smithville  
Porters Ace  
15700 N 169 Hwy Unit D  
Smithville MO 64089  
816-873-7800

CUSTOMER COPY



INVOICE

2302-758413 PAGE 1 OF 1

SOLD TO
Cash Sales

JOB ADDRESS
CONOVER/DUSTIN

ACCOUNT	JOB
CASH	0
SOLD ON	2/4/2023 1:00:07 PM
CUST PICKUP	
BRANCH	5000
CUSTOMER PO#	
STATION	SS01
CASHIER	SRES
SALESPERSON	
ORDER ENTRY	

Quantity	UM	Item	Description	D	T	Price	Per	Amount
2	EACH	4319828	SB 1/2"x1/2" Straight Coupling		Y	9.9900	EACH	19.98
1	EACH	4321204	SB 1/2"x1/2" Slip Coupling		Y	16.9900	EACH	16.99
1	EACH	4567483	Pipe PEX 1/2" x 10' Blue		Y	6.5900	EACH	6.59
Acct: Discover ###1312 SALE: 47.69 Entry Mode: Chip Read AID: A0000001523010 TVR: 0000001000 TSI: E800 IAD: 010560800300000000000000000000000000 ARC: 00 CVM: 1E0300								

**Payment Method(s)**

Discover 47.69 #####1312 00464R

SMITH 9.475%	SubTotal	43.56
	Sales Tax	4.13
	Deposit	
Please Pay This Amount		47.69

Terms: Purchaser agrees this account will be paid by the 10th of the month following purchase. The highest contract rate will apply on past due accounts. If collection is required, attorney fees and other collection cost will be added.

Signature





## **City Administrator's Report**

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February 16, 2023

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### **Update to City Code Regarding Tax Increment Financing (TIF) Commission**

As the Board will recall, changes to the population and form of government in Clay County changed the composition of the TIF Commission per state statute. The total number of members is increased by one while the total number of appointees from the City of Smithville is reduced from six to three.

As staff has been working with Economic Development Counsel in preparation for the 110 Smithville TIF, we were consulting City Code and realized the adopted Code references prior composition. An agenda item will be provided for the Board on the March 7 agenda to revise the Code to reflect these changes. Because this is the only meeting prior to the TIF Commission meeting discussing the 110 Smithville TIF and we believe the City Code should accurately reflect the TIF statute's requirements, the Ordinance will need to be approved as an Emergency on first reading.

### **Communication from School District Regarding Tax Increment Financing**

Attached is a letter from Interim Superintendent of Schools Denise Harwood regarding recent action by the Board of Education regarding Tax Increment Financing. If you have any questions about this communication, please contact me.

### **Business Licensing**

During public comment at the February 7 Board meeting, questions were posed regarding business licensing requirements. The state legislature made some changes last session which affect licensing and staff continues to evaluate those changes and will provide follow up information to the Board at the March 7 meeting.

### **Snow Response – February 9**

The snow event on February 9 took much of the metro area by surprise as it was not initially forecasted. Due to the fact the bulk of the storm occurred in the early hours of the morning, removal created issues during the morning commute. Seven employees from the Street Division were called in at 6:00 am and were joined by crews from R&S Lawn Service (three men and three trucks). The snow started falling early in the morning and by the time it had stopped, the city had received 2½ to 3 inches of very wet and heavy snow.

The temperature at the start of the snow event was 33 degrees and raised to 40+ degrees later in the day. Both the City's staff and R&S used about 15 tons of salt to clear the roads, with a focus on hills and stop signs. No brine was used for pretreating as the city received rain prior to the snowfall.

There have been reports of damaged mailboxes, with three incidents reported in Greyhawke and one each on Eagle Parkway and 134<sup>th</sup>. Additionally, there have been reports of snow piles in front of mailboxes in various parts of the city. Staff addressed these issues the next day. R&S stated that they will take care of the mailbox damage they may have caused.

### **Meeting Schedule**

Just a reminder that a number of upcoming meetings have been cancelled or moved:

- The March 21 meeting is cancelled due to Spring Break
- The April 4 meeting is moved to April 3 due to the April 4 municipal election
- The July 4 meeting is cancelled for the Holiday and City Hall is closed July 3 & 4
- The August 1 meeting has been cancelled as Mayor Boley will be out of town.



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Police Department

**AGENDA ITEM:** Bill No. 2974-23, Repealing Ordinance Section 100.220 and Replacing it with a New Ordinance Section 100.220 Regarding General Penalties. 2<sup>nd</sup> Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2974-23, to repeal ordinance section 100.220 regarding general penalties and enacting in its place new ordinance section 100.220 regarding general penalties. Second reading by title only.

**SUMMARY:**

With the passage of Amendment 3, regarding recreational marijuana, on November 8, 2022, the City's legal counsel has identified ordinances that need to be updated. Ordinance 100.220 is one of these ordinances.

**PREVIOUS ACTION:**

NA

**POLICY ISSUE:**

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

**ORDINANCE REPEALING ORDINANCE SECTION 100.220 REGARDING GENERAL  
PENALTIES AND ENACTING IN ITS PLACE  
NEW ORDINANCE SECTION 100.220 REGARDING GENERAL PENALTIES**

WHEREAS Section 100.220 - General Penalty currently reads as follows:

**Section 100.220 General Penalty.**

**A.** General Penalty.

**1.** Except as hereinafter provided, whenever in this Code or in any other ordinance of this City or in any rule, regulation, notice or order promulgated pursuant to such Code or other such ordinance of the City any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or whenever in such code or in such other City ordinance, rule, regulation, notice or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty or an amount not to exceed the statutory maximum, and no other, shall be imposed for such offense, except that imprisonment may be made in the City Jail or workhouse instead of the County Jail.

**2.** Whenever any provision of the Missouri Constitution, Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance or rule, regulation, notice or order promulgated pursuant thereto a fine of less amount than that provided in this Section, then the violation of such particular provision in this Code or other City ordinance, rule regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.

**B.** Continuing Violation. A separate offense shall be deemed committed upon each day during or on which a violation of this Code or any other City ordinance, rule, regulation, notice or order promulgated pursuant thereto, occurs, or continues, unless otherwise provided.

WHEREAS, in lieu of the adoption of Missouri Constitutional Amendment XIV, changes are needed to the Ordinances to address civil penalties authorized by and limited by such Amendment.

WHEREAS, changes need to be made to Section 100.220 to address and establish civil penalties.

WHEREAS the City of Smithville wishes to revise Section 100.220 to read as follows:

### **Section 100.220 General Penalty.**

#### **A.** General Penalty.

**1.** Except as hereinafter provided, whenever in this Code or in any other ordinance of this City or in any rule, regulation, notice or order promulgated pursuant to such Code or other such ordinance of the City any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or whenever in such code or in such other City ordinance, rule, regulation, notice or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty or an amount not to exceed the statutory maximum, and no other, shall be imposed for such offense, except that imprisonment may be made in the City Jail or workhouse instead of the County Jail.

**2.** Whenever any provision of the Missouri Constitution, Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance or rule, regulation, notice or order promulgated pursuant thereto a fine of less amount than that provided in this Section, then the violation of such particular provision in this Code or other City ordinance, rule regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment or civil penalty so authorized, or by both such fine and imprisonment.

**3.** Regarding acts referenced in Missouri Constitutional Amendment XIV, penalties shall be civil penalties as authorized and limited by Amendment XIV.

**B.** Continuing Violation. A separate offense shall be deemed committed upon each day during or on which a violation of this Code or any other City ordinance, rule, regulation, notice or order promulgated pursuant thereto, occurs, or continues, unless otherwise provided.

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

Effective Immediately Smithville City Ordinance Sections §100.220 regarding General Penalties is repealed, and new Sections 100.220 is adopted which shall read as follow:

**Section 100.220 General Penalty.**

**A.** General Penalty.

**1.** Except as hereinafter provided, whenever in this Code or in any other ordinance of this City or in any rule, regulation, notice or order promulgated pursuant to such Code or other such ordinance of the City any act is prohibited or is made or declared to be unlawful or any offense or a misdemeanor, or whenever in such code or in such other City ordinance, rule, regulation, notice or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding ninety (90) days or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty or an amount not to exceed the statutory maximum, and no other, shall be imposed for such offense, except that imprisonment may be made in the City Jail or workhouse instead of the County Jail.

**2.** Whenever any provision of the Missouri Constitution, Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance or rule, regulation, notice or order promulgated pursuant thereto a fine of less amount than that provided in this Section, then the violation of such particular provision in this Code or other City ordinance, rule regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment or civil penalty so authorized, or by both such fine and imprisonment.

**3.** Regarding acts referenced in Missouri Constitutional Amendment XIV, penalties shall be civil penalties as authorized and limited by Amendment XIV.

**B.** Continuing Violation. A separate offense shall be deemed committed upon each day during or on which a violation of this Code or any other City ordinance, rule, regulation, notice or order promulgated pursuant thereto, occurs, or continues, unless otherwise provided.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> of February 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

1<sup>st</sup> reading 02/07/2023

2<sup>nd</sup> reading 02/21/2023



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Police Department

**AGENDA ITEM:** Bill No. 2975-23 - Repealing Ordinance Sections 205.1800 and 205.1810 and Replacing it with a New Ordinance Sections 205.1800 and 205.1810 Regarding Use, Consumption or Possession of Marijuana and Controlled Substances. 2<sup>nd</sup> Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2975-23, to repeal Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances and enacting in its place new Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances. Second reading by title only.

**SUMMARY:**

With the passage of Amendment 3, regarding recreational marijuana, on November 8, 2022, the City's legal counsel has identified ordinances that need to be updated. Sections 205.1800 and 205.1810 are two of these ordinances.

**PREVIOUS ACTION:**

NA

**POLICY ISSUE:**

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**ORDINANCE REPEALING ORDINANCE SECTIONS 205.1800 AND 205.1810  
REGARDING USE, CONSUMPTION OR POSSESSION OF MARIJUANA AND  
CONTROLLED SUBSTANCES AND ENACTING IN ITS PLACE  
NEW ORDINANCE SECTIONS 205.1800 AND 205.1810 REGARDING USE,  
CONSUMPTION OR POSSESSION OF MARIJUANA AND CONTROLLED SUBSTANCES**

WHEREAS Sections 205.1800 and 205.1810 currently reads as follows:

**Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid. [**

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**Section 205.1810 Possession Of A Controlled Substance. [1]**

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

WHEREAS, in lieu of the adoption of Section 2 of Missouri Constitutional Amendment XIV, changes are needed to the Ordinances to address use of Marijuana while operating or in a motor vehicle or other vehicles, which is still not authorized.

WHEREAS, changes need to be made to Sections 205.1800 and 205.1810 to address the "use" or "consumption" of marijuana while in such vehicles

WHEREAS the City of Smithville wishes to revise Sections 205.1800 and 205.1810 to read as follows:

**Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid.**

A person commits the offense of use of, consumption of or possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**Section 205.1810 Possession Of A Controlled Substance.**

A person commits the offense of use of, consumption of or possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

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

Effective Immediately Smithville City Ordinance Sections §205.1800 and 205.1810 regarding drugs are repealed, and new Sections 205.1800 and 205.1810 are adopted which shall read as follow:

**Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid.**

A person commits the offense of use of, consumption of or possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**Section 205.1810 Possession Of A Controlled Substance.**

A person commits the offense of use of, consumption of or possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th of February 2023.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

1<sup>st</sup> reading 02/07/2023

2<sup>nd</sup> reading 02/21/2023



## Board of Aldermen Request for Action

**MEETING DATE:** 2/7/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2976-23 - Electric Fence Regulations - 2<sup>nd</sup> Reading

---

**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2976-23, Electric Fence Regulations for Second Reading by title only.

**SUMMARY:**

The ordinance would authorize electric fences in both A-1 and Industrial zones, subject to certain performance standards.

**BACKGROUND:**

A local business owner suffered some thefts from his storage lot and requested that the Board consider amending the ordinances that prohibited electric fences except in Agricultural districts. Following a work session on electric fences, and various potential provisions, the Board directed staff to draft an ordinance like the Kansas City Missouri ordinance for industrial properties in Smithville. That ordinance is attached.

**PREVIOUS ACTION:**

The Board adopted Ord. 1742-97 in July of 1997 to regulate electric fences.

**POLICY ISSUE:**

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

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance                                    | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution  | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report  | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other: <a href="#">Click or tap here to enter text.</a> |                                   |

**AN ORDINANCE AMENDING SECTION 525.040 OF THE CODE OF  
ORDINANCES REGULATING ELECTRIC FENCES**

**WHEREAS**, the Board of Aldermen adopted ordinance 1742-97 on July 15, 1997 to enact regulations for the use and construction of electric fences; and

**WHEREAS**, the Board of Aldermen conducted a work session on January 17, 2023, concerning amending electric fence regulations to allow expanded, limited use of electric fences with certain performance standards; and,

**WHEREAS**, the Board of Aldermen deems it in the best interest of public safety to regulation the location and installation of electric fences;

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

Section 1. Section 525.040 of the Code of Ordinances is hereby repealed in its entirety and replaced with a new Section 525.040, to be numbered and read as follows:

**SECTION 525.040 REGULATIONS CONCERNING ELECTRIC FENCES**

A. All fences containing uninsulated electric conductors that may be exposed to human contact otherwise prohibited in the zoning code are permitted as contained herein and must meet or exceed the following standards:

(a) In Industrial zones:

- (1) Must obtain a separate fence permit for the electric fence, which is in addition to the permit required for the primary, non-electric fence required in (4) below.
- (2) The system may not exceed twelve (12) volts.
- (3) The system used to energize the electric fence must be listed by a national testing agency such as UL or ETL.
- (4) The entire electric fence must be inside or enclosed by a primary non- electric perimeter security fence a minimum of 6 feet in height and located no closer than 5 feet to the electric fence.
- (5) Warning signs must be displayed every fifty (50) feet clearly identifying the fence as an electric fence.

(b) In Agricultural zone 1, Electric fences may be installed not closer than seventy-five (75) feet from the property line of any adjacent property located in a district that is not allowed to install an electric fence, and not

within 5 feet of any other property line, and no permit is required for such installation.

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

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> of February 2023.

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Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

1st reading: 02/07/2023

2nd reading: 02/21/2023



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2977-23 Fairview Crossing North Conceptual Plan Approval – 1st reading by title only.

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**RECOMMENDED ACTION:**

A motion to approve Bill No. 2977-23 for first reading by title only for Fairview Crossing North Conceptual Plan Approval.

**SUMMARY:**

Approving this ordinance would create an overlay district at property located at the southeast corner of Highway 169 and Commercial Street to allow a new retail/commercial subdivision to be called Fairview Crossing North.

**BACKGROUND:**

This project is on the 7.5-acre parcel at the southeast corner of Highway 169 and Commercial Street, the former location of the Hershewe Strip Mall. The applicant acquired the property after reviewing the Smithville Comprehensive Plan 2030, and preparing for development the Fairview Crossing Conceptual plan immediately south of this location. This Conceptual Plan would tie both Fairview Crossing and Fairview Crossing North together with a common access to Highway 169 at a new 147<sup>th</sup> Street. The plan would allow creation of 6 retail commercial lots with a new street that accesses Commercial Street, and ultimately will travel through the Fairview Crossing development all the way to 144<sup>th</sup> Street.

The conceptual plan process allows developers to create cohesive developments with variances from some of the lot size and access restrictions contained in the zoning code so long as the plan meets the intent of the underlying district designation. The approval of a conceptual plan sets the limits of what can be constructed upon the property but gives the developer flexibility to adjust the project to the market, so long as the densities of buildings, parking requirements, stormwater management and availability of services is otherwise met.

A conceptual plan is not to be considered as a subdivision that creates separate lots, but as a plan of use and development within the approved scope of that plan. Any subdivision of land for the project is subject to the parameters of this plan but includes substantial additional review matters to be handled separately. The applicant has also requested a preliminary plat approval for the subdivision, which is set for approval only following the passage of this conceptual plan.

The Development, Public Works, Utilities Departments and MoDOT have approved the traffic study and/or the stormwater studies required for the subdivision this conceptual plan authorizes. Following a public hearing at the February 14, 2023 Planning and Zoning Commission meeting, the Commission voted to recommend approval of this Conceptual Plan.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

Comprehensive Plan Development

**FINANCIAL CONSIDERATIONS:**

No budgetary impact

**ATTACHMENTS:**

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

- ☐ Contract
- ☒ Plans
- ☐ Minutes



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2977-23 Fairview Crossing North Conceptual Plan Approval – 1st reading by title only.

---

**RECOMMENDED ACTION:**

A motion to approve Bill No. 2977-23 for first reading by title only for Fairview Crossing North Conceptual Plan Approval.

**SUMMARY:**

Approving this ordinance would create an overlay district at property located at the southeast corner of Highway 169 and Commercial Street to allow a new retail/commercial subdivision to be called Fairview Crossing North.

**BACKGROUND:**

This project is on the 7.5-acre parcel at the southeast corner of Highway 169 and Commercial Street, the former location of the Hershewe Strip Mall. The applicant acquired the property after reviewing the Smithville Comprehensive Plan 2030, and preparing for development the Fairview Crossing Conceptual plan immediately south of this location. This Conceptual Plan would tie both Fairview Crossing and Fairview Crossing North together with a common access to Highway 169 at a new 147<sup>th</sup> Street. The plan would allow creation of 6 retail commercial lots with a new street that accesses Commercial Street, and ultimately will travel through the Fairview Crossing development all the way to 144<sup>th</sup> Street.

The conceptual plan process allows developers to create cohesive developments with variances from some of the lot size and access restrictions contained in the zoning code so long as the plan meets the intent of the underlying district designation. The approval of a conceptual plan sets the limits of what can be constructed upon the property but gives the developer flexibility to adjust the project to the market, so long as the densities of buildings, parking requirements, stormwater management and availability of services is otherwise met.

A conceptual plan is not to be considered as a subdivision that creates separate lots, but as a plan of use and development within the approved scope of that plan. Any subdivision of land for the project is subject to the parameters of this plan but includes substantial additional review matters to be handled separately. The applicant has also requested a preliminary plat approval for the subdivision, which is set for approval only following the passage of this conceptual plan.

The Development, Public Works, Utilities Departments and MoDOT have approved the traffic study and/or the stormwater studies required for the subdivision this conceptual plan authorizes. Following a public hearing at the February 14, 2023 Planning and Zoning Commission meeting, the Commission voted to recommend approval of this Conceptual Plan.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

Comprehensive Plan Development

**FINANCIAL CONSIDERATIONS:**

No budgetary impact

**ATTACHMENTS:**

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

- ☐ Contract
- ☒ Plans
- ☐ Minutes



February 8, 2023

Conceptual Plan Approval of Clay County Parcel Id #05-917-00-07-008.00

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Application for a Conceptual Plan Approval – Fairview Crossing North

Code Sections:

400.200 et seq.      Planned Development Overlay District

#### GENERAL DESCRIPTION:

The property is currently the former location of an 11-unit, 15,000 ft<sup>2</sup> strip mall at 1601 S. 169 Hwy that was demolished in 2021. The proposed conceptual plan is for dividing this 7.63-acre parcel that surrounds the Central Bank of the Midwest Facility into 6 individual lots with slight variances to the minimum lot frontages with sizes ranging from .92 acre to .99 acre. The accompanying plat includes two new public streets, one from Commercial St., south to a new 147<sup>th</sup> St. that accesses N. 169 Hwy. The 147<sup>th</sup> St. access will also connect to Fairview Crossing subdivision to the south. The conceptual plan limits the total lot coverage calculation to less than 10%, which is substantially lower than the allowed 50% coverage.

The plan identifies a minimum 30ft wide drainage and utility easement (to limit disturbance from construction) on the entire east side of the parcel, with specific instructions to preserve existing trees within this area to improve the overall landscape buffering.



400.200.B.3 Guidelines for review of a conceptual development plan for a Planned Development Overlay District, the Commission shall consider the requirements in the site plan review provisions in Section 400.390 through 400.440 when evaluating the following:

a. Topography; to ensure the site is suitable for development, and buildings are located and arranged in appropriate areas.

**Development placement specifically preserves as much as possible for utility construction, the existing good vegetation in the natural drainage area on the east. The lowest portion of the parcel is located in the southeast corner, and this area will be used to create the dry-bottom stormwater detention basin.**

b. Parking; to ensure the proposed development contains an adequate amount of parking and is located in an appropriate area or adequately screened. Generally, the parking should conform to the required number of spaces appropriate to the development type as contained in Section 400.470. The

Commission may allow a deviation from these parking requirements should the applicant show an adequate amount of parking exists.

**Development is laid out in a fashion to meet the site plan requirements on all the lots. The development has no specific tenants identified, but the parking calculation assumes the highest parking requirements (1 per each 200 ft<sup>2</sup>) and assumes each building as a white box. Upon development, all areas not specifically used for retail display inside the buildings will be removed from this calculation and thereby improve the parking levels. As with all conceptual plans, this proposed plan represents the maximum density, number of buildings and number of lots allowed. If the development seeks to reduce the overall density or number of buildings or lots during the sales portion of the development, there is no restriction. If, however, the development seeks to increase any of these levels during development, a new plan, and new hearings must occur.**

c. Setbacks: to ensure buildings provide for adequate light, air, and privacy protection by providing appropriate proportion between buildings, and adequate separation between buildings and adjoining properties.

**Development leaves ample spacing between the proposed buildings, as well as the existing properties to the east, including preserving as many natural trees as possible in the 30' easement on the east.**

d. Architecture: to ensure the architectural theme is compatible and consistent throughout the project and is reasonably compatible with surrounding developments.

**The Development is without tenants and seeks to create the overall look of the development without limiting potential tenants. Therefore, this Conceptual plan will require independent site plan reviews of each proposed building and must meet the site plan requirements in existence at the time of construction, but only to the buildings. All other elements are identified and required as shown herein. Sales adjustments may reduce density, parking or other requirements, but the levels approved cannot increase or decrease as the case may be.**

e. Site plan: to ensure the location and arrangement of buildings, signs and other structures are appropriate for the site, existing and proposed streets, drives and public ways are arranged appropriately and to ensure site drainage has been adequately addressed.

**Development prepared and submitted a Stormwater Study that was reviewed by the City's engineers. Based upon Engineering comments, the development has agreed to construct the required detention structures and update the study in accordance with the final, approved construction plans prior to commencement of work. As this property drains naturally to the adjacent subdivision to the south, detention here is required to protect the detention in the development to the south, as well as all properties further east.**

f. Landscaping; to ensure the development provides adequate landscaping to provide a pleasant environment, to enhance the building's appearance, to ensure existing significant trees are adequately protected.

**The Development has a large abundance of existing vegetation on the east, but much of it is of limited quality. The plan keeps the existing vegetation along the east intact as much as possible inside a 30' easement buffer area. The existing vegetation is used in the buffering calculations, and the landscape plan includes additional shrub level plantings surrounding the dumpster enclosures.**

g. Any other feature or issue associated with the State zoning and planning enabling legislation or the Comprehensive Plan for the City of Smithville for which the Commission feels is appropriate and relevant to the development of the site.

**Developer submitted a Traffic Study which indicated that the design layout meets all AASHTO and MODOT guidelines and no turn lanes are warranted at any location. The Comprehensive plan calls for Commercial development at this location, and requires connectivity for pedestrian uses, all which are included. This proposal meets the Comprehensive plans goal of "Foster an Engaging Hwy 169 corridor Experience" by complying with Action item ST2.1 under the Small Feel pillar of the City's strategic Plan.**

**ST2.1 – "Encourage high quality, mixed-use corridor experience along Hwy 169 between the southern municipality boundary and Route 92"**

#### STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Conceptual plan based upon adherence to the conditions contained in this report, and specifically includes the following recommended findings as contained in 400.200.B.4:

1. That the Commission has reviewed the conceptual development plan with consideration of the issues contained in Subsection (B)(3) above; and
2. That the conceptual development plan is in conformance with the comprehensive land use plan and other appropriate Sections of the Code of Ordinances; and
3. That the conceptual development plan provides for an organized and unified system of land use intensities which are compatible with the surrounding areas; and
4. That the proposed development adequately protects the health, safety and general welfare of future and existing residents and property owners in and around the development.

Respectfully Submitted,

/s/ Jack Hendrix

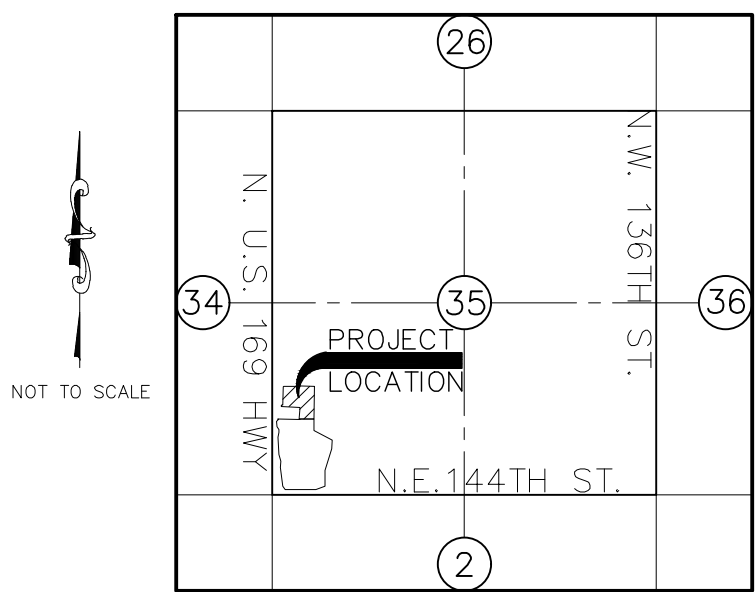
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Director of Development

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35  
TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI

**DEVELOPER**  
KANSAS CITY PROPERTIES & INVESTMENTS, LLC  
13530 MOUNT OLIVET ROAD  
SMITHVILLE, MO. 64089  
CONTACT: SHANE CREESE  
PHONE: 816-719-9327  
E-MAIL: SHANE@KCASINC.COM

**PREPARED BY**  
KAW VALLEY ENGINEERING  
8040 N. OAK TRAFFICWAY  
CONTACT: PHILLIP SCHNITZ  
PHONE: 816-468-5858  
E-MAIL: SCHNITZ@KVENG.COM



LOCATION MAP

SECTION 35 – TOWNSHIP 53 NORTH – RANGE 33 WEST  
CITY OF SMITHVILLE, MISSOURI

GENERAL NOTES:

1. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH LAWS AND STANDARDS FOR THE STATE OF MISSOURI.
  2. ALL INTERNAL AND EXTERNAL BOUNDARY LINES ARE CONTIGUOUS WITHIN THE SURVEYED PROPERTY AND THE ADJOINING PARCELS.
  3. SUBJECT PROPERTY HAS DIRECT ACCESS TO RICHARDSON STREET, A DEDICATED PUBLIC STREET.
- TRACT III HAS NO ACCESS TO A PUBLIC STREET.

SURVEYOR'S DESCRIPTION:

ALL OF A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE S 1° 03' 09" W, A DISTANCE OF 65.22 FEET, THENCE S 88° 56' 51" E, A DISTANCE OF 132.61 FEET, TO THE POINT OF BEGINNING;

THENCE S 89°09'17" E, A DISTANCE OF 281.90 FEET,  
THENCE N 0°50'43" E, A DISTANCE OF 5.93 FEET,  
THENCE S 89°09'17" E, A DISTANCE OF 316.26 FEET,  
THENCE S 0°57'10" W, A DISTANCE OF 671.45 FEET,  
THENCE N 89°12'40" W, A DISTANCE OF 598.24 FEET,  
THENCE N 0°08'44" E, A DISTANCE OF 25.84 FEET,  
THENCE S 89°09'16" E, A DISTANCE OF 309.78 FEET,  
THENCE N 3°24'36" E, A DISTANCE OF 230.72 FEET,  
THENCE N 86°35'24" W, A DISTANCE OF 364.08 FEET,  
THENCE N 2°56'23" E, A DISTANCE OF 25.77 FEET,  
THENCE S 88°48'22" E, A DISTANCE OF 21.32 FEET,  
THENCE N 3°09'37" E, A DISTANCE OF 359.35 FEET,  
THENCE N 44°46'45" E, A DISTANCE OF 12.25 FEET, TO THE POINT OF  
BEGINNING.

CONTAINS 332,160 SQ. FT. OR 7.63 ACRES

CURVE TABLE						
CURVE	CHORD BEARING	CHORD	LENGTH	TANGENT	RADIUS	DELTA
C1	N 21°41'37" W	53.66'	55.07'	29.05'	70.00'	45°04'41"
C2	S 21°41'37" E	99.66'	102.28'	53.95'	130.00'	45°04'41"
C3	N 20°24'41" W	105.01'	108.51'	58.08'	122.80'	50°37'36"
C4	S 20°24'41" E	54.88'	56.79'	30.50'	62.80'	51°48'55"
C5	N 46°41'26" E	178.25'	196.40'	122.42'	130.00'	86°33'39"

## PROPOSED ZONING










LOT 1	B-3-P
LOT 2	B-3-P
LOT 3	B-3-P
LOT 4	B-3-P
LOT 5	B-3-P
LOT 6	B-3-P

\*BUILDING HEIGHTS – TBD

LOT COVERAGE

DESCRIPTION	SITE ACRES	SITE SF	COVERAGE	LOT COVERAGE
SITE	7.63 ACRES	332,161 SF		
BUILDING			23,400 SF	7.04%
HARD SURFACE			189,947 SF	57.19%
OPEN AREA			118,814 SF	35.77%
TOTALS	7.63 ACRES	332,161 SF	332,161 SF	100%

LEGEND

- |  |   |                           |                                  |
|--|---|---------------------------|----------------------------------|
| △ SECTION CORNER, UNDETERMINED ORIGIN UNLESS OTHERWISE NOTED |  | TREELINE                  | ⊙ COMPACT PARKING STALL          |
| ○ MONUMENT FOUND, UNDETERMINED ORIGIN UNLESS OTHERWISE NOTED |  | FENCE—BARB WIRE           | R/W RIGHT OF WAY                 |
| ○ 1/2" x 24" REBAR W/LS 214F CAP SET                         |  | FENCE—CHAIN LINK          | SQ. FT. SQUARE FEET              |
| (M) MEASURED   |  | FENCE—WOOD                | B/B BACK OF CURB TO BACK OF CURB |
| DECIDUOUS TREE   |  | UNDERGROUND ELECTRIC LINE | ASPH ASPHALT                     |
| EVERGREEN TREE   |  | GAS LINE                  | CONC CONCRETE                    |
| UTILITY POLE   |  | UNDERGROUND TELEPHONE     | RCP REINFORCED CONCRETE PIPE     |
| PARKING STALL COUNT  |  | WATER LINE                |                                  |
|  |  | LINE NOT DRAWN TO SCALE   |                                  |

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE UTILITIES, AND THE SCALING AND PLOTTING OF EXISTING UTILITIES DRAWINGS AVAILABLE TO THE SURVEYOR. AT THE TIME OF SURVEY, THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES BY EXCAVATION ARE NOT OTHERWISE NOTED ON THIS SURVEY.

FLOOD STATEMENT:

THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN HEREON IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE SURVEYED PROPERTY LIES WITHIN FLOOD HAZARD ZONE "X" NON-SHADED, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," AS SAID PROPERTY PLOTS BY SCALE ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF SMITHVILLE, (COMMUNITY PANEL NUMBER 29047C0102E. EFFECTIVE ON 08/03/2015.



**Know what's below.**  
**Call** before you dig.

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# FAIRVIEW CROSSING NORTH

1601 N. 169 HWY

# PLANNED OVERLAY DEVELOPMENT PLAN SITE PLAN

PROJ. NO.		B20D4001	
DESIGNER		DRAWN BY	
MTA		JAD	
CFN			
4001DEV-SP			
SHEET		REV	
P01		0	

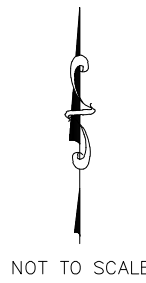
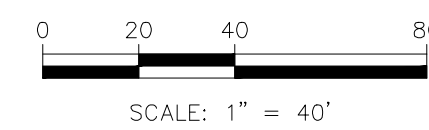


A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35,  
TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI

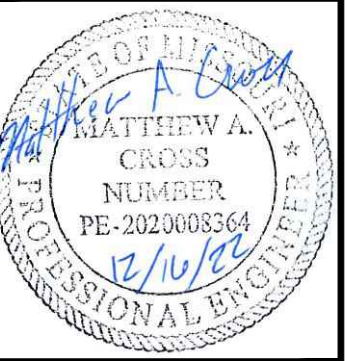
**PREPARED BY**  
KAW VALLEY ENGINEERING  
8040 N. OAK TRAFFICWAY  
CONTACT: PHILLIP SCHNITZ  
PHONE: 816-468-5858  
E-MAIL: SCHNITZ@KVENG.COM

LOCATION MAP

SECTION 35 — TOWNSHIP 53 NORTH — RANGE 33 WEST  
CITY OF SMITHVILLE, MISSOURI



0	12/16/22	INITIAL SUBMITTAL	P.J.S.	JAD	
REV	DATE	DESCRIPTION	DSN	DWN	CHK



**KAW VALLEY ENGINEERING**

8040 N. OAK TRAFFICWAY  
KANSAS CITY, MISSOURI 64118  
PH. (816) 468-3538 | FAX (816) 468-0651  
k-e-v.com | www.k-e-v.com

KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY # 000842. EXPIRES 12/31/2023

**FAIRVIEW CROSSING NORTH**  
1601 N. 169 HWY  
SMITHVILLE, MO 64089

**PLANNED OVERLAY DEVELOPMENT PLAN  
UTILITY PLAN**

PROJ. NO.		B20D4001	
DESIGNER		DRAWN BY	
MTA		JAD	
CFN			
4001DEV-UP			
SHEET		REV	
P03		0	

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PLANNED DEVELOPMENT OVERLAY PLAT  
**RICHARDSON STREET PLAZA**  
A REPLAT OF A PART OF TRACT O, "STEWART COMMERCIAL PARK,"  
SMITHVILLE, CLAY COUNTY, MISSOURI  
NE ¼, SEC. 27 – T53N – R33W & NW ¼, SEC. 26 – T53N – R33W

**DEVELOPER**  
KANSAS CITY PROPERTIES & INVESTMENTS, LLC  
13530 MOUNT OLIVET ROAD  
SMITHVILLE, MO. 64089  
CONTACT: SHANE CREESE  
PHONE: 816-719-9327  
E-MAIL: SHANE@KASINC.COM

**PREPARED BY**  
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8040 N. OAK TRAFFICWAY  
CONTACT: PHILLIP SCHNITZ  
PHONE: 816-468-5858  
E-MAIL: SCHNITZ@KVENG.COM

0 30 60 120  
SCALE: 1" = 60'

NOT TO SCALE

**LOCATION MAP**  
SECTION 35 – TOWNSHIP 53 NORTH – RANGE 33 WEST  
CITY OF SMITHVILLE, MISSOURI

NO.	PROPERTY IDENTIFICATION NUMBER	PROPERTY OWNER	PROPERTY ADDRESS
1	5816000400600	DEL PICO THOMAS & DENISE LINVILLE, ETAL	1514 S 169 HWY
2	5816000400700	EVERGY	14802 N 169 HWY
3	5820000200100	MCGG PROPERTIES, LLC.	14790 N 169 HWY
4	5820000200200	MCMLLEN ENTERPRISES INC	NOT LISTED
5	5820000200300	J & S RECREATIONAL STORAGE, LLC.	14600 N 169 HWY
6	5917000700500	KANSAS CITY PROPERTIES & INVESTMENTS LLC	NOT LISTED
7	5917000700700	PLATTE VALLEY BANK OF MISSOURI	1603 S 169 HWY
8	5913000101800	MCDONALD'S CORP	1515 S 169 HWY
9	5913000101700	JAMES W & DEBORAH J WAGY	NOT LISTED
10	5913000101600	PAROYA PETROLEUM, INC.	1516 S COMMERCIAL ST
11	5913000101500	MEG DEVELOPMENT, LLC.	14802 SHAMROCK WAY
12	5917000300100	HILLS OF SHANNON HOMES ASSOCIATION	NOT LISTED
13	5917000100100	HILLS OF SHANNON HOMES ASSOCIATION	NOT LISTED
14	5913000300600	ASHMONT HOMES ASSOCIATION INC	NOT LISTED
15	5913000300203	HAGEN BROS CONSTRUCTION LLC	NOT LISTED
16	5913000300202	CARMEN XAVIER, ETAL	14804 ASHMONT LN
17	5917000100200	JACK L & YANG SOON WOODS, ETAL	200 SHANNON AVE
18	5917000100300	MATTHEW BLAKE BRINER	202 SHANNON AVE
19	5917000300200	LORI M ELLIOTT & MATTHEW J SHARPE	14706 SHAMROCK WAY
20	5917000300300	MICHAEL L, II & STEPHANIE RICE	14704 SHAMROCK WAY
21	5917000200100	MICHAEL B & SERENA E LOVING	14703 SHAMROCK WAY
22	5917000300400	RANDY & TONJA PALMER	14702 SHAMROCK WAY
23	5917000200200	JULIE R & DONALD WILLIAMS	100 KINSLEY CT
24	5917000300500	SETH & ASHLEY RULON	14700 SHAMROCK WAY
25	5917000300600	CHAD F HOLMES & DEBRA SCHOONOVER	102 HUDSON LN
26	5917000300700	DAVE & DONETTE MULLEN	104 HUDSON LN
27	5917000300800	KEVIN RAY & JERRI LYNN KASINGER	105 HUDSON LN
28	5917000300900	DAVID R. CHAMBERS	103 HUDSON LN
29	5917000301000	HILARY J MACIAS	101 HUDSON LN

PROJ. NO. B20D4001

DESIGNER MTA

CFN 4001DEV-250

SHEET P04

DRAWN BY JAD

REV 0

FAIRVIEW CROSSING NORTH  
1601 N. 169 HWY  
SMITHVILLE, MO 64089

PLANNED OVERLAY DEVELOPMENT PLAN  
250' SURROUNDING AREA

8040 N. OAK TRAFFICWAY  
KANSAS CITY, MISSOURI 64118  
PH: (816) 468-5858  
www.kveng.com

**KAW VALLEY ENGINEERING**  
KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY MISSOURI STATE CERTIFICATE OF AUTHORITY # 000842.  
EXPIRES 12/31/23

PROFESSIONAL ENGINEER  
MATTHEW A. CROOKS  
NUMBER  
PE-2020008364  
12/10/22

INITIAL SUBMITTAL

REV

DATE

DESCRIPTION

PJS

JAD

CHK

DSN

DWN

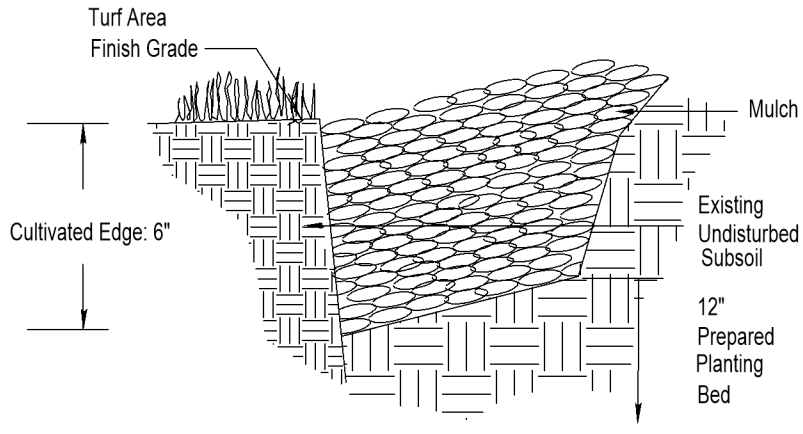
CHK

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# 1 LANDSCAPE PLAN

SCALE: 1"=40'-0"



## 2 CULTIVATED EDGE DETAIL

SCALE: NTS

- TREE PLANTING NOTES:
- DO NOT HEAVILY PRUNE THE TREE. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, & BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS & LATERAL BRANCHES MAY BE PRUNED. DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN
  - MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE
  - SET TOP OF ROOT BALL 1-2 INCHES HIGHER THAN SURROUNDING GRADE
  - APPLY 4"THK WOOD MULCH. DO NOT PLACE MULCH IN DIRECT CONTACT w/ TREE TRUNK
  - EACH TREE MUST BE PLANTED SUCH THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOT BALL w/ SOIL
  - REMOVE ALL TWINE, ROPE, WIRE AND BURLAP FROM THE UPPER 1/3 OF ROOT BALL (REMOVE WIRE BASKETS)
  - PLACE ALL ROOT BALLS ON UN-EXCAVATED OR TAMPED SOIL, TYP

## 3 PLANTING INSTALLATION DETAILS

SCALE: NTS

## Landscape Calculations

- Building Buffer Zones.
- For each sixty (60) linear feet of the building buffer zone, a minimum of one (1) deciduous tree is required.
  - For each seventy (70) linear feet of the building buffer zone, a minimum of one (1) ornamental flowering tree is required.
  - For each seventy-five (75) linear feet of the building buffer zone, a minimum of three (3) shrubs or low stature evergreen bushes is required.
- Requirements Met

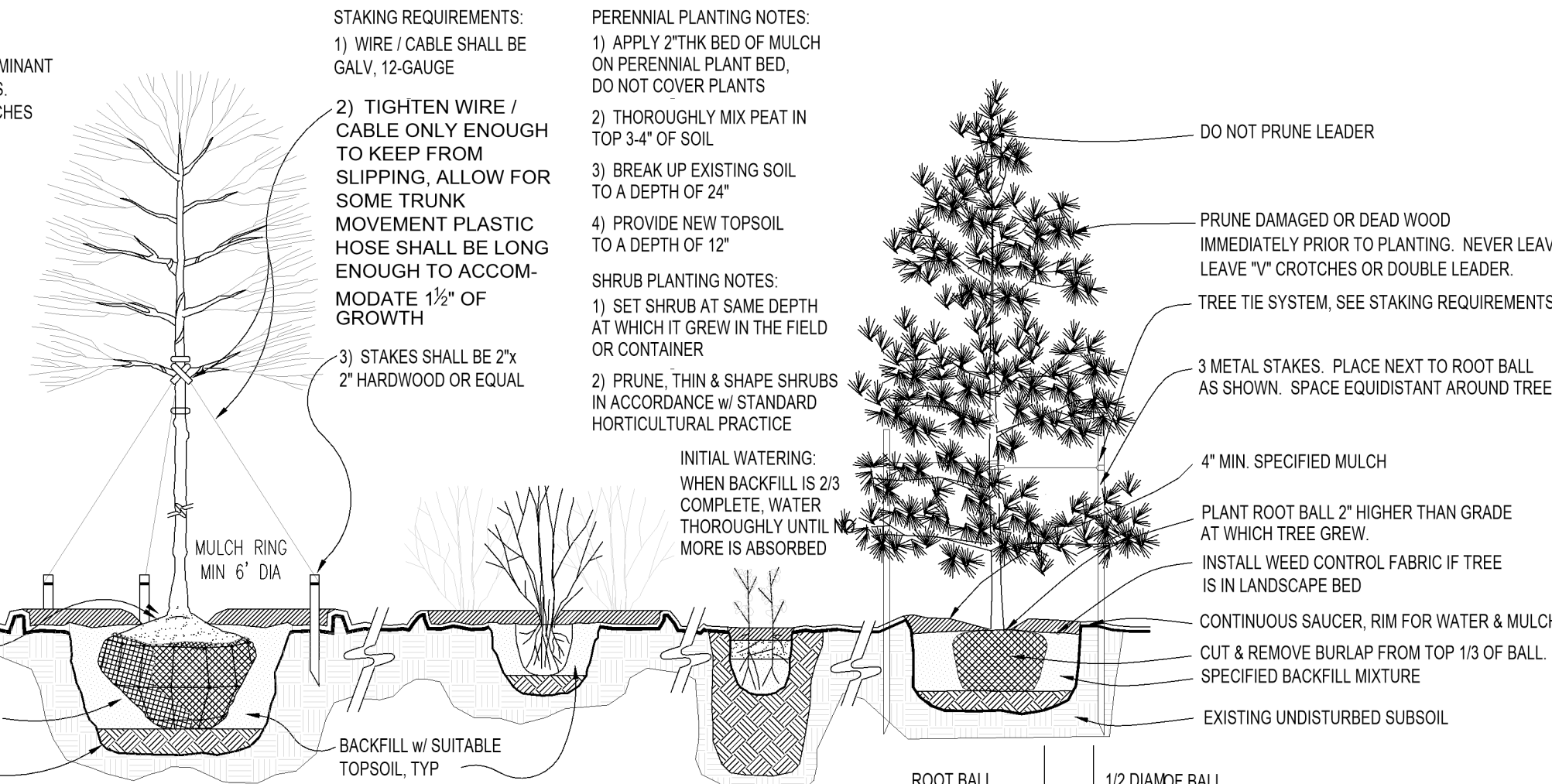
- Parking Buffer Zones
- For each sixty (60) linear feet of the parking buffer zone, one (1) deciduous or one (1) ornamental flowering tree is required.
  - For each fifty (50) linear feet of the parking buffer zone, one (1) shrub or low stature evergreen bush is required.
- Requirements Met

- Street Landscaping
- In areas where a parking lot is adjacent to the street, the plan shall include low hedges, ornamental grasses or low walls and one (1) ornamental flowering tree for every seventy-five (75) linear feet of property line. The number, size and spacing of low features and/or plantings shall be such that the parking lot shall be effectively screened from view without obstructing traffic movements from and to the lot.
  - In areas where the building is adjacent to the street, there shall be one (1) large stature deciduous tree or two (2) ornamental flowering trees for every seventy-five (75) linear feet and three (3) shrubs for every forty (40) linear feet of property line. Attractive clustering of the required plantings is encouraged.
- Requirements Met

- Landscape Screening
- Screening Of Trash Dumpsters And Storage Containers. All trash dumpsters and storage containers shall be screened on all sides with an enclosure equal to the height of the containers. Each enclosure shall consist of solid walls and shall match the color, materials and design of the building.
- Requirement Met

## Landscape Schedule

Symbol	Qty.	Botanical Name	Common Name	Min.Root	Min.Size	Caliper	Remarks
OVERSTORY TREES							
	0	Gleditsia triacanthos "Shademaster"	Shademaster Honeylocust			2.5"	6' min. clear., ground to canopy
	0	Acer x truncatum "Warrenred"	Pacific Sunset Maple			2.5"	6' min. clear., ground to canopy
EVERGREEN TREES							
	0	Juniperus chinensis "Keteleeri"	Keteleeri Juniper			6' ht.	symmetrical pyramidal form
ORNAMENTAL TREES							
	0	Cercis canadensis	Eastern Redbud			1.5"	
DECIDUOUS SHRUBS/GRASSES							
	0	Spiraea x bumalda "Limemound"	Limemound spirea		5 gal.		Plant @ 3' O.C.
	0	Hydrangea paniculata "Quick Fire"	Little Quick Fire Hydrangea		3 gal.		Plant @ 4' O.C.
	0	Syringa X "Penda"	Blooming Purple Lilac		5 gal.		Plant @ 5' O.C.
EVERGREEN SHRUBS							
	0	Juniperus chinensis "Sea Green"	Sea Green Juniper		3 gal.		Plant @ 4' O.C.
	0	Juniperus chinensis "Gold Coast"	Gold Coast Juniper		3 gal.		Plant @ 4' O.C.
	0	Juniperus chinensis "Spartan"	Spartan Juniper		5' ht.		Symmetrical pyramidal form
EXISTING TREES TO BE REMOVED							
		EXISTING TREES/SHRUBS TO BE PRESERVED					



## Planting Notes

- Location of all existing utilities needs to be done before commencing work.
- The planting plan graphically illustrates overall plant massings. Each plant species massing shall be placed in the field to utilize the greatest coverage of ground plane. The following applies for individual plantings:
  - Creeping groundcover shall be a minimum of 6" from paving edge.
  - All trees shall be a minimum of 3' from paving edge.
  - All plants of the same species shall be equally spaced apart and placed for best aesthetic viewing.
  - All shrubs shall be a minimum of 2' from paved edge.
  - Mulch all planting bed areas to a minimum depth of 3". Mulch individual trees to a minimum depth of 4".
  - Note: If plants are not labeled - they are existing and shall remain.
  - In the event of work in or on a JCW sanitary main, any trees or plantings placed within the sewer easement may be removed without replacement or compensation there-of and shall be replaced by the property owner as required by the City
  - All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.

- Materials:
- Plant material shall be healthy, vigorous, and free of disease and insects as per AAN standards.
  - Shredded bark mulch installed at trees shall be finely chipped and shredded hardwood chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting bed areas shall be free of all other foreign substances.

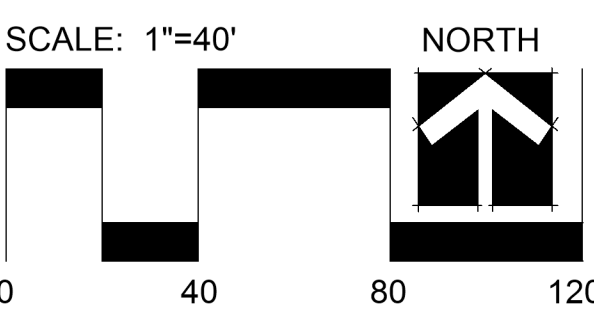
- Installation:
- All planting beds shall be amended with 1 cubic yard of peat moss per 1,000 square feet. Till peat moss into soil to a 6" depth. A 10-10-10 fertilizer shall be spread over all planting areas prior to planting, at a rate of 50 pounds per 2,000 square feet.
  - After plants have been installed, all planting beds shall be treated with Dacthal pre-emergent herbicide prior to mulch application.
  - Plant pit backfill for trees and shrubs shall be 50% peat or well composted manure and 50% topsoil.
  - Plant material shall be maintained and guaranteed for a period of one year after Owner's acceptance of finished job. All dead or damaged plant material shall be replaced at Landscape Contractor's expense.
  - Landscape contractor shall maintain all plant material until final acceptance, at which point the one year guarantee begins.

**MEIER**  
LANDSCAPE  
ARCHITECTURE  
15245 Metcalf Ave.  
Overland Park, KS 66223  
913.787.2817



CLIENT  
Smithville Commercial  
Center

PROJECT  
Smithville Commercial  
Center  
SE Cor US-169 Hwy and  
Commercial Ave.  
Smithville MO



Date: 12.16.2022  
Project #: 983  
Landscape Plan

L1



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2978-23, Rezoning the northeast corner of Second Creek and Lowman Road - 1<sup>st</sup> Reading

---

### **REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2971-22 for First Reading by Title Only to rezone the northeast corner of Second Creek and Lowman Road from A-1 to R-1B and R-3.

### **SUMMARY:**

The ordinance would change the zoning from agricultural to both single family and multifamily to accommodate a 53-lot single family and 17 lot two-family townhomes (87 dwellings) on 32.04 acres.

### **BACKGROUND:**

The property is currently zoned A-1 and was in the Lowman family for many years. The property was sold last year to a developer. This rezoning came to the Planning Commission in December of 2022 and was recommended for approval. Prior to the Board of Aldermen voting on the ordinance to rezone, it was discovered that an error related to the zoning of a property adjacent to the subject property was used in the Findings of Fact made by the Commission. As a result, the matter was brought back to the Planning Commission to reconsider their findings based upon the change of one adjacent property from R-3 Multifamily to B-3 General Business. At the February 14, 2023 hearing, the Commission made its new Findings of Fact and recommended approval of the rezoning.

The proposed Preliminary Plat is attached to identify the zoning district locations that would create 53 single family and 17 multifamily lots (for two family townhomes) and the description of the rezoning is the entire parcel would be R-1B, except the proposed lots 101-117, which would be R-3.

### **PREVIOUS ACTION:**

The A-1 zoning was in place since the property was annexed into the city. The matter was previously at the Planning Commission but returned due to a zoning designation error in the Findings of Fact.

### **POLICY ISSUE:**

Complies with the Comprehensive Plan uses for the area.

### **FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Ordinance  | <input type="checkbox"/> Contract         |
| <input type="checkbox"/> Resolution  | <input checked="" type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report   | <input type="checkbox"/> Minutes          |
| <input checked="" type="checkbox"/> Other: Findings of Fact; Planning and Zoning meeting is available for viewing online |   |

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

Applicant: LMW, Inc.

Land Use Proposed: R-1b and R-3

Zoning: A-1

Property Location: NE corner of Second Creek and Lowman Roads

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 13, 2022, 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 mix of a few single-family houses on agriculturally zoned land, B-3 land to the west across Lowman Road and farmland in unincorporated Clay County to the south. To the north is a new 10+ acre parcel that was originally part of this land but subdivided in 2022 that remains zoned A-1. Significantly larger residential subdivisions lie just west of the parcel, and the proposed Downtown overlay district is to the east.

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

The existing Comprehensive Plan was approved on November 10, 2020 and adopted as the Board policy on November 17, 2020. That plan included specific implementation measures based upon the 5 Strategic Pillars of the City's Strategic Plan. This parcel adjoins what is identified as the Downtown District Overlay to the east, would include trail connections with developments to the west and downtown and bridges the gap between existing developments with downtown. The Comprehensive Plan identifies 5 different Planning Goals for the strategic pillar entitled "Diverse Housing and Neighborhood Options." Each of those Planning Goals include several prioritized action steps to meet those goals. The following are the steps that this rezoning would assist to meet the stated goals:

**Housing 2.1** "Encourage infill residential development of underutilized sites prime for residential uses, particularly in and near Smithville's Downtown."

**Housing 3.1** "Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville."

**Housing 3.2** "Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities."

**Housing 4.2** "Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network."

**Housing 4.3** "Encourage new residential development in and near Smithville's Downtown to create a live, work, and play district."

3. *Adequacy of public utilities and other needed public services.*  
The application is to rezone to allow a 53 single-family and 17 multifamily lot subdivision to be constructed. All utilities and services are available on site and must be extended through this facility at the applicant's sole cost and expense.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*  
The current use is A-1, agricultural that was recently sold and divided off the original owner's house. The property's location is ideal for residential development with the new sewer interceptor, with new users assisting in paying for those improvements.
5. *Length of time the property has remained vacant as zoned.*  
The property was zoned to the existing district classification when annexed into the city. With the recent completion of gravity sewers along the property near the river, the land has become more developable.
6. *Compatibility of the proposed district classification with nearby properties.*  
The adjacent land (other than 3 houses on lots larger than 3 acres) is undeveloped farm or pastureland. Nearby is commercial land on the east in what is proposed to be the west end of the Downtown Overlay district, B-3 Commercial across Lowman Road with two larger subdivisions further to the west of that land. The city's sewer treatment plant is just north of the subject parcel as well.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*  
No detriment is anticipated to the adjacent housing or vacant lands.
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 February 14, 2023, 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 to R-1B and R-3 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 does recommend approval of rezoning the property to R-1b and R-3 as shown on the proposed preliminary plat.

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI AND ENTERING INTO A DEVELOPMENT AGREEMENT**

**WHEREAS**, The City of Smithville received an application for rezoning a portion of the property at the northeast corner of Second Creek and Lowman Roads on October 14, 2022; and

**WHEREAS**, the public was notified by publishing in the CT paper on November 24, 2022 and notices were mailed to adjoining property owners more than 15 days prior to the December 13 public hearing; and

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on December 13, 2022; and

**WHEREAS**, following the December public hearing it was discovered that part of the findings of fact were based upon an erroneous zoning designation on adjoining property that could impact one of those findings; and

**WHEREAS**, the city re-advertised for a new public hearing on January 26, 2023 and sent notices to adjoining property owners more than 15 days prior to a new public hearing on February 14, 2023; and,

**WHEREAS**, a Public Hearing was conducted before the Planning Commission on February 14, 2023 concerning a rezoning that would authorize creation of a residential subdivision with both R-1B single family and R-3 lots for a total of 87 dwellings on 32.04 acres; and

**WHEREAS**, the Planning Commission made and 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:

Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet; thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47 feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East, 104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West, 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 00 degrees 28 minutes 10 seconds West, 330.01 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter; thence along said West line of the Northwest Quarter of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning.

is hereby changed from A-1 to R-1B and R-3 in accordance with the attached proposed plat.

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 7<sup>th</sup> DAY OF MARCH, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 02/21/2023

Second Reading 03/07/2023



STAFF REPORT  
January 18, 2023  
Rezoning of Parcel Id # 05-504-00-01-010.01

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: Second Creek and Lowman Rd.  
Owner: LMW Investments  
Current Zoning: A-1  
Proposed Zoning: R-1B and R-3

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: January 26, 2023  
Letters to Property Owners w/in 185': January 26, 2023

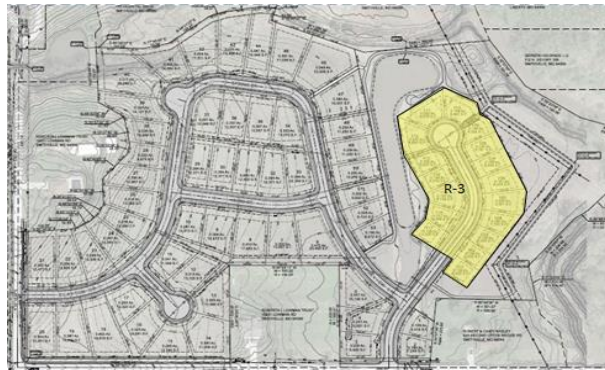
GENERAL DESCRIPTION:

This matter returns to the Planning Commission following its' prior approval of this rezoning. As a result of a discrepancy between the identified zoning of an adjacent property to the west and the actual zoning of that parcel, the Commission was given some incorrect information. Specifically, staff identified that the property to the west of the subject property was zoned R-3 (in accordance with a print version of the Clay County GIS map) that in fact, was actually zoned B-3.

After some investigation, it was determined that at some point prior to September 5, 2019, the Clay County GIS system inadvertently changed the zoning designation of the George Lowman property from B-3 to R-3 on its display. This change occurred at the GIS office level and was not as a result of any city process. In the last year, staff identified similar changes to several other properties at the County GIS level that were not changed through city processes. Those changes were also erroneous, and staff directed the GIS system correct those errors. That request is also pending for this newly

discovered error. In order to rectify this error, the matter comes back to the Planning Commission to consider the rezoning using the B-3 designation on the property to the west instead of the less impactful R-3 designation. Changes in the staff report are identified with an \*.

The applicant seeks to rezone approximately 32.04 acres +/- from A-1 to R-1B and a small section as R-3 as shown below. The rezoning would accommodate 53 single family lots on the high ground mainly on the west of the parcel and 17 multifamily lots to accommodate up to 34 dwelling units in two family townhomes in an area on the east of the parcel.



#### EXISTING ZONING:

The existing A-1 zoning predates the annexation into the city limits.

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

The surrounding area is generally large parcel agricultural land with a total of 3 houses contiguous to the overall parcel. In addition, the zoning map shows unincorporated county land to the south, B-3 commercial on the east side of the parcel in what it is proposed to be the Downtown overlay district and also *\*B-3 on the west side, across Lowman road\**. To the north is a new 10+ acre parcel zoned A-1. The existing contiguous houses are all located on lots larger than 3 acres.

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

The existing Comprehensive Plan was approved on November 10, 2020 and adopted as the Board policy on November 17, 2020. That plan included specific implementation measures based upon the 5 Strategic Pillars of the City's Strategic Plan. This parcel adjoins what is identified as the Downtown District Overlay to the east, would include trail connections with developments to the west and downtown and bridges the gap between existing developments with downtown. The Comprehensive Plan identifies 5 different Planning Goals for the strategic pillar entitled "Diverse Housing and Neighborhood Options." Each of

those Planning Goals include several prioritized action steps to meet those goals. The following are the steps that this rezoning would assist to meet the stated goals:

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**Housing 4.3** "Encourage new residential development in and near Smithville's Downtown to create a live, work, and play district."

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

##### Streets and Sidewalks:

Any development would be required to improve the adjacent streets, and depending upon the timing of any construction, would also be responsible to install some of the proposed 8' multiuse trail/sidewalk along Second Creek in the City's near future plans.

##### Water, Sewer and Storm water

The city recently completed the South Sewer Interceptor project through a portion of this parcel, so the land is ideally located for sewers. Water is located on both street sides of the lot, and any upgrades needed will be the developer's responsibility. The property includes both floodplain and floodway areas, so all stormwaters will flow directly into the floodplain and not impact adjacent properties. Any such impacts will be handled in the normal subdivision platting process, but the existing systems are more than adequate.

##### All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development.

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

The current use is A-1, agricultural that was recently sold and divided off of the original owner's house. The property's location is ideal for residential development with the new sewer interceptor, with new users assisting in paying for those improvements.

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

The property was zoned to its' existing district classification when annexed. Only a couple of houses, on septic systems, were constructed. The property is also just south of the city's sewer treatment plant, so the land has only been used as farm ground.

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

The proposed districts would, at full build out, have a density of 2.7 units per acre, which is less dense than most of the new developments over the last several years. This density (which includes the 17 multifamily lots) has not shown to be incompatible with larger lot housing anywhere in the city and when viewed on a larger scale, is very compatible with the entire area. *The placement of both R-1 and R-3 districts between \*existing B-3 districts on the east and west sides\* is compatible with those uses as well.*

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

No detrimental effects are known.

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

With no detrimental effects known, no great loss is expected.

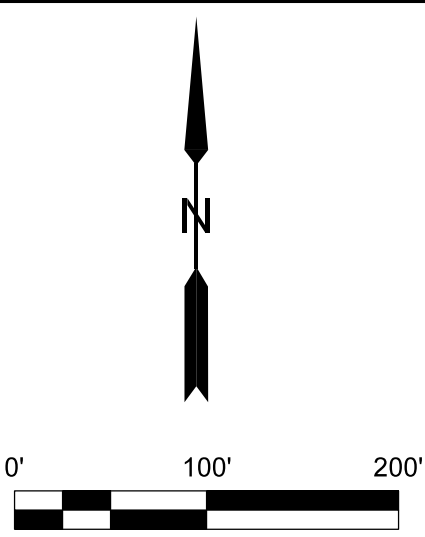
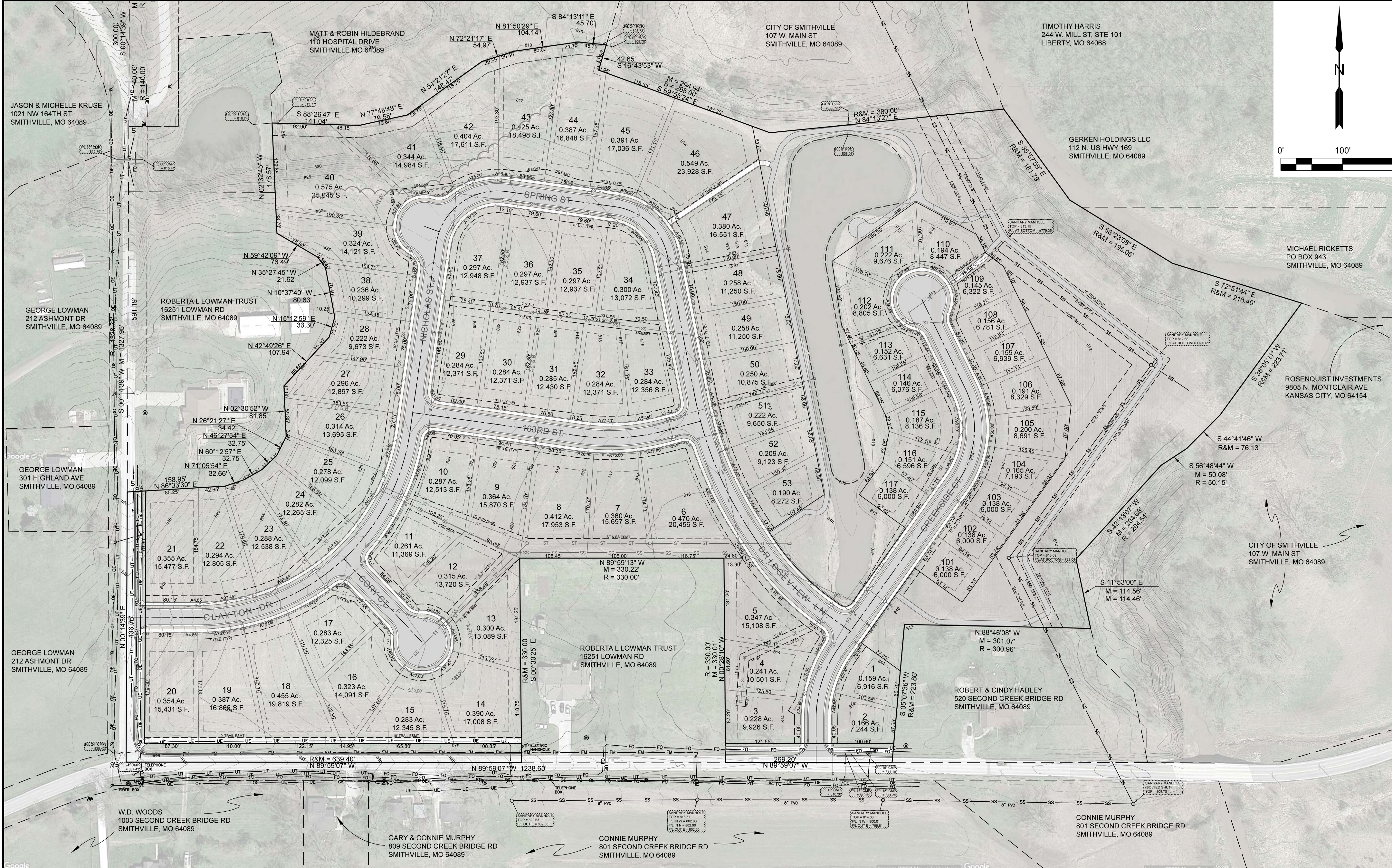
#### STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon compliance with the Comprehensive Plan recommendations.

Respectfully Submitted,

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Zoning Administrator



PRELIMINARY PLAT  
FOR  
**SECOND CREEK MEADOWS**  
SE 1/4, SECTION 22, T-53N, R-33W  
SMITHVILLE, CLAY COUNTY, MISSOURI

PROPERTY DESCRIPTION:

Beginning at the Center of Section 22, Township 53 North, Range 33 West, Smithville, Clay County, Missouri: thence along the West line of the Northeast Quarter South 00 degrees 14 minutes 39 seconds West, 891.19 feet to the Point of Beginning; thence departing from said line North 86 degrees 33 minutes 30 seconds East, 158.95 feet; thence North 71 degrees 05 minutes 54 seconds East, 32.66 feet; thence North 60 degrees 12 minutes 57 seconds East, 32.75 feet; thence North 46 degrees 27 minutes 34 seconds East, 32.75 feet; thence North 26 degrees 21 minutes 27 seconds East, 34.42 feet; thence North 02 degrees 30 minutes 52 seconds West, 81.85 feet; thence North 42 degrees 49 minutes 26 seconds East, 107.94 feet; thence North 15 degrees 12 minutes 59 seconds East, 33.30 feet; thence North 10 degrees 37 minutes 40 seconds West, 80.63 feet; thence North 35 degrees 27 minutes 45 seconds West, 21.62 feet; thence North 59 degrees 42 minutes 09 seconds West, 76.49 feet; thence North 02 degrees 32 minutes 45 seconds West, 178.55 feet; thence South 88 degrees 26 minutes 47 seconds East, 141.04 feet; thence North 77 degrees 48 minutes 48 seconds East, 79.58 feet; thence North 54 degrees 21 minutes 27 seconds East, 148.47 feet; thence North 72 degrees 21 minutes 17 seconds East, 54.97 feet; thence North 81 degrees 50 minutes 29 seconds East, 104.14 feet; thence South 84 degrees 13 minutes 11 seconds East, 45.70 feet; thence South 16 degrees 43 minutes 53 seconds West, 42.65 feet; thence South 69 degrees 55 minutes 24 seconds East, 294.94 feet; thence North 84 degrees 13 minutes 27 seconds East, 380.00 feet; thence South 35 degrees 57 minutes 59 seconds East, 181.79 feet; thence South 58 degrees 23 minutes 08 seconds East, 195.06 feet; thence South 72 degrees 51 minutes 44 seconds East, 218.40 feet; thence South 36 degrees 05 minutes 11 seconds West, 223.71 feet; thence South 44 degrees 41 minutes 46 seconds West, 76.13 feet; thence South 56 degrees 48 minutes 44 seconds West. 50.08 feet; thence South 42 degrees 13 minutes 07 seconds West, 204.68 feet; thence South 11 degrees 53 minutes 00 seconds East, 114.56 feet; thence North 88 degrees 46 minutes 08 seconds West, 301.07 feet; thence South 05 degrees 07 minutes 36 seconds West, 223.86 feet; thence North 89 degrees 59 minutes 07 seconds West, 269.20 feet; thence North 00 degrees 28 minutes 10 seconds West, 330.01 feet; thence North 89 degrees 59 minutes 13 seconds West, 330.22 feet; thence South 00 degrees 30 minutes 25 seconds East, 330.00 feet; thence North 89 degrees 59 minutes 07 seconds West, 639.40 feet to the West Quarter Corner of the Southeast Quarter North 00 degrees 14 minutes 39 seconds East, 436.76 feet to the Point of Beginning

The above-described tract of land contains 32.04 acres, more or less, and is subject to all recorded and unrecorded easements, restrictions, and right-of-ways.

PROPERTY OWNER:  
LMW INVESTMENTS, LLC  
CLAYTON COX  
215 DOUBLE TREE LANE  
SMITHVILLE, MO 64089  
816-352-2961

DEVELOPER:  
KANSAS CITY PROPERTIES  
& INVESTMENTS LLC  
SHANE CREESE  
P.O. BOX 475  
SMITHVILLE, MO 64089  
(816) 719-9327

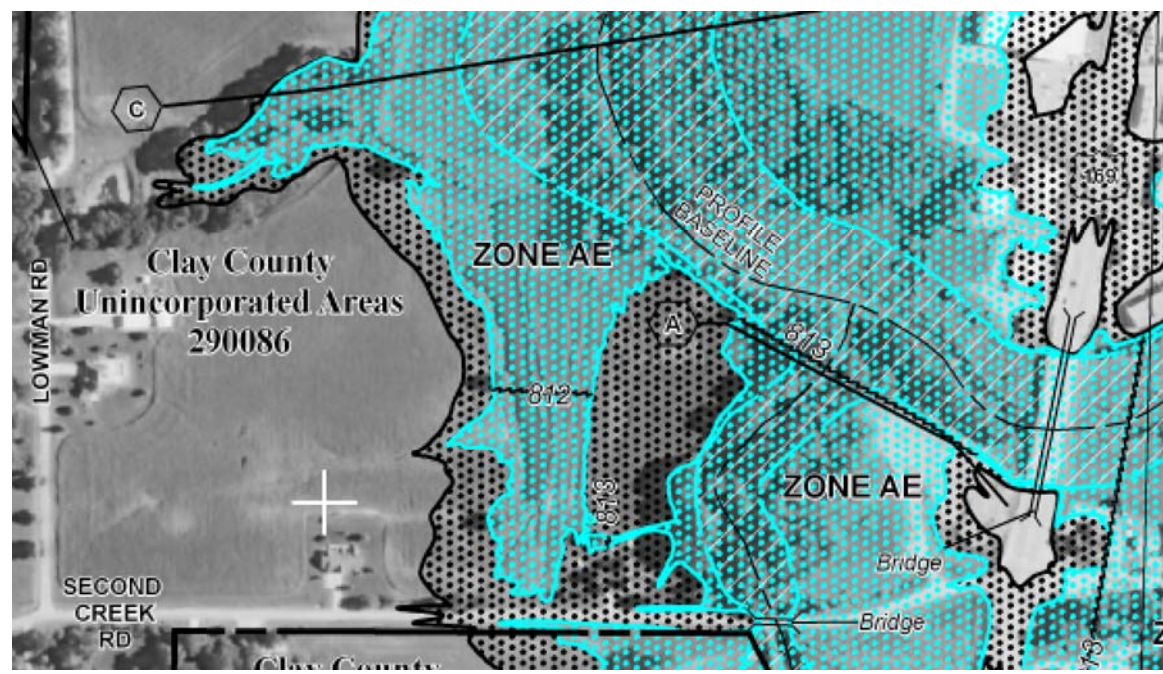
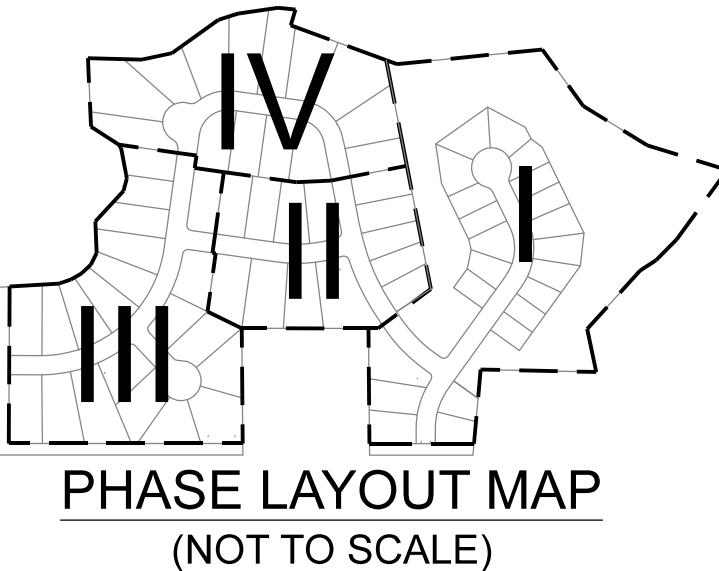
ENGINEER:  
SCHULTE ENGINEERING  
DOUG SCHULTE, P.E.  
21 GATYES DR.  
PLATTE CITY, MO 64079  
816-260-3328

- NOTES FOR SINGLE FAMILY LOTS 1 THRU 53:
- 1) PROPOSED ZONING IS "R-1B" SINGLE FAMILY DWELLING DISTRICT.
  - 2) MINIMUM LOT AREA IS 7,500 SF.
  - 3) MINIMUM LOT WIDTH IS 75 FT.
  - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
  - 5) SETBACK LIMITS FOR R-1B ZONING ARE:  
FRONT - 55.0'  
SIDE - 7.5'  
REAR - 20.0'

- NOTES FOR MULTIPLE FAMILY LOTS 101 THRU 117:
- 1) PROPOSED ZONING IS "R-3" MULTIPLE FAMILY DWELLING DISTRICT.
  - 2) MINIMUM LOT AREA IS 5,000 SF.
  - 3) MINIMUM LOT WIDTH IS 50 FT.
  - 4) MAXIMUM LOT COVERAGE IS 30% OF TOTAL LOT AREA.
  - 5) SETBACK LIMITS FOR R-3 ZONING ARE:  
FRONT - 55.0'  
SIDE - 7.5'  
REAR - 20.0'

OPEN SPACE DEDICATION REQUIREMENTS (PER SECTION 425.210):  
TOTAL DWELLING UNITS: 87 UNITS  
CITY OF SMITHVILLE CENSUS DENSITY: 2.85 PERSON/UNIT  
REQUIRED RECREATION AREA: .02 AC/PERSON  
DEDICATION REQUIREMENT: 87x2.85x.02 = 4.96 AC

- NOTES FOR DEVELOPMENT:
- 1) DEVELOPMENT WILL BE PHASED AS INDICATED IN THE PHASE LAYOUT MAP.
  - 2) FULL SITE GRADING WILL BE COMPLETED DURING PH I CONSTRUCTION.
  - 3) UTILITIES SUCH AS WATER, SEWER, AND STORM WILL BE STUBBED FOR FUTURE PHASES AND INSTALLED AS THOSE PHASES DEVELOP.
  - 4) THE COMMON GROUND CONSISTING OF THE LAKE, TRAILS, AND ADJACENT OPEN AREAS SURROUNDING THE MULTI-FAMILY WILL BE DEDICATED FOR OPEN SPACE REQUIREMENT PER CHAPTER 425, SECTION 425.210.
  - 5) TRAIL IN COMMON GROUND WILL BE INSTALLED DURING PHASE II CONSTRUCTION.
  - 6) TRAIL IN DEDICATED EASEMENT WILL BE CONSTRUCTED IN PHASE III.
  - 7) CONNECTING TRAILS LOCATED BETWEEN LOTS SHALL BE CONCRETE. CONNECTING TRAILS LOCATED IN FUTURE PHASES SHALL BE CONSTRUCTED WITH THAT PHASE.
  - 8) ALL TRAILS ARE GRAVEL UNLESS NOTED OTHERWISE.
  - 9) THE EAST PORTION OF THE PROPERTY IS LOCATED WITHIN THE FLOOD PLAIN ACCORDING TO FEMA FLOOD MAP 29047C0014E WITH EFFECTIVE DATE OF 8/3/2015.
  - 10) BASE FLOOD ELEVATION (BFE) IS 812. THE SITE GRADING WILL PROVIDE A MINIMUM FINISHED FLOOR ELEVATION OF 814.
  - 11) WHERE BASEMENTS ARE CONSTRUCTED, BASEMENT FLOOR MUST BE ABOVE ELEVATION 814.



FEMA FLOOD MAP  
(NOT TO SCALE)

- = GRAVEL
- = ASPHALT
- = CONCRETE



VICINITY MAP  
(NOT TO SCALE)

SECOND CREEK MEADOWS SECOND CREEK BRIDGE ROAD SMITHVILLE, MO		SHEET DESCRIPTION:		SHT. 1 OF 1 2021.29
		PRELIMINARY PLAT		
CLIENT: LMW INVESTMENTS, LLC SMITHVILLE, MO				
DRAWN BY:		DJS	DATE: 10-14-2022	
PROJECT NUMBER:		SCALE		NONE
Schulte Engineering & Consulting, LLC 21 Gates Dr. Platts City, MO 64651 www.schulteeengineering.com admin@schulteeengineering.com PHONE: (816) 260-3328				
REV. DATE BY DESCRIPTION				
4	01-05-2023	DJS	TRAIL EASEMENT ADDED ALONG SECOND CREEK RD	
3	11-08-2022	DJS	ROAD NAME REVISIONS	
2	11-28-2022	DJS	REVISED PER CITY REVIEW COMMENTS	
1	10-14-2022	DJS	SUBMITTED TO CITY FOR P&Z REVIEW	



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Administration and Police

**AGENDA ITEM:** Resolution 1190 – retaining Jeffrey Place of the firm Jackson Lewis for labor attorney services.

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1190, approving the engagement of Jeffrey Place for labor attorney services.

**SUMMARY:**

Earlier this year, police staff notified Chief Lockridge of the intent to pursue collective bargaining representation and the potential of pursuing changes to the City Code relating to union representation. Following conversations with City Attorney John Reddoch and Police Chiefs in the region, it was determined that it would be in the best interest of the City to enlist the services of an attorney specializing in labor negotiations. Jeffrey Place with the firm of Jackson Lewis has extensive background in this area and represents most cities in the metro area in labor issues.

**PREVIOUS ACTION:**

Police Department staff and a union representative spoke at the February 7 Board meeting requesting changes to the City Code. Engagement of a labor attorney assists in staff review and recommendation regarding this ordinance and future negotiations.

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

Hourly rates of \$440 per hour will be funded through the Police Department budget.

**ATTACHMENTS:**

- |  |                                   |
|--|-----------------------------------|
| <input type="checkbox"/> Ordinance                                       | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution                           | <input type="checkbox"/> Plans    |
| <input checked="" type="checkbox"/> Staff Report                         | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Engagement Letter (Exhibit A) |                                   |

## **RESOLUTION 1190**

### **RETAINING LABOR ATTORNEY CONTRACT**

**WHEREAS** the Missouri Constitution at Article I § 29. Organized labor and collective bargaining. Reads "That employees shall have the right to organize and to bargain collectively through representatives of their own choosing"; and

**WHEREAS** the Missouri Courts determined that the Missouri Constitution Article I, § 29 right to bargain collectively applies to both private-sector and public-sector employees; and

**WHEREAS** after the Courts determination that Missouri Constitution Article I, § 29 right to bargain collectively applied to public-sector employees, the Missouri passed Missouri House Bill No. 1413 (2018) which chapter §105.500 dealing with collective bargaining and union issues for public bodies. Included within said chapter was §105.503

**Applicability** which reads as follows:

1. Except as provided in subsection 2 of this section, the provisions of sections 105.500 to 105.598 shall apply to all employees of a public body, all labor organizations, and all labor agreements between such a labor organization and a public body, whether collective bargaining rights are granted to such entities in section 105.510 or by judicial decision.
2. The provisions of sections 105.500 to 105.598 shall not apply to:
  - (1) Public safety labor organizations and all employees of a public body who are members of a public safety labor organization;
  - (2) The department of corrections and all employees of the department of corrections;
  - (3) Members of a labor organization who are not employed by a public body; and
  - (4) Any labor agreement between a labor organization and an employer that is not a public body.
3. Nothing in sections 105.500 to 105.598 shall be construed to interfere with the rights and obligations that are specified in title 29 of the United States Code, provided that in the case of a conflict with title 29 of the United States Code, the provisions of title 29 of the United States Code shall prevail.

**WHEREAS** the Missouri Courts determined that §501.503 could not prevent public safety officers from receiving the benefits of Missouri Constitution Article I, § 29. Then in 2021 the Missouri Supreme Court determined that Missouri Revised Statute § 105.503.2(1) was essentially and inseparably connected with all other provisions of H.B. 1413, so it was declared void in its entirety; and

**WHEREAS** §501.503 R.S.Mo remains a Missouri Statute; and

**WHEREAS** the City has passed Chapter 200 Article II covering Collective Bargaining issues with the city police; and

**WHEREAS** because of the above, labor relations and negotiations have become a specialized field. Area communities use the services of attorney Jeffery Place of the firm JacksonLewis who has extensive experience in the area of labor law. Staff has contacted Mr. Place who has provided an engagement letter attached hereto as Exhibit A; and

**WHEREAS** staff recommends that the city retain Jeffery Place of the firm Jackson Lewis pursuant to the terms and conditions set forth in Exhibit A.

## **II. RESOLUTION**

Be it resolved by the City of SMITHVILLE Missouri approves retaining Jeffery Place of the firm Jackson Lewis pursuant to the terms and conditions set forth in Exhibit A.

## **III. EXECUTION/ADOPTION**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

# JacksonLewis

**Jackson Lewis P.C.**  
7101 College Blvd, Suite 1200  
Overland Park KS 66210  
(913) 981 1018 Direct  
(913) 981 1019 Fax  
[jacksonlewis.com](http://jacksonlewis.com)

MY DIRECT DIAL IS: 913-205-7123  
MY EMAIL ADDRESS IS: [JEFF.PLACE@JACKSONLEWIS.COM](mailto:JEFF.PLACE@JACKSONLEWIS.COM)

February 15, 2023

**Via email: [jlockridge@smithvillemo.org](mailto:jlockridge@smithvillemo.org)**

Chief Jason Lockridge  
City of Smithville, Missouri

Re: Confirmation of Engagement and Fee Agreement

Dear Chief Lockridge:

We are pleased that the City of Smithville, Missouri (the “City”) has decided to retain Jackson Lewis P.C. (herein “the Firm”) for legal representation with respect to the City’s labor relations matters. This letter details the scope of our client relationship and outlines the fees for our services.

***A. Scope of Services***

As we discussed, we will represent the City by providing advice and counsel with respect to the City’s labor relations matters, and primarily with respect to current issues raised by the Fraternal Order of Police. We will do our best to serve the City efficiently. While we cannot guarantee the success or outcome of any given matter, we will strive to vigorously represent the City. I will have primary responsibility for handling these matters and will utilize other attorneys and legal assistants in the firm in the best exercise of my professional judgment. If, at any time, you have any questions, concerns or comments, please contact me.

## ***B. Fees***

We charge for our time on an hourly basis, in one-tenth hour increments. We will invoice the City at our regular hourly rates for the work performed on the City's behalf. Our schedule of hourly rates for attorneys and other members of our professional staff is based on years of experience, level of professional attainment and geographic location. Currently, our hourly rates in the Kansas City office range from \$320.00 to \$675.00 for attorneys. My current regular hourly rate is \$675.00, but I can offer the City a discounted rate of \$440.00/hr during 2023. Our hourly rates may be subject to periodic increases over time, typically in January of each year. Any changes in billing rates will be communicated to the City at least thirty (30) days prior to implementation. We charge for all services rendered, including but not limited to, telephone calls, conferences, court and agency hearings, and other proceedings. Our entire billing process is explained in "A Word About Our Invoices," a copy of which is enclosed.

These discounted hourly rates, however, will not apply to complex matters which include, but are not limited to, class actions, multi-plaintiff litigations, and unfair competition litigation. For these matters, our regular hourly rates will apply.

## ***C. Client Cooperation***

The City understands and agrees that, in order for us to represent it effectively, it is necessary for the City to assist and cooperate with the Firm. The City agrees to (1) make itself (including its employees if applicable) available to discuss issues as they arise in this matter; (2) attend and participate in meetings, preparation sessions, court proceedings and other activities in connection with the representation; (3) provide complete and accurate information and documents to us on a timely basis; (4) make timely payment to any experts or vendors retained in connection with our services; and (5) advise whether there is an agreement to arbitrate the subject claim(s), either as set forth in a stand-alone arbitration agreement, an employee handbook, an employment application or otherwise.

## ***D. Protection of Client Confidences –Communication Devices***

We are always mindful of our central obligation to preserve the secrets and confidences of our clients. To that end, it is important that we agree from the outset what kinds of communications technology we will employ in the course of this Engagement. Unless the City specifically directs us to the contrary, for purposes of this Engagement, we agree that it is appropriate for us to use fax machines and e-mail in the course of the Engagement without any encryption or other special protections. In that regard, if there is a specific e-mail address which you would like us to use to communicate with you, other than your current City e-mail address, please let us know. Please also notify the Firm if the City has any other requests or requirements in connection with the methods of telecommunication, or persons to be included or copied in the circulation of documents relating to the Engagement.

## ***E. Termination of Representation***

The City may terminate this representation at any time, with or without cause. We also reserve the right to withdraw at any time to the fullest extent permitted by the applicable ethical rules. Any termination of our representation of the City would be subject to such approval as may be required from any court(s) in which we are appearing on the City's behalf. In the event of termination by either of us, fees and costs for work performed prior to termination will still be payable as provided for in this letter.

Following any termination of representation, client files will be released only following delivery to the Firm of a signed release letter containing appropriate directions and an acknowledgment of the obligation to pay outstanding fees. The City will be charged for the reasonable costs of retrieval, assembly, copying, processing and transfer of all files or materials, including Electronically Stored Information ("ESI").

Upon termination of representation, the Firm reserves the right to maintain the City's legal file in electronic format only.

## ***F. Preservation of Documentation***

Should a claim be received by the City, the City must take immediate steps to identify, preserve and collect all relevant information until the matter is completely resolved. This information includes all paper and all ESI related to the claim. ESI includes, but is not limited to, the following: e-mails, text messages and other electronic communications, word processing files, spreadsheets, PowerPoints, photos and other images, SharePoint, voicemail, databases, data files and archive files, regardless of whether the information is contained on servers, laptop and desktop computers, back-up tapes, home and personal computers, cloud storage systems, or portable ESI storage devices such as iPhones, Android phones, Blackberries and other smart phones, iPads, iPods, thumb drives, CD's, DVD's, and portable hard drives. This also will likely include any and all relevant surveillance tapes and recordings.

The City must also immediately suspend any document retention/destruction policy and put in place a "Litigation Hold." This Litigation Hold is designed to ensure that relevant electronic evidence is preserved and not destroyed, altered, modified, disposed of, or in any way compromised. Therefore, any individuals who may have relevant information or documents related to a matter must comply with this litigation hold.

Although this may seem like an onerous task, document retention is critical for the defense of a matter and to ensure the City complies with its legal obligation to preserve and produce relevant information. A failure to preserve documents or electronic data could have dire consequences in a matter. For example, in addition to monetary sanctions, the City may be precluded from using certain evidence at trial or the court may allow a jury to draw negative

inferences against the City. Under a worst case scenario, the court may award a judgment in favor of the claimant. Therefore, if the City has any doubt regarding whether paper or electronic data falls within the scope of a “Litigation Hold”, it should err on the side of preservation and contact us.

## ***G. Advance Conflict of Interest Waiver***

Because of the size, geographical reach and the broad scope of the Firm’s legal practice, it is possible that attorneys in one or more of the Firm’s offices or departments may now or in the future represent parties in matters in which their interests are adverse to those of the City or its affiliates, or have contractual or other dealings with the City. As a condition of our representation, the City agrees that the Firm may represent other parties in matters in which their interests are adverse to those of the City or its affiliates and waives any conflict that would otherwise exist in such matters, provided that (i) any matter in which the Firm represents an adverse party is not substantially related to the Firm’s work for the City, and (ii) if appropriate, an ethical wall is created to separate the other matter from the matters the Firm is handling for the City.

## ***H. Potential Insurance Coverage***

As employment defense counsel, the Firm cannot provide an opinion with respect to the extent or terms of the City’s coverage under any employment practices liability insurance, directors and officers or other insurance policies or programs (on an ongoing basis or otherwise). We urge the City to review this matter with its internal counsel, insurance broker or anyone else with whom it wishes to discuss the possibility of other insurance being applicable, e.g., an excess liability insurance policy, homeowners or personal insurance or any other form or kind of insurance including workers compensation insurance. As with any insurance policy, prompt and complete notice should be given, as required by the policy and by applicable law. Failure to do so could adversely affect the existence of or eligibility for any insurance coverage.

Further, please note that, in many instances, punitive damages may not be covered by the City’s insurance policies. There may also be other policy exclusions, as well as limits respecting any coverage(s). Again, please address any exclusions, or limits on coverage for the subject claim(s), with the City’s carrier(s), insurance broker, or legal counsel.

## ***I. Dispute Resolution***

City of Smithville, Missouri and Jackson Lewis P.C. agree that any dispute between us arising out of, or relating to, this agreement, or the breach thereof, shall be resolved by binding arbitration between the parties. This includes, but is not limited to any claims regarding attorney’s fees or costs under this agreement or regarding a claim of attorney malpractice, that is, whether any legal services Jackson Lewis P.C. has rendered, under this agreement or otherwise, were

improperly, negligently, or incompetently rendered, or otherwise rendered in breach of a contractual or ethical duty.

**The City understands and acknowledges that, by agreeing to binding arbitration, it waives and thereby eliminates the right to submit the dispute for determination by a court and thereby also waives the right to a jury trial. The City acknowledges that it has been informed that the grounds for appeal of an arbitration award are very limited compared to a court judgment or jury verdict. Consequently, the City should carefully consider whether arbitration is acceptable to it and should consult with independent counsel.**

Arbitration shall be in accordance with the Uniform Arbitration Act of Missouri. The dispute will be resolved by a single arbitrator to be selected by the parties.<sup>1</sup>

The arbitrator must be an attorney in good standing in Missouri. The cost of the arbitration shall be shared by the parties, but the arbitrator shall have the right to allocate costs in the final award.

\* \* \* \*

**If the foregoing is acceptable to the City, please sign below and return a copy of this letter to me.**

If you have any questions at any time regarding the scope of our representation, the handling of any matter or the content of any invoice, please contact me at once. We are pleased to be of service to the City.

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<sup>1</sup> *If in the opinion of any party, there arises a problem or unreasonable delay with the administration of the dispute, including but not limited to scheduling any hearing, any party upon 10 days written notice to the other, shall have the right and power to notify and engage the American Arbitration Association (AAA) to commence formal administration of the proceeding before the AAA in accordance with its then prevailing rules. The award rendered by the arbitrator(s) shall be final and may be confirmed in any court having jurisdiction thereof.*

Very truly yours,  
JACKSON LEWIS P.C.

*/s/ Jeffrey M. Place*

Jeffrey M. Place  
Attorney

Enclosure

**Agreed to and Accepted by:**

**City of Smithville, Missouri**

**Signature:** \_\_\_\_\_

**Printed Name:** Damien Boley

**Title:** Mayor

**Date:** February 21, 2023

## **A WORD ABOUT OUR INVOICES . . .**

Invoices are sent to our clients monthly or pursuant to an insurance carrier's guidelines if applicable. Billings for services rendered on your matter(s) and for reasonable expenses incurred on your behalf are sent approximately three to four weeks after the completion of the month in which the work is performed.

As more fully discussed in the engagement letter, for any threatened or actual claim, please verify whether there is insurance of any kind that may cover the actual or potential claim and if there is, please provide prompt and complete notice to us and to the insurance carrier.

Subject to applicable guidelines, we charge for all services rendered on your matter(s) including, but not limited to, telephone calls, conferences, court and agency hearings, and other proceedings. These include reimbursement for travel-related expenses, such as lodging, meals, air travel, cab fares, auto expenses, parking fees, tolls and mileage. We also bill for all photocopying costs, telephone calls, facsimiles, postage, messenger service and, if required, delivery charges where material is sent via certified or registered mail or by express mail or package carrier. If a situation arises which requires overtime work by our secretaries, we will invoice you at our cost. All third party charges (e.g. filing, trial, and court reporter fees) are the responsibility of the client and should be paid directly by the client. The cost for computerized legal research is the rate calculated by our vendor LexisNexis. Your cost is not based on the annual discount arrangement the Firm has with LexisNexis. Payment for our services and expenses described are expected upon receipt of our invoice. We are confident our clients make every effort to pay us promptly.

We do our utmost to provide quality and professional service to our clients. In return, we expect timely payment for services rendered. A monthly service charge of one and a half percent (1.5%) is added to the unpaid balance of any invoice not paid within ninety (90) days after it is rendered.

Electronic discovery related charges will be billed directly by the vendor who provides these services, including those of our preferred vendor, Kroll Ontrack, Inc. These nonlegal services and expert witness charges are provided under separate agreement between you and the vendor or expert. The non-legal services that might be necessary for electronic discovery include: forensic collection of electronically stored information ("ESI") from your computer systems, computer forensic and other technical consulting, ESI processing, ESI uploading and search/review software hosting, ESI production, training, and project management services. You are responsible for making timely payment of their invoices so as to avoid any disruption in our legal services. Charges by Kroll or other e-services providers will be invoiced on our invoices or separately.

The above terms shall apply to each invoice unless the Firm and the client have agreed, in writing, to a modification of the billing arrangements.

Please forward all payments to our lock box:

**JACKSON LEWIS P.C.  
P.O. BOX 416019  
BOSTON, MASSACHUSETTS 02241-6019**

We also accept electronic payment of our invoices. If you choose to pay your invoice by electronic transfer, please include the invoice number in the transfer information and send payment to:

<b>Bank</b>	Bank of America N.A. One Bryant Park, 32nd Floor New York, NY 10036
<b>Routing number DOM. WIRES</b>	026009593
<b>Routing number ACH/EFT</b>	021200339
<b>Account name</b>	Jackson Lewis P.C. Attorney Business Account
<b>Account number</b>	381032861703
<b>SWIFT Code INTL WIRES</b>	BOFAUS3N
<b>Please send confirmation notice (detailing client number and invoice number) to:</b>	<a href="mailto:epayments@jacksonlewis.com">epayments@jacksonlewis.com</a>

**CREDIT CARDS - <https://www.jacksonlewis.com/payments/>**

Please note, the Firm prohibits anyone from Jackson Lewis P.C. from processing credit card information on behalf of a client.

Our foreign - based clients must ensure payment is made via international money order payable in U.S. dollars. If payment is by regular check drawn on a foreign bank, we will add \$30.00 to our bill for banking charges. If you have any questions about our billing procedures or any time or disbursement charges, please speak to the attorney responsible for your matter.



## Board of Aldermen Request for Action

**MEETING DATE:** 2/21/2023

**DEPARTMENT:** Administration and Finance

**AGENDA ITEM:** Resolution 1191 – declaring the intent to reimburse expenses related to utility project through proceeds from proceeds of debt financing.

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**REQUESTED BOARD ACTION:**

Motion to approve Resolution 1190, declaring the intent of the City to reimburse expenses related to utility project through proceeds from debt financing.

**SUMMARY:**

The City is planning to issue Certificates of Participation (COPs) for the construction of the West Bypass of the 144<sup>th</sup> Street Lift Station (estimated cost of \$2,200,000) and the construction of the 144<sup>th</sup> Street Lift Station (estimated cost of \$1,700,000). During the development of the FY2023 Budget, staff projected the need to debt finance these projects, due to cashflow constraints. During the FY2023 Budget Process, the City contracted with Raftelis Financial Consultants to perform a long-range planning utility rate study. The study and presentation by Rafetelis concluded that utility rate increases are necessary to continue funding water and sewer line replacement projects, fund ongoing system maintenance projects, and fund system capacity upgrades. The rate study demonstrated a need to issue debt for the West Bypass of 144<sup>th</sup> Street Lift Station and the 144<sup>th</sup> Street Lift Station, as revenues would not sustain “pay-as-you-go” financing.

Projects planned for debt issuance include:

- **West Bypass of 144<sup>th</sup> Street:** This project includes the installation of a sewer pump station (lift station) at the end of 144<sup>th</sup> Street followed by the construction of an 8” force main to carry raw sewage to the south interceptor located on Cliff Drive. The current 8” force main does not have an ability to handle the new flows the that new pump station will produce. Ultimately, the main will create new opportunities for development of land at near and around south municipal boundary of Smithville.
- **144<sup>th</sup> Street Lift Station:** This lift station will collect wastewater from the surrounding area and convey the follow to the wastewater treatment plant by way of the South Force Main. The addition of this pump station, and associated piping, will consolidate the flows from multiple existing lift stations into a single route, allowing Diversified Metal, McDonalds, Platte Valley Bank, and the Hills of Shannon lift stations to be decommissioned. This lift station will be sized to allow for additional capacity in the area and will provide service to possible future developments.

This resolution pertains to reimbursing the City, via the proceeds of the financing, for expenditures the City has made or expects to make related to this project, such as engineering expenses. This provides additional cashflow flexibility to the City.

Future items related to the issuance of COPs include the Board of Alderman approving a "Go To Market" resolution which indicates the intention of the Board to issue debt. Later this spring, staff and representatives from Piper Sandler, the City's financial advisor, will participate in a rating call, the result of which will be establishing the city's bond rating for issuance of the debt. Final steps include the sale of the COPs, approving the financing ordinance, and the delivery of funds for the project. As we progress through this process, Piper Sandler will provide updates to the Board on the process.

**PREVIOUS ACTION:**

Financing of this project was included in discussions relating to development of the FY2023 budget.

**POLICY OBJECTIVE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

**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 1191**

### **A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF SMITHVILLE, MISSOURI**

**WHEREAS**, the City of Smithville, Missouri (the "City") intends to finance the costs of acquiring, constructing, installing, improving, furnishing and equipping various projects related to the City's sewer system, including without limitation the construction and installation of a sewer pump station, force main, and lift station at 144<sup>th</sup> Street (the "Projects").

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

The Board of Aldermen hereby finds it necessary and declares its intent to finance the costs of the Projects. The City has made, or expects to make, expenditures in connection with the Projects. The City may reimburse itself for such expenditures with the proceeds of a tax-exempt financing by, or on behalf of, the City. The maximum principal amount of the tax-exempt financing expected to be issued for the Projects is \$3,930,000.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 21<sup>st</sup> day of February, 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk