



Board of Aldermen Request for Action

MEETING DATE: 4/1/2024

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 3031-24, an ordinance authorizing the Mayor to sign a supplemental agreement with MODOT – 1st Reading

REQUESTED BOARD ACTION:

Bill No. 3031-24, authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Commercial Street from Smithville High School to Meadow Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 1st reading by title only.

SUMMARY:

In 2022 the City was awarded a Transportation Alternatives Program (TAP) grant in an amount of \$500,000 for pedestrian improvements on Commercial Street from the highschool to Meadow Street.

The City entered into an agreement with MODOT in June of 2022.

In February, 2024, the City requested of the Active Transportation and Pedestrian Committee (ATPC) of the Mid-America Regional Council (MARC) to increase the funding amount to 80% of the engineers estimate of \$1,200,000. The ATPC recommended increasing the federal funding by \$460,000 for a total federal participation of \$960,000 for the project.

The additional funds (\$460,000) must be obligated (bid) PRIOR TO September 1, 2024 or the additional funding of \$460,000 will be rescinded and not available to the City.

PREVIOUS ACTION:

- Ordinance 2940-22 Authorizing mayor to sign the Original cost share agreement with MODOT
- January 16, 2024 Board was provided a staff update of the project. Letters were mailed to all property owners and advising them of the update being provided to the Board.
- Included in the 2024 Capital Improvement Plan

POLICY ISSUE:

Continued service, infrastructure maintenance

FINANCIAL CONSIDERATIONS:

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

ATTACHMENTS:

☒ Ordinance

☐ Resolution

☒ Staff Report

☐ Other:

☒ Contract

☐ Plans

☐ Minutes

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A
TRANSPORTATION ALTERNATIVES FUNDS PROGRAM SUPPLEMENTAL
AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION FOR IMPROVEMENTS TO COMMERCIAL STREET FROM
SMITHVILLE HIGH SCHOOL TO MEADOW STREET INCLUDING
INFRASTRUCTRE IMPROVEMENTS ENCOURAGING SAFER ROUTES FOR NON-
MOTORIZED USERS AND IMPROVING THE PEDESTRIAN ENVIRONMENT.**

WHEREAS, on June 30th, 2022, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City previously entered into a Transportation Alternatives Funds Program (TAP) Agreement #2022-02-68169 as to public improvements designated as TAP-3302(435), for the construction of Commercial Street Pedestrian Improvements; and

WHEREAS, the Commission and the City now desire to revise the original agreement to reflect additional funding for the project.

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

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

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

PASSED THIS 16th DAY OF APRIL, 2024.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 04/01/2024

Second Reading: 04/16/2024

CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 10/22 (MWH)

Modified: 03/24 (MWH)

Clay County

City of Smithville

Project 3302(435)

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: TAP – 3302(435)

Award Year: 2024

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ALTERNATIVES FUNDS PROGRAM
SUPPLEMENTAL AGREEMENT**

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

WITNESSETH:

WHEREAS, on June 30th, 2022, the Commission and the City previously entered into a Transportation Alternatives Funds Program (TAP) Agreement #2022-02-68169 as to public improvements designated as TAP-3302(435), for the construction of Commercial Street Pedestrian Improvements, (hereinafter, "Original Agreement"); and

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

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

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

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

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share for this project will be 80 percent not to exceed \$960,000. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will

be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement; or are not eligible for federal reimbursement shall be the sole responsibility of City. TAP funds in the amount of \$460,000 if not obligated by September 1, 2024, shall be rescinded and not available to the City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

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

Remainder of Page Intentionally Left Blank

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

Executed by the City this _____ (date).

Executed by the Commission this _____ (date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SMITHVILLE

Title: _____

By _____
Title: Mayor

ATTEST:

ATTEST:

Secretary to the Commission

By _____
Title: City Clerk

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____