

City of Smithville, Missouri Board of Aldermen – Regular Session Agenda 7:00 p.m. Tuesday, October 1, 2024 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 <u>City's YouTube page.</u>

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 prior to the meeting to be sent the meeting Zoom link.

Join Zoom Meeting

https://us02web.zoom.us/j/89690070246

Meeting ID: 896 9007 0246

Passcode: 610695

1. Call to Order

2. Pledge of Allegiance

REPORTS FROM OFFICERS AND STANDING COMMITTEES

3. City Administrator's Report

ORDINANCES & RESOLUTIONS

- 4. Bill No. 3040-24, Rezoning Corner of 169 and W Highway 2nd Reading
 An Ordinance changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at the southeast corner of 169 and W Highways. 2nd reading by title only.
- 5. Bill No. 3041-24, Amending Chapter 400 and Chapter 425 1st Reading
 An Ordinance amending sections of Chapter 400 of the Zoning Code and Chapter 425 of the
 Subdivision Code pertaining to fees and costs. 1st reading by title only.
- 6. Bill No. 3042-24, Amending Business License Fees 1st Reading An Ordinance amending the business license regulations of the City of Smithville, Missouri . 1st reading by title only.
- 7. Bill No. 3043-24, Adopt the FY2025 Operating Budget 1st Reading
 An Ordinance adopting the Fy2025 Annual Operating Budget for the City of Smithville, Missouri, and authorizing the expenditures of funds for municipal services. 1st reading by title only.
- 8. Resolution 1406, Leak Adjustment
 A Resolution approving a water and wastewater leak adjustment for Francis Collier in the amount of \$49.02.
- 9. Resolution 1407, Temporary Liquor License A Resolution issuing a temporary liquor license to Eric Craig Real Estate Team for Festiville to be held in the downtown courtyard on October 5, 2024.

10. Resolution 1408, Preliminary Plat for Clay Creek Meadows Subdivision

A Resolution approving a preliminary plat for Clay Creek Meadows Subdivision and authorizing the Mayor to execute a Development Agreement.

OTHER MATTERS BEFORE THE BOARD

11. 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.

12. Appointment

The Mayor will make the re-appointment for the Planning and Zoning Commission and the Board will vote.

Rob Scarborough

The Mayor will make an appointment for the Planning and Zoning Commission and the Board will vote.

• John Wallace

13. 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.

14. Adjourn





City Administrator's Report

September 26, 2024

Commercial Avenue Road Closure to Accommodate Pedestrian Improvements and Utility Relocation

AT&T resumed utility relocation work on Monday, September 23. Please be reminded that the northbound lane of Commercial Avenue (from Walker Street to East Meadow Street) is closed. The southbound lane remains open. (See map below.)

Please note that when traveling south, only right turns are allowed to Hospital Drive.

We have received reports from residents about drivers not following detours and attempting to drive in the wrong direction. The Police Department, Public Works Department and the contractor are actively working on a solution to address this issue.



Streetscape Phase III

Construction of the Streetscape Phase III Project is scheduled to begin on September 30. North Bridge Street will be closed from Church Street to East 1st Street. Access to

businesses and residences will be maintained. Pedestrian traffic will also be maintained throughout the project.



Stonebridge Stormwater Improvements

Tunks Construction, the City's contractor, began the project on September 16. In the coming weeks, they will start roadwork that will require the closure of the road at Stonebridge Lane. A detour route will be established to maintain access to residences (see map below). Residents will receive a letter with additional details as the road closure approaches.



Photo Contest

We are conducting a photo contest where the selected photos will be highlighted by the City for marketing and/or promotional purposes. Our mission is to encourage community involvement. Participants may submit photographs taken of landscapes, cityscapes, artwork or landmarks that are unique to Smithville and the Smithville community. The original end date for the contest was August 30, 2024 but we have extended the deadline to October 31, 2024 to give applicants the opportunity to submit fall photos.



Board of Aldermen Request for Action

MEETING DATE: 10/1/2024 DEPARTMENT: Development

AGENDA ITEM: Bill No. 3040-24 - Rezoning 169 and W Highway to R-1D and R-3 -

2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3040-24, changing the zoning classifications or districts of certain lands located in the City of Smithville, Missouri located at the southeast corner of 169 and W Highways. Second reading by title only.

SUMMARY:

Applicant seeks to rezone a 26.79 acre parcel at 169 and W Highways currently zoned B-3 to R-1D and R-3 to allow for 13 single-family detached houses with access to Lake Meadows Drive and 203 townhomes to be constructed adjacent to Clay Creek.

PREVIOUS ACTION:

None

POLICY OBJECTIVE:

Implement the Comprehensive Plan Future Land Use Map on this property area.

FINANCIAL CONSIDERATIONS:

None

ATTACHMENTS:

□ Ordinance □	□ Contract
☐ Resolution	☐ Plans
	☐ Minutes
□ Other: Findings of Fact □	

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicant: Clay Creek Meadows, LLC

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

Zoning: B-3

Property Location: Southeast Corner of 169 Hwy and W Hwy

Pursuant to the provisions of Section 400.560(C) of the Smithville Code, the Planning Commission does hereby make the following findings of fact based upon the testimony and evidence presented in a public hearing of the Planning and Zoning Commission of the City of Smithville, held on August 13, 2024, 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 multi-family, 4-unit townhomes to the east in the Clay Creek subdivision, and single-family detached housing south of Lake Meadows Dr. and at the southeast corner of said parcel. The parcel itself has been farmed in previous years with row crops, and west of 169 and north of W Highways are also farmed.

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

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy identifies the area in question as moderate density residential (5-18 units per acre). That moderate density designation on a combined 47.28 aces (Clay Creek and Clay Creek Meadows properties) would allow between 237 units (5 DUPA) and (851 DUPA):

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

All of the public utilities and needed public services are available, and any upgrades to the systems are the sole responsibility of the development.

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

The current use is as farmland, but has been zoned for commercial for many years, with no development.

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

The property has been vacant as zoned for 33 years with no development.

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

The proposed district matches the adjacent existing uses.

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

No detriment is anticipated.

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

No loss to landowners is expected.

9. That in rendering this Finding of Fact, testimony at the public hearing on August 13, 2024, has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

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

- A. This application and the Zoning of this property from B-3 General Business to both R-1D Single Family and R-3 Multifamily is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of zoning the property to R-1D and R-3 as shown on the proposed preliminary plat for Clay Creek Meadows.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF SMITHVILLE, MISSOURI LOCATED AT THE SOUTHEAST CORNER OF 169 AND W HIGHWAYS

WHEREAS, The City of Smithville received an application for rezoning on June 18, 2024 for property located at the southeast corner of 169 and W Highways; and

WHEREAS, a Public Hearing was conducted before the Planning Commission on August 13, 2024; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the rezoning for the property to R-1D and R-3 as shown on the attached preliminary Plat.

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 board vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

ALL THAT PART OF THE EAST ONE-HALF OF SECTION 35, TOWNSHIP 54 NORTH, RANGE 33 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SOUTHEAST QUARTER OF SAID SECTION 35, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35, THENCE N89°38'39" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, ALSO BEING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1048.84 FEET TO A POINT ON THE WESTERLY LINE OF CLAY CREEK, A SUBDIVISION OF LAND IN SMITHVILLE, CLAY COUNTY, MISSOURI AND THE WESTERLY RIGHT OF WAY LINE OF CORBYN LANE, ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE S33°00'33"W, ALONG THE EASTERLY LINE OF SAID CLAY CREEK AND THE WESTERLY RIGHT OF WAY LINE OF SAID CORBYN LANE, A DISTANCE OF 1066.87 FEET TO THE WESTERLY MOST CORNER OF SAID CLAY

CREEK; THENCE S56°59'27"E, ALONG THE SOUTHERLY LINE OF SAID CLAY CREEK, A DISTANCE OF 549.36 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, S33°00'33"W, A DISTANCE OF 39.38 FEET TO A CORNER ON SAID SOUTHERLY LINE: THENCE S38°09'45"W, A DISTANCE OF 342.55 FEET TO THE NORTHWEST CORNER OF LOT 10, LAKE MEADOWS FIRST PLAT, A SUBDIVISION OF LAND IN SMITHVILLE, CLAY COUNTY, MISSOURI; THENCE S15°25'48"W, ALONG THE WESTERLY LINE OF SAID LOT 10, A DISTANCE OF 135.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10, ALSO BEING A POINT ON THE NORTHERY RIGHT OF WAY LINE OF LAKE MEADOWS DRIVE; THENCE NORTHWESTERLY, ALONG THE NORTHERLY LINE OF SAID LAKE MEADOWS AND THE NORTHERLY RIGHT OF WAY LINE OF SAID LAKE MEADOWS DRIVE, ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N74°34'12"W HAVING A RADIUS OF 470.00 FEET, AN ARC DISTANCE OF 144.20 FEET; THENCE N56°59'27"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 355.00 FEET; THENCE NORTHWESTERLY AND NORTHEASTERLY CONTINUING ALONG SAID LINE, ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.56 FEET; THENCE N33°00'33"E, CONTINUING ALONG SAID LINE, A DISTANCE OF 10.00 FEET; THENCE N56°59'27"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 60.00 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID LINE, ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S33°00'33"W HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.56 FEET; THENCE N56°59'27"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 422.20 FEET TO THE NORTHERLY MOST CORNER OF SAID LAKE MEADOWS FIRST PLAT, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY NO. 169; THENCE N33°00'33"E, ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID MISSOURI STATE HIGHWAY NO. 169, A DISTANCE OF 1917.51 FEET; THENCE N78°21'44"E, A DISTANCE OF 153.31 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY W: THENCE S56°20'41"E, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID MISSOURI STATE HIGHWAY W, A DISTANCE OF 94.79 FEET; THENCE SOUTHEASTERLY, CONTINUING ALONG SAID LINE, ALONG A CURVE TO THE LEFT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, HAVING A RADIUS OF 2924.02 FEET, AN ARC DISTANCE OF 126.07 FEET TO A POINT ON THE WESTERLY LINE OF SAID CLAY CREEK; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID CLAY CREEK, ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 22.71 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID CORBYN LANE; THENCE CONTINUING SOUTHERLY ALONG THE WESTERLY LINE OF SAID CLAY CREEK AND THE WESTERLY RIGHT OF WAY LINE OF SAID CORBYN LANE, ALONG A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 539.95 FEET, AN ARC DISTANCE OF 131.65 FEET; THENCE S13°58'00"W, CONTINUING ALONG SAID LINE, A DISTANCE OF 185.68

FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID LINE, SOUTHWESTERLY ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE HAVING A RADIUS OF 300.00 FEET, AN ARC DISTANCE OF 99.71 FEET; THENCE S33°00′33″W, CONTINUING ALONG SAID LINE, A DISTANCE OF 21.93 FEET TO THE POINT OF BEGINNING.

is hereby set as R-1D and R-3 in accordance with the attached Preliminary 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.

10/01/2024

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 09/24/2024

Second Reading

PASSED THIS 1st DAY OF OCTOBER, 2024



STAFF REPORT

August 8, 2024 Rezoning of Parcel Id # 01-903-00-01-006.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: N 169 Hwy and W Hwy
Owner: Clay Creek Meadows, LLC

Current Zoning: B-3

Proposed Zoning: R-1D and R-3

Public Notice Dates:

1st Publication in Newspaper: July 25, 2024 Letters to Property Owners w/in 185': July 22, 2024

GENERAL DESCRIPTION:

The applicant submitted an application proposing to rezone approximately 26.79 acres +/- from B-3 to R-1D and R-3. The proposed zoning classifications allow for 50' wide single family lots along Lake Meadows Drive, and multi-family lots around the existing Clay Creek multi-family lots.

EXISTING ZONING:

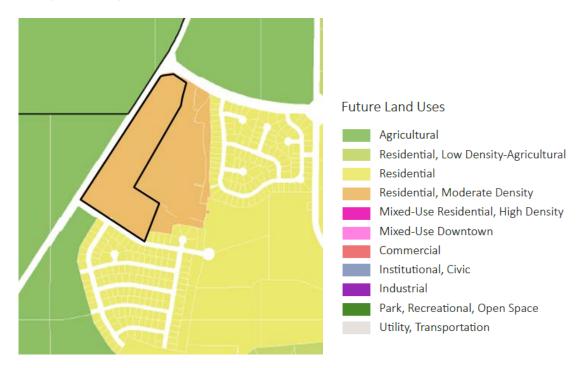
The existing zoning is B-3 and has been in place since July 9, 1991.

CHARACTER OF THE NEIGHBORHOOD 400.560.C.1

The surrounding area is multi-family, 4 unit townhomes to the east in the Clay Creek subdivision, and single-family detached housing south of Lake Meadows Dr. and at the southeast corner of said parcel. The parcel itself has been farmed in previous years with row crops, and west of 169 and north of W Highways are also farmed.

CONSISTENCY WITH COMPREHENSIVE PLAN AND ORDINANCES 400.560.C.2

The existing Comprehensive Plan was adopted on November 10, 2020, by the Planning Commission and adopted as the City's development Policy on November 17, 2020 by the Board of Aldermen. The Future Land Use Map in that policy identifies the area in question as moderate density residential (5-18 units per acre) as shown in orange below. That moderate density designation on a combined 47.28 aces (Clay Creek and Clay Creek Meadows properties) would allow between 237 units (5 DUPA) and (851 DUPA):



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

Streets and Sidewalks:

Street extension of Corbyn Lane and any new streets to be constructed will be at the sole cost and expense of the developer and in accordance with existing APWA standards. The property has adjacent access to both W Highway to the north and 169 Highway to the west.

Water, Sewer and Storm water

The city as water and sewer lines in the area to be extended at the developer's expense, and the existing detention basins of Clay Creek have more than enough capacity for all detention so no impact to stormwater is expected. Any such impact will be handled in the normal subdivision 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

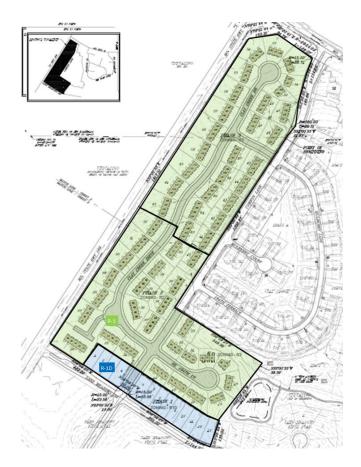
The current use is as farmland, but it is allowed commercial uses through its' current zoning of B-3 General Business.

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

The property has been zoned commercial for 33 years and no development has occurred.

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

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



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

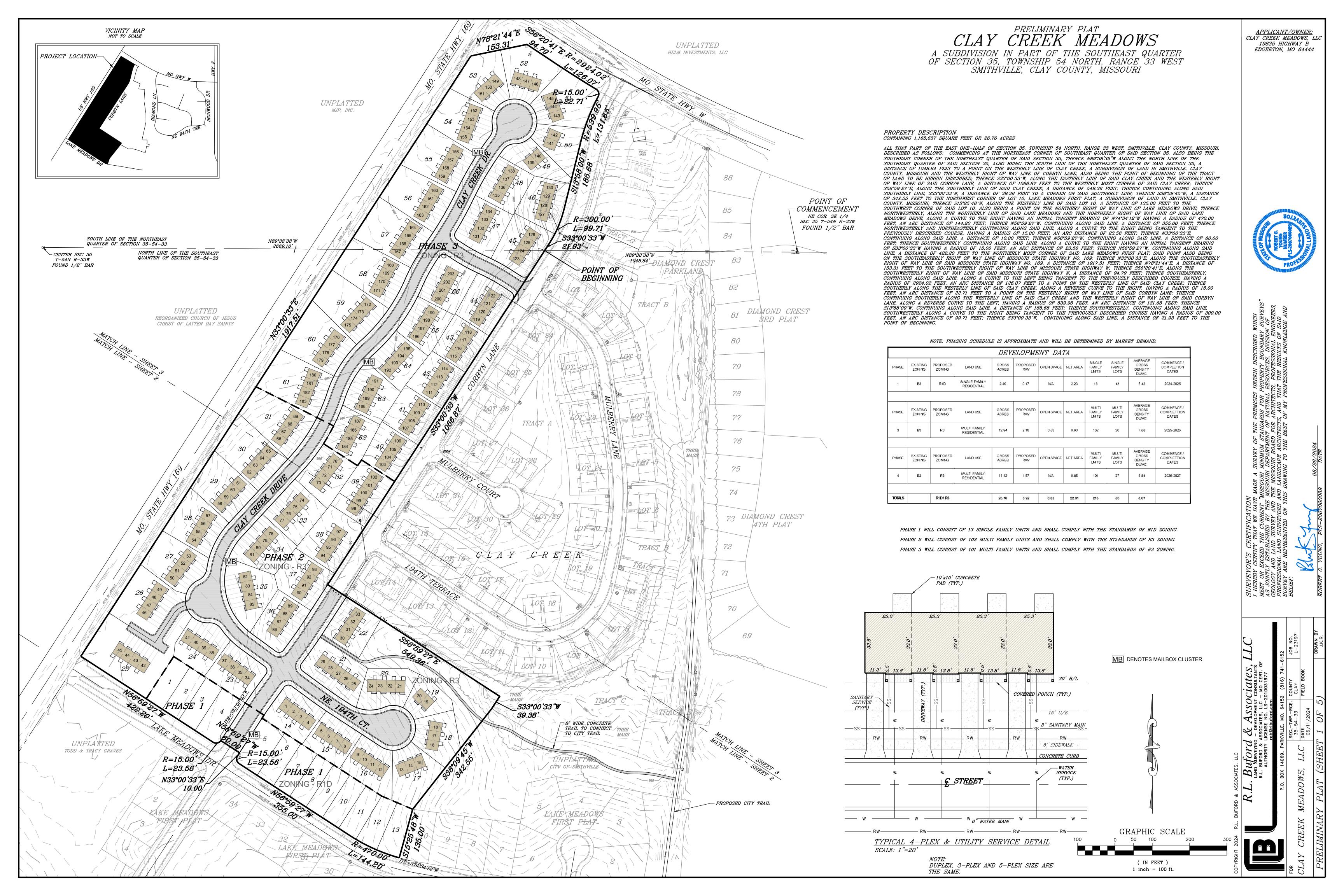
No detrimental effects are known.

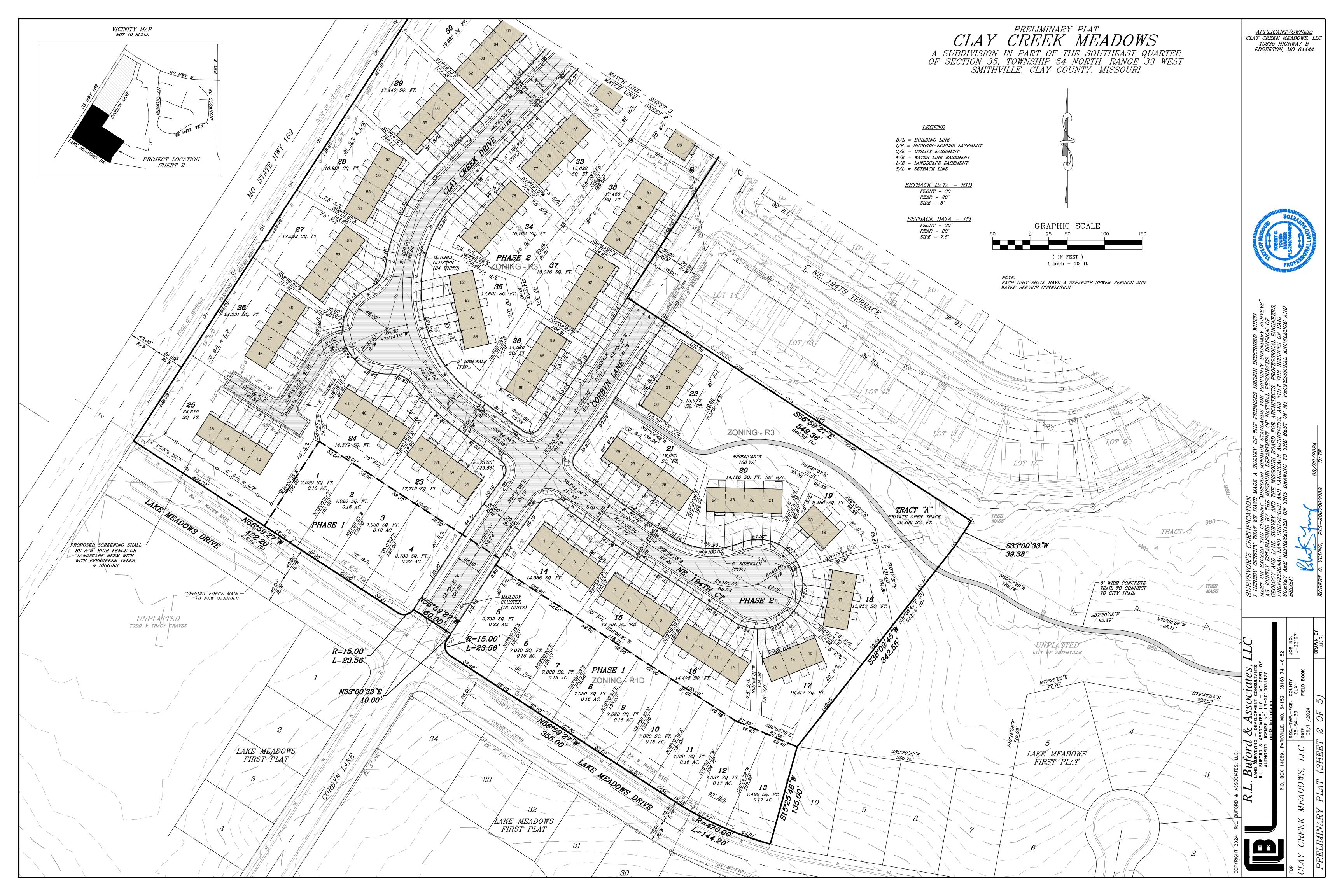
WHTHER THE PROPOSAL HAS A DISPROPORTIONATE GREAT LOSS TO ADJOINING PROPERTY OWNERS' RELATIVE TO THE PUBLIC GAIN 400.560.C.8

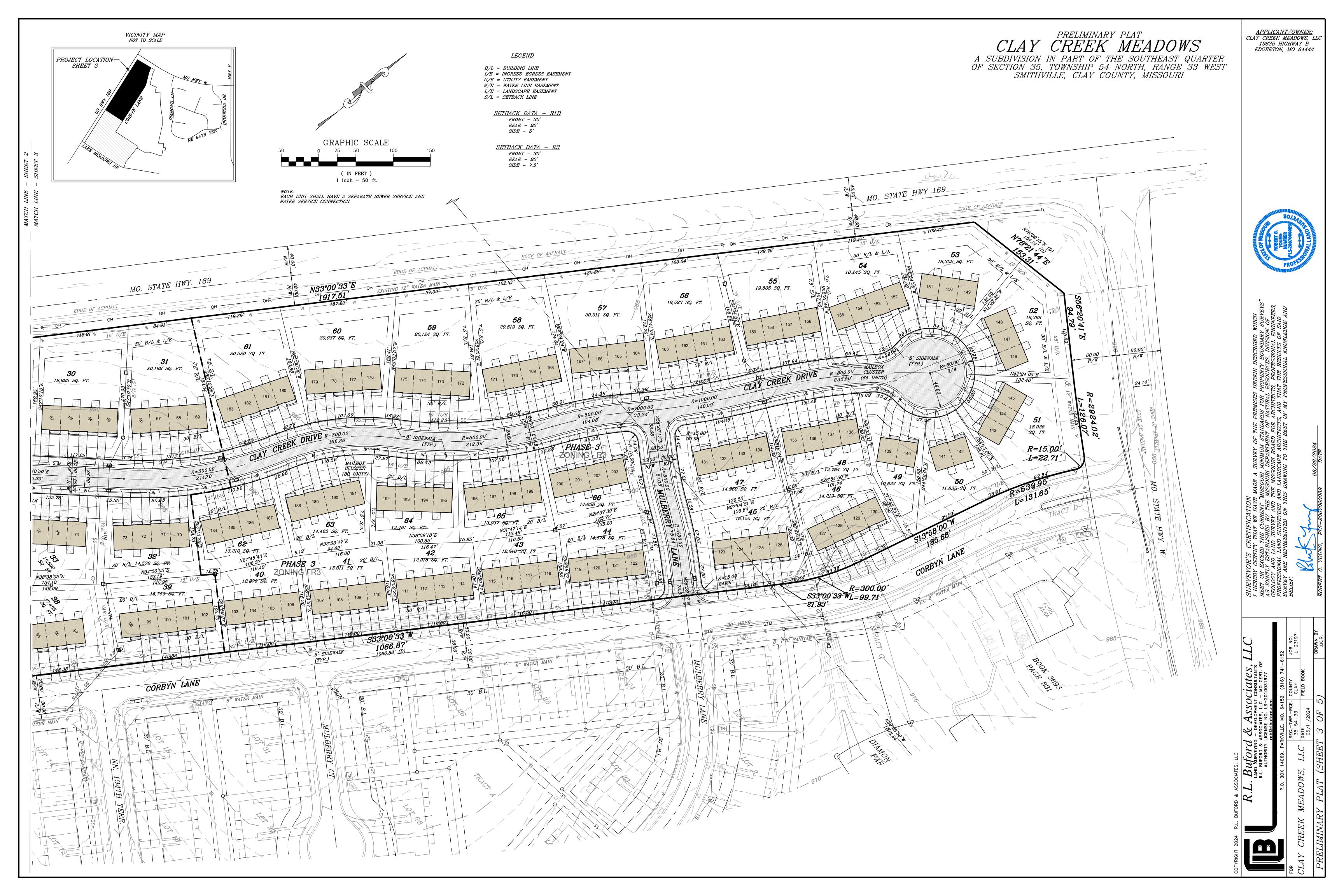
With no detrimental effects known, no great loss is expected.

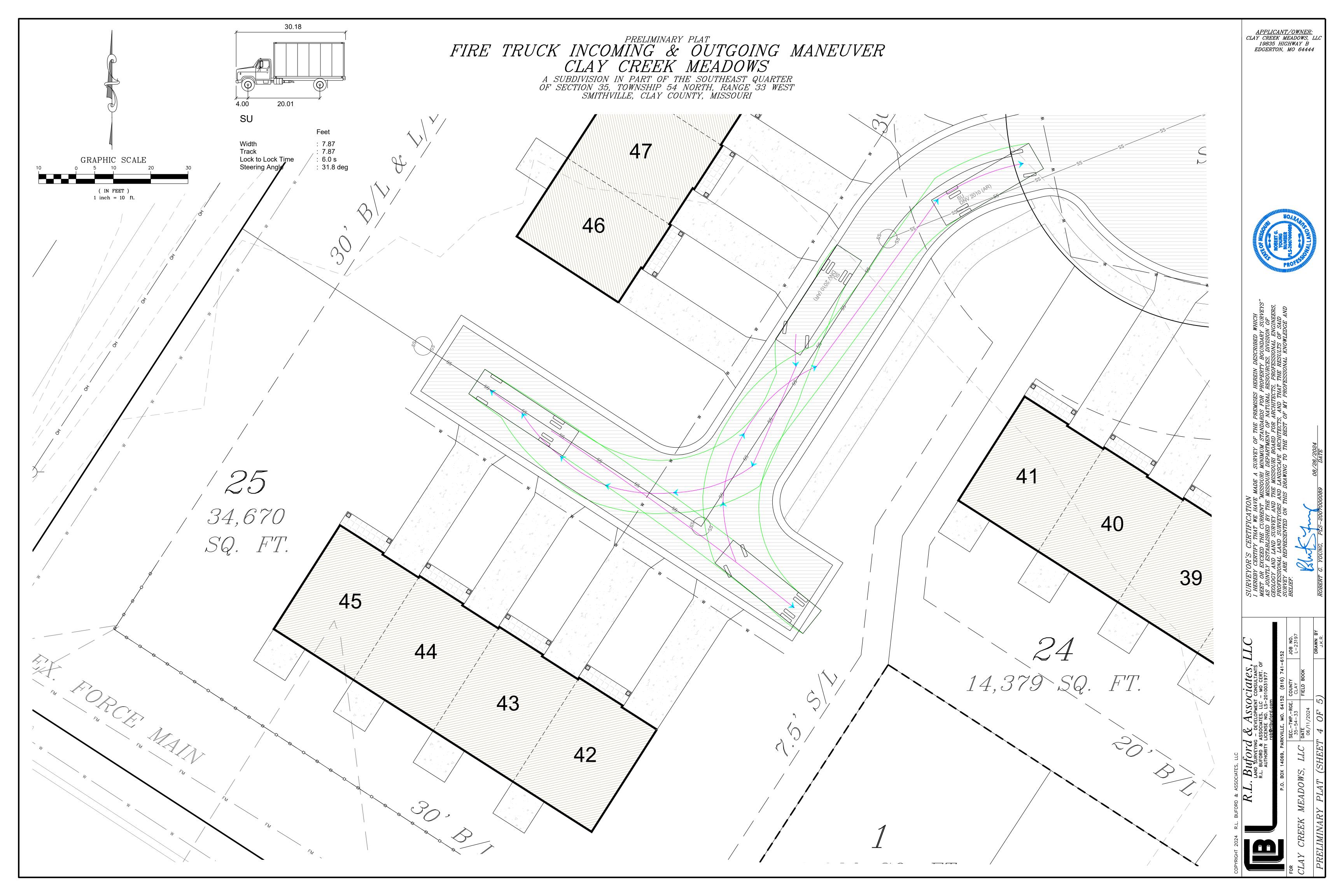
ST	Α	FF	- R	F	ር.ር) [(11	ΛFI	ΝD	AΤ	IOI	J٠

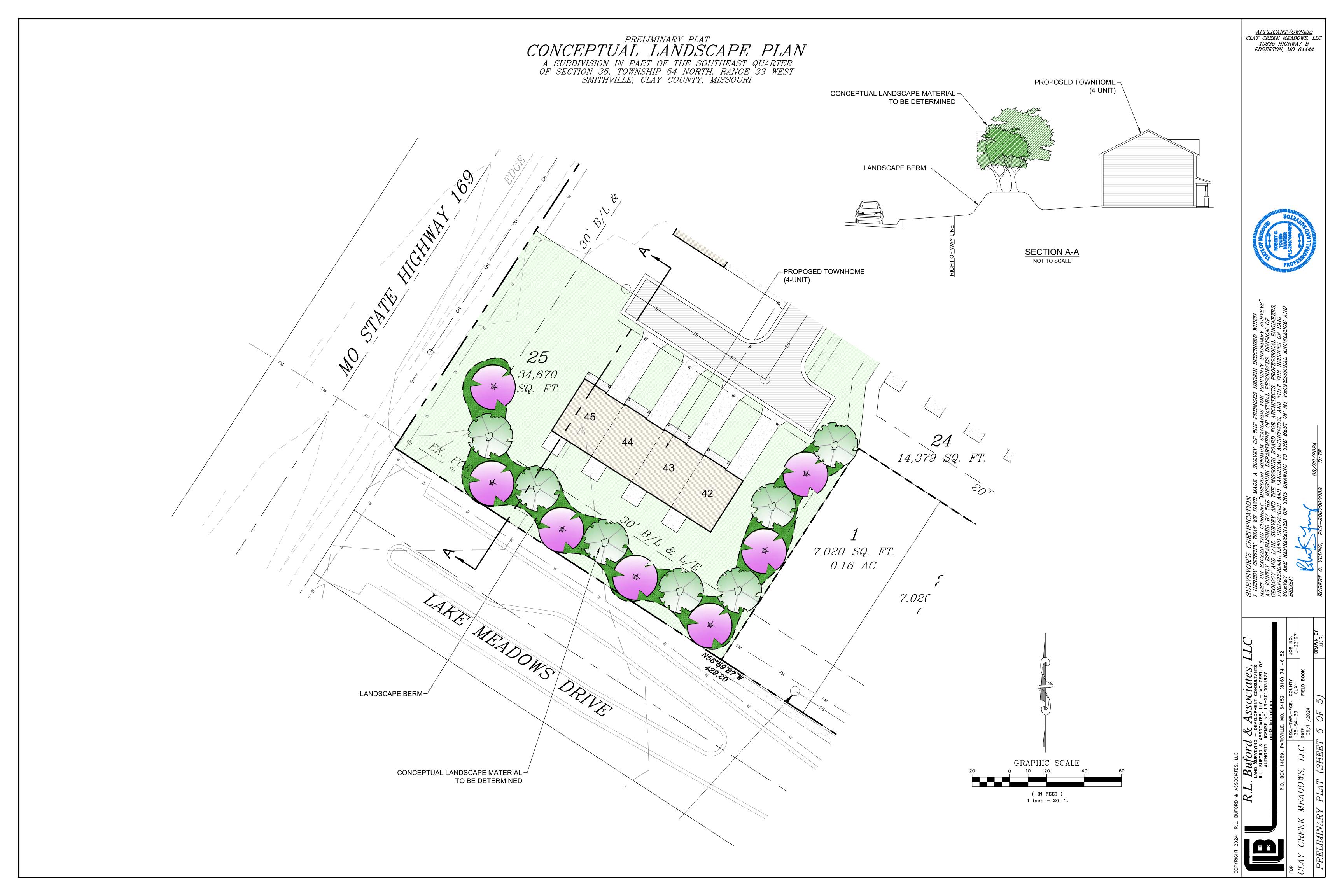
Staff recommends APPROVAL of the proposed district based upon the change meeting the Comprehensive Plan recommendations.
Respectfully Submitted,













Board of Aldermen Request for Action

MEETING DATE: 10/1/2024 DEPARTMENT: Development

AGENDA ITEM: Bill No. 3041-24, Zoning Code Amendment - 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3041-24, amending sections of Chapter 400 of the Zoning Code and Chapter 425 of the Subdivision Code pertaining to fees and costs. First reading by title only.

SUMMARY:

The ordinance would change the zoning and subdivision codes to update provisions concerning the fees and costs of zoning and subdivision items and moving those fees and costs into the Schedule of Fees.

BACKGROUND:

The zoning and subdivision codes have several provisions related to fees and costs identified within the ordinance. While preparing the FY2025 budget, several items were recommended to be changed by the Board of Aldermen. As with many other code provisions on fee changes, staff has drafted provisions that instead of changing the actual fees per the Board's direction, will change the code to place all fees into the Board's Comprehensive Schedule of Fees. This will allow the Board to have full control of all its' fees and costs, and to be able to annually review those fees and costs within the Schedule of Fees discussions that occur every budget year. The Planning Commission held a public hearing on August 13 and following the hearing, recommended the included changes to the codes.

PREVIOUS ACTION:

The code provisions that include specific fees have been moved to the Schedule of Fees for several different code items.

POLICY ISSUE:

Improves the control and timing of future fee evaluations to solely be within the Board of Aldermen's authority.

FINANCIAL CONSIDERATIONS:

None

Λ.	TT	Λ	\sim 1	I N /		N 17	ΓS:
Д		Δ	(' -	HΝ	-	N	` .
_		_	v	IIV	-		

	☐ Contract
☐ Resolution	☐ Plans
☐ Staff Report	☐ Minutes
☐ Other: Planning and Zoning mee	ting is available for viewing online

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400 OF THE ZONING CODE AND CHAPTER 425 OF THE SUBDIVISION CODE PERTAINING TO FEES AND COSTS

WHEREAS, the Planning Commission advertised and held a public hearing on August 13, 2024 related to proposed changes to various provisions of the zoning and subdivision codes that pertain to the amount of fees and costs; and

WHEREAS, following the public hearings, the Planning and Zoning Commission approved the changes based upon the desire to incorporate all fees for zoning and subdivision matters be identified in the City's Schedule of Fees and to be addressed by the Board of Aldermen on an annual financial basis; and

WHEREAS, the Planning Commission has provided its' statement required by §400.560.B of the Code, which is attached as Exhibit A;

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for consistent oversight of the costs of each application and the overall financial stability of the City.

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

SECTION 1. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.440 regarding Site Plan Review Fees in its' entirety and replacing it with the following new Section 400.400:

Section 400.400 Application and Fees.

A site plan application, together with a site plan application fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be submitted to the Development Director. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with any notices and/or mailings provided because of any application herein.

SECTION 2. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.550.E regarding Rezoning Application Fees in its' entirety and replacing it with the following new Section 400.550.E:

400.550 General Provisions

- E. Fees. An application fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be submitted with the application. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with public notices, certified letters, map reprinting, as well as engineering and legal costs incurred in reviewing and approving the applicant's request.
- **SECTION 3**. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.570.B regarding Conditional Use Permit Application Fees in its' entirety and replacing it with the following new Section 400.570.B
- B. Procedure. The consideration of a Conditional Use permit application shall be handled in the same manner as a zoning amendment regarding the requirement for public hearing, notices, protests and action by the Planning Commission and Governing Body. The application shall include a fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees.

SECTION 4. Chapter 425 of the Code of Ordinances is amended by deleting Section 425.090 Filing and Permit Fees in its' entirety and replacing it with the following new Section 425.090.

Section 425.090 Filing and Permit Fees.

For all applications in this Chapter 425, a fee in an amount determined by the Board of Aldermen and contained in its' Schedule of Fees shall be paid. In addition to the application fee, the applicant shall pay for all costs associated with any required technical studies and the City's review of such studies, as well as reimburse the City for all expenses associated with any notices and/or mailings provided because of any application herein.

SECTION 5. This ordinance shall be in full force from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 15th day of October, 2024.

Damien	Boley,	May	or	

ATTEST

Linda Drummond, City Clerk

First Reading: 10/01/2024

Second Reading 10/15/2024

EXHIBIT A

STATEMENT OF PLANNING COMMISSION ON FEES CODE AMENDMENTS

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

- 1. These changes are consistent with the intent and purpose of these regulations.
- 2. The areas of the city which are most likely to be directly affected by these changes are all zoning districts as it relates to the fees to be paid to make amendments or changes to the zoning or subdivision status of the property.
- 3. This amendment is made necessary to provide consistent and regular Board of Aldermen review of all fees and costs charged for zoning and subdivision changes.



Board of Aldermen Request for Action

MEETING DATE: 10/1/2024	DEPARTMENT: Development
--------------------------------	--------------------------------

AGENDA ITEM: Bill No. 3042-24 Business License Fees

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3042-24, amending the Business License Regulations of the City of Smithville, Missouri. First Reading by Title Only.

SUMMARY:

The proposed ordinance would amend the business license fees from the ordinance itself into the Schedule of Fees document and make several other changes to reflect the best practices of the entire program in accordance with the new software systems.

PREVIOUS ACTION:

The business license ordinance has been amended numerous times since its inception in 1967. These changes reflect the Board's direction from its August 6 and September 24, 2024 worksessions.

POLICY OBJECTIVE:

To increase transparency and automate programs for businesses.

FINANCIAL CONSIDERATIONS:

No financial impact is anticipated.

ATTACHMENTS:	
	□ Contract
☐ Resolution	☐ Plans
☐ Staff Report	☐ Minutes
□ Other·	

AN ORDINANCE AMENDING THE BUSINESS LICENSE REGULATIONS OF THE CITY OF SMITHVILLE, MISSOURI

WHEREAS, the City of Smithville, Missouri enacted Ordinance Number 287-67 setting forth business regulations; and,

WHEREAS, the Mayor and Board of Aldermen of the City of Smithville, Missouri have updated the provisions numerous times since it was enacted; and,

WHEREAS, the Board of Aldermen have sought to consolidate all of the City's fees and charges into its' annual Comprehensive Schedule of Fees, including those contained in this ordinance; and

WHEREAS, that a review of the ordinance while preparing for the changes to the fee structure changes, several other changes became necessary in order to simplify and improve the efficiency of the business licensing program for all businesses; and,

WHEREAS, the Board of Aldermen believe the best interests of all affected parties to delete the prior ordinances in their entirety and replace them with a comprehensive, updated ordinance regulating business licenses in the City of Smithville;

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

Section 1. That Sections 610.010 through 610.140 of the Code of Ordinance be deleted in their entirety, and replaced and renumbered as follows:

Section 610.010 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

CITY FINANCE DIRECTOR

The City FINANCE DIRECTOR and his or her duly authorized deputies and agents.

CONTRACTORS

Every individual, including all building crafts and enterprises, which shall engage in the business of building, erecting, repairing, remodeling or otherwise constructing or reconstructing houses, buildings, bridges, stonework, sewers, streets, sidewalks, parking lots or other structures or any parts thereof or contracting with others for the performance of any such work.

FESTIVAL ORGANIZERS

Persons or entities that sponsor a festival within the city limits with Festival Vendors FESTIVAL VENDORS

For-profit and not-for-profit vendors selling at festivals within the City limits.

NON-PERMANENT VENDOR

A business operation with no permanent physical structure attached to real estate within the city limits that operates less than eleven (11) months of each year.

Section 610.020 Licenses Required — Fees To Be Paid.

Every person, firm or corporation who shall maintain, operate or conduct any of the businesses or trades listed in Section 610.130 or exercise any of the privileges specified in this Section shall obtain a license to do so and pay the license fee or tax prescribed in Section 610.130. All license taxes or fees required in this Section shall be due and payable on the first day of December of each year and shall be delinquent on the 31st day of December each year. A late payment fee equal to ten percent (10%) of the required fee shall also be required for all payments received after the due date and shall additionally accrue additional penalties in the amount of one percent (1%) per month for each month or part thereof for payments received after such fees become delinquent.

Section 610.030 Terms Of Licenses — Prorating Of Fees.

The regular license period for the City of Smithville is from December 1 through November 30 of the following year and when any person shall apply for a new license from the City after December 1st and the remaining period for which the business may be operated shall be less than twelve (12) months, the license fee shall be as follows: If such license shall run more than one (1) month and less than four (4) months, then the license fee charged shall be one-third (1/3) the license fee charged for the full twelve (12) months. If such period be more than four (4) months and less than eight (8) months, then the license fee charged shall be two-thirds (2/3) of the license fee charged for the full twelve (12) months. If such period is for more than eight (8) months, then the license fee shall be the same as for twelve (12) months.

Section 610.040 Applications For Occupation License.

- A. No license shall be issued under the terms of this Article unless the applicant provides the following information:
- 1. A completed application for a license, or renewal application, upon the forms provided by the City Finance Director, or designated representative, for each application.

- 2. A copy of a retail sales license from the Missouri Department of Revenue, or an affidavit from the applicant that no retail sales license is required for the type of business intended to be performed under the occupation license.
- 3. A copy of a statement, issued by the Missouri Department of Revenue, stating that no tax is due in accordance with the requirements of Section 144.083, RSMo., that is dated no longer than ninety (90) days before the date of submission of the application.
- 4. A zoning occupancy statement from the Planning and Zoning Director that the intended location of the business is in conformance with the zoning requirements of the City of Smithville, unless the business is one that in common practice would not necessarily have a business location in the City. In such a case the business must provide the address of its business location on its application and must provide the City with notice of any change of address within a reasonable time after the change.
- 5. A certificate of insurance for Workers' Compensation Insurance Coverage. The applicant shall have the affirmative responsibility to provide the City with additional certificates throughout the term of the license sufficient to show that such coverage is in effect during the entire term of the occupation license. Nothing in this Section shall be construed to create or constitute a liability to or a cause of action against the City in regard to the issuance or non-issuance of any license for failure to provide such certificates.
- 6. If the business is food service related, a preopening food service establishment inspection report from the Clay County Health Department must be submitted.
- 7. If the business is a plumbing, electrical, or mechanical contractor, the applicant shall also provide a copy of a valid master's license issued by any City that proctors a nationally recognized exam for such purpose prior to the issuance of such master's license.
- 8. If the business requires any special license issued by the State of Missouri, the applicant shall provide a copy of such license, along with a certification from the issuer that the license is currently valid. If the license expires during the term of the license granted herein, the applicant is required to supplement its initial application with a copy of such license renewal prior to the expiration date of the previous State license.
- B. It shall be unlawful to provide fraudulent documents or fraudulent information on the application required herein.

Section 610.050 Requirements For Issuance Of License.

No license shall be issued to any applicant who is in arrears of payment of any debt to the City of Smithville, including, but not limited to, real estate taxes, personal property taxes, special assessments, special tax bills, water usage bills, fines, fees or expenses related to any other approvals from the City, unless a payment plan has been approved by the City of Smithville. It shall not be a defense to the requirements of this provision that any such real estate taxes are owed by the owner of the real estate in which the applicant is merely a tenant. Licenses shall be signed by the City Finance Director and contain the City's logo.

Section 610.060 City Finance Director To Classify — Appeal From City Finance Director's Decision.

The City Finance Director, or designated representative, shall classify all applicants for licenses and issue the appropriate license. In performing these duties, the City Finance Director, or designated representative, may request the applicant provide evidence to support any of the classifications. Any such information provided for this classification shall be considered personal and confidential records and will be returned to the applicant upon completion of any review. Any person aggrieved by the Director of Finance's, or designated representative's, decision may pay such fee under protest and appeal to the Board of Aldermen within thirty (30) days of such payment. The Board shall have the power to order the license canceled, the fee repaid and a new and more appropriate license or licenses issued.

Section 610.070 Non-Transferability Of Licenses.

All licenses issued by the City shall be deemed to be mere personal privileges and shall not be transferable or assignable.

Section 610.080 Display Of Licenses.

All licenses issued hereunder, and State-issued licenses of any employee required to be maintained for the work performed at the business, shall be posted in a conspicuous place for all members of the public to view. No person shall refuse to exhibit such license(s) to any City Official upon demand.

Section 610.090 Separate Licenses For Each Business.

A separate license shall be obtained for each place of business conducted, operated, maintained or carried on by every person engaged in any occupation, trade or enterprise for which a license is required under this Article. Whenever any applicant for a license under this Article is engaged in more than one (1) occupation or business at the same address, such applicant shall make a separate application and pay the required fee for each of such separate businesses, occupations or enterprises conducted on said premises.

Section 610.100 Two Licenses For One Business Not Required.

If, by the provisions of any other Code Section, a separate license is required for conducting business in the City of Smithville, then no such fee shall be due under this provision.

Section 610.110 Festival, Non-Permanent And Fireworks Vendors.

A. All Festival Organizers shall be required to provide the following information in order to obtain a license:

- 1. The name of the festival organizer or contact person.
- 2. The booth number or location assigned to each vendor.
- 3. If a food-service-related operation, a Clay County Health Department approval letter.
- B. All non-permanent vendors shall be subject to the fees required under Section 610.130 and must provide the information required under Section 610.040, as well as the following additional information:
- 1. Evidence of authorization to operate at the proposed location from the owner of the real estate. Such proof must be signed by the owner.
- 2. Evidence that adequate required utility services, including, but not limited to, water and sewer facilities, are available.
- C. All fireworks vendors shall obtain a permit for the sale of fireworks as described herein and be subject to a fee as determined by the Board of Aldermen and contained in its' annual Schedule of Fees for such permit.
- 1. Applicants for a fireworks vendor permit shall submit an application in which they agree to the following:
- a. They shall adhere to the laws of the State of Missouri regulating the sale of fireworks, including, but not limited to, Chapter 320, RSMo., as amended.
- b. They shall indemnify and hold harmless the City of Smithville in any way for the action or damages resulting from the operation of their fireworks stand or from the sale of their fireworks.
- c. They shall agree to abide by all other ordinances of the City.
- 2. All applications must be submitted between the days of May 1 and June 6 of the year in which a permit is requested, and such application shall include: the specifications of the firework stand or tent; its location; written approval of the owner of the property upon which the stand will be located; a certificate of liability insurance covering the sale of fireworks for accident or damages caused from the operation of the fireworks stand, with the City of Smithville named as an additional insured on the policy in an amount not less than the municipal sovereign immunity limit imposed by the Statutes of the State of Missouri; and the required fee herein.
- 3. Before any permit is issued herein, the applicant shall pass a background check conducted by the Chief of Police or his or her designee and the location and specifications of firework stand or tent shall be approved, in writing, by the Chief of the Fire District.
- 4. Any fireworks stand permitted as required above shall also meet the following requirements:
- a. The sale of fireworks shall be limited to the hours of 9:00 A.M. and 10:00 P.M. on the following days: June 20 until July 5, as well as December 20 until January 2 of the year following the year in which the permit was issued, and no other sales outside those dates and times shall be permitted.

- b. The applicant must prominently post signs that read: "Fireworks For Sale Keep Open Flames Away No Smoking Allowed."
- 5. The sale of fireworks not in accordance with the timeframes included in Subsection (C)(4) above shall result in the immediate revocation of the permit issued herein, as well as may constitute a violation of Section 205.680 of the City Code.

Section 610.120 Building Contractors — License.

No building permit shall be issued to any contractor who has not obtained a license as required in this Article.

Section 610.130 License Fee.

A. Every person, firm, corporation, partnership or association engaged in the following listed businesses shall pay the City Finance Director a license fee as determined by the Board of Aldermen and contained in its' annual Schedule of Fees.

Abstracting business Chair rental concern
Abstracting agency Collection agency

Adding machine company Contractor
Addressing business Confectioner

Advertising agency Dairy products dealer

Advertising company Druggist, retail and wholesale

Auction house Dye house

Automobile accessory dealer Dance hall or house
Automobile dealer or agency Dancing school
Automobile rental or leasing company Delivery truck or auto

Automobile repair shop Drummer

Automobile repair shop

Automobile washing and oiling concern

Electric battery or changing station

Accountant Florist

Adjustor or adjusting company

Ambulance company

Architect, engineer or draftsman Foundry

Baker, retail or wholesale Groceries, retail and wholesale

Flour mill

Foreign coffee and tea dealer and agent

Ball or bowling alley

Bathhouse

Blueprint maker

Bookbinder

Bottling works

Grain elevator

Hat cleaner

Hay merchant

Hospital, private

Hotel and motel

Butcher, retail and wholesale

Bakery delivery wagon or truck

Bank or trust company

Hothouse

Ice dealer

Barbershop Ice plant agency
Beauty parlor Ice cream parlor

Bicycle repair shop Blacksmith shop Bondsman and agent

Building or housecleaning company Building mover or wrecking company

Business licenses

Business or correspondence school

Cafe

Cigar and tobacco stand

Clothes cleaner

Clothes presser and dyer Clothes rental concern

Coal dealers, retail and wholesale Cold storage house or locker plant

Cash register agency

Caterer Masseur

Merchants, retail and wholesale Monument dealer or agency

Moving picture show

Machine shop Manufacture agent

Merchant delivery company Messenger or delivery service

Milk wagon or truck Miniature golf course Newspaper, advertising

Nursery

Oil station, retail or wholesale Piano and organ dealer or agent Popcorn stand or peanut stand

Printing business Produce dealer Poultry dealer Publishing business

Patent right dealer

Pawnbroker

Photographer, business or studio

Pool hall and pool tables

Ready to wear clothing agency

Restaurant

Radio or television station, commercial Real estate loan or rental company Renovating or repair business Ice cream stand Ice truck or wagon Insurance broker

Insurance company or agency

Investment company
Job wagon or truck
Junk dealer or auto yard
Land title — guarantor of
Land title insurance

Laundry

Laundry wagon or truck Laundry branch or agency

Lumber dealer

Lunch stand or counter

Mail order merchant or house

Manufacturer Theaters

Wholesale house or merchant

Towel supply agency

Trade school Trailers, business

Tree surgeons and trimmers
Trucker and transfer company

Typewriter agency

Upholsterer

Vacuum cleaner sales or rental business

Vermin exterminator Waste paper company Welding business

Well driller

Window cleaning business

Wood dealer

Sand plant
Secondhand business
Soft drink stand or vendor
Safe deposit company
Sale of unclaimed goods
Sales agent or agency
Sewing machine
Shoeshine parlor
Shoe repair shop
Sign hanger
Sign maker
Skating rink, ice or roller
Storage warehouse
Tailor-made clothing agency
Tailors

B. The fees referenced herein may be limited pursuant to Section 71.620, RSMo.

Section 610.140 Violations And Penalties.

It shall be unlawful for any person to violate any of the provisions of this Article and, upon conviction, shall be subject to a fine as set out in Section 100.220 of this code. Each day that a violation of the provisions of this Article occurs shall constitute a separate offense.



Board of Aldermen Request for Action

MEETING DATE: 10/1/2024 **DEPARTMENT**: Administration/Finance

AGENDA ITEM: Approve Bill No. 3043-24 Adopt FY2025 Annual Operating Budget -

1st Reading.

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3043-24, adopting the Fy2025 Annual Operating Budget for the City Of Smithville, Missouri, and authorizing the expenditures of funds for municipal services. First reading by title only.

SUMMARY:

City staff have worked collectively since February 2024 to determine the needs, and eventually propose recommendations, for the FY2025 Budget. In June of 2024, the Board of Aldermen, Department Directors, and other key department staff met in a retreat/financial summit to review organizational workplans and priorities identified through recent processes to outline community goals. Various goals were outlined in the retreat. The FY2025 proposed budget:

- Continues to place focus on employee recruitment and retention.
 - Salary increases reflect an organizational goal to being market competitive across all positions.
 - Departmental budgets include enhanced funding for employee training and development.
- Continues to focus on investment in infrastructure.
- Assures the maintenance and acquisition of appropriate work equipment.
- Includes \$\$7.5 million in capital improvements across all funds.
- Includes \$100,000 for a City / County shared road improvement of 176th Street.
- Includes \$150,000 for Campground Road repairs.
- Includes funds to conduct a DirectionFinder citizen satisfaction survey.
- Expands senior services using funds from a Clay County Senior Services grant.
- Includes a \$2,500 for the Northland Career Center contribution.

FY2024 Budget "Rollovers"

Each year, the Finance Department adjusts the upcoming budget based upon the remaining amounts in current engineering and construction contracts. These amounts are rolled over as a part of the newly proposed budget. This year, Public Works and Finance staff have worked together to determine the budget rollovers needed for FY2025. This includes projects that have not yet been completed. These rollovers will be noted in the FY2025 – FY2029 Proposed Five Year Capital Improvement Plan. The rollover amounts included in the FY2025 budget are as follows:

Combined Water and Wastewater Fund

- The City has contracted With Richards Construction Company to complete the Lagoon Cleaning project. The total contract amount for this project was established at \$188,000. Of this amount, \$188,000 will be rolled in the FY2025 budget.
- The City has contracted with Ross Construction for the completion of Water Plant Improvements. The total contract amount for this project was established at \$1,463,800. Of this amount, \$1,463,800 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the West Bypass of 144th Street Lift Station in the amount of \$346,050. Of this amount, \$70,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the Smith's Fork Pump Station in the amount of \$285,800. Of this amount, \$10,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the Water Plant Residuals in the amount of \$255,000. Of this amount, \$60,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for Water Plant operations in the amount of \$121,000. Of this amount, \$85,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the Stonebridge Pump Station in the amount of \$275,000. Of this amount, \$85,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the Wastewater Facilities Plan in the amount of \$150,000. Of this amount, \$150,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the River Crossing & Maple Lane Waterline Improvements in the amount of \$178,560. Of this amount, \$75,000 will be rolled in the FY2025 budget.
- The City has contracted with HDR Engineering for the completion of engineering for the Owens Branch Sanitary Sewer, Line #1, Phase #1 in the amount of \$321,950. Of this amount, \$220,000 will be rolled in the FY2025 budget.

Capital Improvement Sales Tax Fund

 The City has contracted with Mega KC to complete Downtown Streetscape Phase III. The total contract amount for this project was established at \$1,746,100. Of this amount, \$1,746,100 will be rolled in the FY2025 budget.

Transportation Sales Tax Fund

- The City has contracted with Legacy Underground to complete Commercial Street Sidewalk program. The total contract amount for this project was established at \$998,658. Of this amount, \$998,658 will be rolled in the FY2025 budget.
- The City has contracted with HDR to complete Downtown Streetscape Phase III plan, which has been completed, in the amount of \$45,000. Of this amount, \$45,000 will be rolled in the FY2025 budget.

Parks and Stormwater Sales Tax Fund

• The City has contracted with Tunks Construction for the completion of the storm sewer for Stonebridge Stormwater Improvement project in the amount of \$127,243.18. Of this amount, \$100,000 will be rolled in the FY2025 budget.

Shared / Multiple Funds

- The City has contracted with GBA to complete Riverwalk and 2nd Creek Sidewalk engineering. The total contract amount for these two projects were established at \$400,000. Split between Capital Improvement Sales Tax Fund and Parks and Stormwater Sales Tax Fund. Of this amount, \$380,000 will be rolled in the FY2025 budget.
- The City has contracted with GBA to complete 1st and Bridge Street Round-A-Bout engineering. The total contract amount for this project was established at \$440,085. Split between Capital Improvement Sales Tax Fund and General Fund (\$50,000). Of this amount, \$440,085 will be rolled in the FY2025 budget.

2025 Budget Summary

The Total Proposed FY2025 Budget includes the aggregate use of fund balance across sixteen budgeted funds. The use in fund balance can be attributed to several high-profile capital improvement projects within the General Fund, CWWS (Combined Water & Wastewater) Fund, Transportation Sales Tax Fund, and Capital Improvement Sales Tax Fund. This includes completion of the following projects:

- 144th Street Lift Station and West Interceptor Construction
- Smith's Fork Force Main Construction
- Downtown Streetscape Phase III Construction
- Stonebridge Lift Station Engineering & Construction
- 2nd Creek Sidewalks Engineering and Construction
- Commercial Street Sidewalks Construction
- Riverwalk & Trail Construction Construction

	2025 Projected Beginning Balance	2025 Revenues	2025 Expenditures	2025 Projected Ending Balance
General Fund	3,219,449	6,743,657	7,482,202	2,480,904
Capital Improvement Sales Tax Fund	917,552	3,351,132	4,217,875	50,809
Capital Projects Fund	110,625	12,100	-	122,725
Combined Water/Wastewater Fund	7,564,457	7,143,660	10,276,241	4,431,876
Debt Service Fund	267,740	354,000	354,000	267,740
Park and Stormwater Sales Tax Fund	1,325,252	781,294	897,000	1,209,546
Sanitation Fund	60,176	971,205	970,617	60,764
Marketplace TIF (Allocation) Fund	2,556,132	856,224	1,136,542	2,275,814
Commons CID Fund	242,632	324,559	362,752	204,439
Transportation Sales Tax Fund	486,707	1,718,624	1,750,000	455,331
Vehicle And Equipment Replacement Fund	69,993	469,000	474,794	64,199
Donation Fund	23,550	14,950	-	38,500
Judicial Education Fund	2,645	-	975	1,670
Technology Upgrade Fund	-	-	-	-
DWI Recovery Fund	13,699	3,650	800	16,549
Police Training Fund	12,333	1,300	3,450	10,183
Grand Total	16,872,943	22,745,355	27,927,248	11,691,050

PREVIOUS ACTION:

As a part of the budget process, the Board held a Financial Retreat on June 13, 2024. Following the retreat, the Board reviewed Compensation Scenarios proposed by staff on July 16, 2024. On August 28, 2024 and September 24, 2024, the Board formally reviewed the FY2025 Proposed Operating Budget and Five-Year Capital Improvement plan.

POLICY OBJECTIVE:

Approval of operating and capital budget to provide funds to support Board of Aldermen goals in FY2025

FINANCIAL CONSIDERATIONS:

Adopting expenditure and revenue budget for FY2025 which establishes spending and receipting authority for the City in FY2025.

ATTACHMENTS:

	☐ Contract
☐ Resolution	☐ Plans
☐ Staff Report	☐ Minutes

✓ Other: FY2025 Budget and Five-Year CIP Presentation

AN ORDINANCE ADOPTING THE FY2025 ANNUAL OPERATING BUDGET FOR THE CITY OF SMITHVILLE, MISSOURI, AND AUTHORIZING THE EXPENDITURES OF FUNDS FOR MUNICIPAL SERVICES.

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

THAT, for the purpose of financing the conduct of affairs of the City of Smithville, Missouri during the fiscal year from November 1, 2024, and ending October 31, 2025 inclusive, the budget of the City's revenue and expenses for such period prepared and submitted to the Smithville Board of Aldermen by the City Administrator is hereby approved and adopted as the Official Budget of the City of Smithville, Missouri; and

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

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

PASSED by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 15th day of October, 2024.

Damien Boley, Ma	iyor
ATTEST:	
Linda Drummond,	City Clerk
First Reading:	10/01/2024
Second Reading:	10/15/2024



Board of Aldermen Request for Action

MEETING DATE: 10/1/2024 DEPARTMENT: Finance

AGENDA ITEM: Resolution 1406, Approving a Water and Wastewater Leak Adjustment

Request

REQUESTED BOARD ACTION:

Motion to approve Resolution 1406, approving a water and wastewater leak adjustment request for Francis Collier in the amount of \$49.02.

SUMMARY: The City has received notice from Frances Collier, 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 August, 29, 2024, the Utilities Divsion obtained electronic reads of water usage for the month of August. Those reads were uploaded to the billing system and staff was alerted to the accounts that had no, little or high usage.

Following the month of the August billing cycle, Frances Collier had started the cycle with a read of 968 and finished the August cycle with a read of 974, which resulted in consumption of 12,500 gallons. This amount was more than twice the established monthly average. As required by Ordinance 2989-18, Frances Collier has provided proof of repair/maintenance of the toilet leak which caused the high usage during the August billing cycle.

If approved, the leak adjustment would issue a credit of \$49.02 Frances Collier'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 \$49.02.

AT ⁻	$\Gamma \Lambda$	\sim 1	IR /			· C .
Δ	1 4		-111/	1 – 1	11 1	຺.

□ Ordinance	□ Contract
□ Resolution	☐ Plans
☐ Staff Report	☐ Minutes

☑ Other: Repair Documentation

RESOLUTION 1406

A RESOLUTION APPROVING A WATER AND WASTEWATER LEAK ADJUSTMENT REQUEST FOR FRANCIS COLLIER IN THE AMOUNT OF \$49.02

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

WHEREAS, Frances Collier, a residential utility billing customer with account 05-001960-00, 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 \$49.02.

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 \$49.02 shall be credited to account 05-001960-00 of residential utility billing customer Frances Collier.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of October, 2024.

Damien Boley, Mayor
ATTEST:
Linda Drummond, City Clerk



Water and Wastewater Leak Adjustment Request

Utility Customer Name: _	Frances Collier
Utility Service Address:	204 Owens Ave
Utility Account Number: _	05-001690-00

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 \$49.02 at the Board of Alderman meeting on 10/1/2024.

Upon resolution by the Board of Alderman, I, <u>Frances Collier</u>, 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.

Frances Collier 9-24-24
Customer's Signature Date



Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: Frances Collier

Utility Service Address: 204 Owens Ave

Utility Account Number: 05-001960-00

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): \$10.40

Average monthly water usage for this property: 400 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): \$6.21

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): \$8.84

Average monthly wastewater usage for this property: 400 gallons

Was the leak inside or outside the home: inside

Was the wastewater billed winter average or actual usage: winter average

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

MONTH 1		
Original Water Bill Amount		
12,500 gallons @ 10.4 per 1,000 gallons =	130.00	
Adjusted Water Bill Amount		
800 gallons @ 10.4 per 1,000 gallons =	8.32	
+ 11,700 gallons @ 6.21 per 1,000 gallons =	72.66	
	80.98	
Water Discount =	49.02	
Original Wastewater Bill Amount		
400 gallons @ 8.84 per 1,000 gallons =	3.54	
Adjusted Wastewater Bill Amount		
400 gallons @ 8.84 per 1,000 gallons =	3.54	
Wastewater Discount =	0.00	

MONTH 2 (if applicable)			
Original Water Bill Amount			
gallons @ 10.4 per 1,000 gallons =	0.00		
Adjusted Water Bill Amount			
0 gallons @ 10.4 per 1,000 gallons =	0.00		
+ 0 gallons @ 6.21 per 1,000 gallons =	0.00		
-	0.00		
Water Discount =	0.00		
Original Wastewater Bill Amount			
0 gallons @ 8.84 per 1,000 gallons =	0.00		
Adjusted Wastewater Bill Amount			
0 gallons @ 8.84 per 1,000 gallons =	0.00		
Wastewater Discount =	0.00		

Total Discount = 49.02

4.

SHIRMAN

Suther Land Lumber To. 1214 981 Bourt 291 Hwy Liberty MO 64068 (816)781-800014116181168 Gutherlands.com ALL GARAGE SALE ITEM SALES ARE PLANE. NO RETURNS.

09-21-2024 08:55:11 1214 01 005 OPERATOR BRENDA 005175 Basic Sale

1.x 4.79 03496100501/2892875 4.79 50121 FLAPPER BULLS EYE SUPER

03996100002/0715987 1_x 400A BALLCOCK ANTI THOR SER 14IN

> SUBTOTAL .. 12.78 YAX01 (0.098500)... 1.26 14-04-118 CARD TENDER LATTE ... CHANGE DUE 0.00

Card Number: XXXX-XXXX-XXXX-9494 WHITFIELD/DENNIS W

Ref Number: 005846991096 [6]

Auth Nember 875330 [MASTER CARDING

Tran Type: Basic Sale CHARGE TENDER: 14.04 ALO: A000000000122033 Application Label:Debit Cryptogram Type; TC Cryptopram: CE65248DE2BD3ADA

PIN Statement *** Customer Copy

> Way You Saved 1.00

Loyalty Card Customer *** 0000412140044675 *** Thank You For Shopping Sutherlands sutherlands.com 1214sales@sutherlands.com

Warranty on Tive goods is One year Trail on shrubs. No returns or exchanges on hanging baskets.

09-21-2024 005175

Sitherlands 072 08:55:11 1214

Returns with original receiptions





Board of Aldermen Request for Action

MEETING DATE : 10/1/2024	DEPARTMENT:	Parks and Recreation	n/Polic
IVICE I IIVG DATE. 10/1/2024	DEPARTIVILIVI.	raiks allu ketieatio	H/FUIIU

AGENDA ITEM: Resolution 1407, Temporary Liquor License – Festiville

REQUESTED BOARD ACTION:

A motion to approve Resolution 1407, issuing a temporary liquor license to Eric Craig Real Estate Team for Festiville to be held in the downtown courtyard on October 5, 2024

SUMMARY:

The requested permit will allow the participants to have alcohol (open container) at the event. The event is scheduled from 3:00 p.m. until 1:00 a.m. on Main Street, Bridge Street and Church Street. Street closure will begin at 9:00 a.m. for set-up.

Per City Ordinance 600.070 (G &H) the Board of Aldermen may grant a Special Event Permit to allow drinking in public.

The event coordinators may utilize the additional following businesses as food and alcohol vendors:

Snack Daddy's Gizmos

PREVIOUS ACTION:

remporary Liquor License was approv	ed for this event last year in July 2023.
POLICY OBJECTIVE: N/A	
FINANCIAL CONSIDERATIONS: N/A	
ATTACHMENTS:	
□ Ordinance	☐ Contract
□ Resolution	☐ Plans
☐ Staff Report	☐ Minutes
☑ Other: Ordinance 600.07	0 (G &H), Letters from Chief

RESOLUTION 1407

A RESOLUTION APPROVING A TEMPORARY LIQUOR LICENSE FOR ERIC CRAIG REAL ESTATE TEAM FOR FESTIVILLE IN THE DOWNTOWN COURTYARD ON SATURDAY, OCTOBER 5, 2024

WHEREAS, Eric Craig Real Estate Team has submitted an event application with all required fees and documentation; and,

WHEREAS, local and outside businesses will supply the food and beverages for a fee to the participants in a vendor location using their State and City licenses to sell food and alcohol; and,

WHEREAS, the applicant has submitted a map of the area and will monitor the area that will allow open consumption of alcohol in accordance with city code; and,

WHEREAS, Smithville police officers will assist in providing security at the event.

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

THAT A TEMPORARY LIQUOR LICENSE BE ISSUED TO ERIC CRAIG REAL ESTATE TEAM FOR FESTIVILLE TO BE HELD SATURDAY, OCTOBER 5, 2024. IN ACCORDANCE WITH THE PLAN APPROVED BY THE CHIEF OF POLICE.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, on the 1st day of October 2024.

Damien Boley, Mayor	-
ATTEST:	
 Linda Drummond, City Clerk	_

September 25, 2024

Cynthia Wagner:

I have reviewed the Temporary Liquor application submitted by Kelly Kobylski (Kobylski Enterprises, LLC; DBA Snack Daddy's) for the Festiville Event. I have reviewed Ms. Kobylsi's background as well as public records and found nothing that would disqualify her from being issued a liquor permit.

I would recommend that Ms. Kobylski be issued a city liquor permit pursuant her request. If you have any questions or concerns, feel free to contact me.

Respectfully,

Chief Jason Lockridge



September 25, 2024

Cynthia Wagner:

I have reviewed the Temporary Liquor application submitted by Dustin Racen (Gromet Entertainment, DBA Gizmo's Tavern) for the Festiville Event. I have reviewed Mr. Racen's background as well as public records and found nothing that would disqualify him from being issued a liquor permit.

I would recommend that Mr. Racen be issued a city liquor permit pursuant to his request. If you have any questions or concerns, feel free to contact me.

Respectfully,

Chief Jason Lockridge



Board of Aldermen Request for Action

MEETING DATE: 10/1/2024 DEPARTMENT: Development

AGENDA ITEM: Resolution 1408, Preliminary Plat – Clay Creek Meadows

REQUESTED BOARD ACTION:

A motion to approve Resolution 1408, approving a preliminary plat for Clay Creek Meadows subdivision and authorizing the Mayor to execute a development agreement.

SUMMARY:

Applicant submitted an application to rezone 26.79 acres of land from B-3 Commercial to R-1D and R-3 to allow development of a new 216 unit development with 13 single family lots and 48 multifamily lots to place 203 dwelling units in 3, 4 and 5-family townhomes. A development agreement has been drafted that identifies the timing and scope of improvements the applicant must construct.

That agreement requires the applicant to rehabilitate the overflow basin at the Diamond Crest pump station to accommodate additional sanitary sewer flow. A traffic study was conducted and submitted to both MODOT and the City. The only needed improvements involve restriping 169 Highway at Lake Meadows Drive in accordance with approved MODOT plans and specifications. The Stormwater Study was reviewed and approved by the City's engineers and any and all construction or rehabilitation is the developers responsibility. Lastly, the developer is required, in accordance with the parkland dedication requirements of the subdivision code, to pay \$133,434.00 to the parks fund, or complete other park amenity improvements subject to a future agreement with the city.

At the Planning Commission hearing, following the public hearing portion of the meeting, discussion on several points occurred. While the Commission recommended approving the plat as presented, they asked the applicant to consider adjusting the southwest corner lots from Multi-family to single family or make other adjustments to lessen the potential impact on traffic views at the intersection of Lake Meadows and 169 Highway. The applicant adjusted the number of units on the lot (moved to another lot) and included additional buffering at that intersection in accordance with the Commission's suggestions. The attached plat includes the changes that the Commission sought to have evaluated.

PREVIOUS ACTION:

The property was zoned to B-3 in 1991 and not developed. Concurrently with this application for a preliminary plat, the applicant seeks to rezone the land.

POLICY OBJECTIVE:

Develop in accordance with the Future Land Use Plan Map in the Comprehensive Plan.

FINANCIAL CONSIDERATIONS:

No additional expenditures are anticipated other than normal street maintenance and property taxes will increase as the properties develop.

1 1 1 1	,			
ATTACHMENTS:				
	☐ Ordinance	☐ Contract		
	□ Resolution	□ Plans		
	☐ Staff Report			
	☐ Other:			

RESOLUTION 1408

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR CLAY CREEK MEADOWS SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT

WHEREAS, the applicant seeks to rezone and preliminarily plat a 26.79-acre tract at 169 and W Highways; and

WHEREAS, the Board of Aldermen approved rezoning the property from B-3 to R-1D and R-3 at the meeting this Resolution was heard; and

WHEREAS, the applicant requested a Preliminary Plat to create a new 61 lot subdivision with up to 216 dwelling units in phases, and agreed to a development agreement for it; and

WHEREAS, the Planning and Zoning Commission held a properly advertised public hearing on August 13, 2024 and following that public hearing, recommended approval of the plat.

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

THAT THE PRELIMINARY PLAT FOR CLAY CREEK MEADOWS SUBDIVISION IS HEREBY APPROVED AND THE MAYOR IS AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED DEVELOPMENT AGREEMENT.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 1st day of October 2024.

Damien Boley, Mayor
ATTEST:
Linda Drummond, City Clerk



STAFF REPORT August 8, 2024

Platting of Parcel Id's # 01-903-00-01-006.00 Application for a Preliminary Plat Approval – Multiphase subdivision

Code Sections:

425.275.A.3 Multiphase Plat Approval

Property Information:

Address: N 169 Hwy and W Hwy Owner: Clay Creek Meadows, LLC

Current Zoning: B-3

Public Notice Dates:

1st Publication in Newspaper: July 25, 2024 Letters to Property Owners w/in 185': July 22, 2024

GENERAL DESCRIPTION:

The applicant requested rezoning approval simultaneously with this application for a Preliminary Plat. That request, if approved and adopted by the Board of Aldermen, would set the zoning at R-1D for Lots 1-13, and R-3 for Lots 14-66. The proposed plat would create 13 lots of Single-Family Small Lots with widths varying from 52' at the west end and increasing as the lots approach the existing homes on Lake Meadows Dr., tapering up to 64.01 feet. The R-3 lots (14-66) would be for buildings varying from 2-family units to 5-family, with the vast majority being 4-family townhomes.

GUIDELINES FOR REVIEW – PRELIMINARY PLATS See 425.275.A.3

Guidelines For Review. The Planning and Zoning Commission shall consider the following criteria in making a recommendation on the preliminary plat: a. The plat conforms to these regulations and the applicable provisions of Chapter 400, Zoning Regulations, and other land use regulations.

The plat conforms to the subdivision zoning regulations of the City.

b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan.

The plat is consistent with the Comprehensive Plan's future land use map, below:



The proposal specifically addresses multiple Action Steps in the Comprehensive Plan as follows:

- HN 1.1 Support providing additional housing stock throughout the city of Smithville to meet current and future residents' needs by encouraging new residential development in areas identified in the Future Land Use Map.
- HN 3.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.
- HN 3.2 Encourage clustered residential development patterns with connected active and passive open space and neighborhood and community amenities.
- HN 4.1 Encourage additional residential units near existing residential uses to strengthen the neighborhoods of Smithville.

- HN.4.2 Mandate pedestrian connections in new residential developments to adjacent existing or prospective neighborhoods to further strengthen Smithville's pedestrian network.
- RC.2.1 Encourage development, mainly residential development, near existing and proposed trail networks.
- RC.2.2 Encourage new developments to provide access and pathways to existing and proposed trail networks.
- c. The development shall be laid out in such a way as to result in:
- (1) Good natural surface drainage to a storm sewer or a natural watercourse.

The subdivision drains to existing drainage basins of the Clay Creek Subdivision.

(2) A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth.

The area is generally an undeveloped farm field with a corner area that was untended for many years. The grading needed will allow the drainage areas to remain protected while giving sufficient developable areas for construction.

(3) A good grade relationship with the abutting streets, preferably somewhat above the street.

Yes, to the extent possible, lots are generally above the adjacent streets which will used for access.

(4) Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy.

Yes, the lots widths meet the standards in the zoning code for the proposed districts, including all setbacks.

- (5) Adequate lot depth for outdoor living space. *The lots meet the minimum sizes.*
- (6) Generally regular lot shapes, avoiding acute angles.

To the extent practicable with cul-de-sacs and knuckles, the lots involved are appropriate for the multifamily and single family uses intended.

(7) Adequate building lots that avoid excessive grading, footings or foundation walls.

The amount of grading is not excessive in any area so footings and foundation walls will be within the normal range.

d. The plat contains a lot and land subdivision layout that is consistent with good land planning and site engineering design principles.

The plat is laid out following standard design principles.

e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.

The plat contains 216 potential dwelling units with multiple access roads. The proposal was subject to the State of Missouri's Traffic Impact Study requirements (in addition to the City's) and approval of that report is conditioned upon completion of limited striping changes on 169, per MODOT's approval. The development will also complete the connection of Corbyn Ln. from Lake Meadows to Clay Creek.

f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries in the form of a development agreement.

The developer and city have proposed a development agreement for limited highway improvements, off-site sewer improvements and park dedication improvements as required by the code.

g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development.

The proposed layout and detention areas will not exceed the detention areas with off-site stormwater runoff and is in accordance with engineering standards. The final design of all stormwater systems (connections to existing systems) will be subject to final plan review and approval in accordance with the Final Plat procedures and the standards in place at the time of proposed construction.

h. Each lot in the plat of a residential development has adequate and safe access to/from a local street.

Yes.

i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

The location is located such that it will actually reduce sprawl and all extensions and expansions of existing public facilities are completed in the most efficient manner allowable on the lot.

j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval.

n/a

k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein.

The development is bound by a development agreement that addresses all dedication requirements.

I. All applicable submission requirements have been satisfied in a timely manner. m. The applicant agrees, in the form of a development agreement, to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of adequate rights-of-way to meet the needs of the City's transportation plans.

Yes.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Preliminary Plat following approval and execution of the Development Agreement as approved by the Board of Aldermen.

Respectfully Submitted,

______/s/ Jack Hendrix /s/______ Director of Development

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this <u>1st</u> day of <u>October</u>, 2024, by and between **CLAY CREEK MEADOWS**, **LLC**, ("Developer") and **THE CITY OF SMITHVILLE**, **MISSOURI**, a Missouri Corporation ("City") as follows:

WHEREAS, Developer plans on developing its proposed subdivision known as Clay Creek Meadows located generally west of Clay Creek subdivision and east of 169 Highway, south of W highway in an area proposed to be moderate density housing in accordance with the Comprehensive Plan with 13 Single-Family residential homes and 203 single-family attached units in 2,3 4 and 5-unit buildings for a density of 8.1 units per acre; and

WHEREAS, the City will make certain requirements for off and on site improvements if said land is developed as a large multi-family subdivision; and

WHEREAS, it is in the best interest of both parties to enter into an agreement as to what improvements and obligations under the city's subdivision code will be required of Developer; and

WHEREAS, this Agreement is necessary to provide for the safety, health and general welfare of the public and to provide for the orderly development of City.

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof to be in a subdivision called Clay Creek Meadows, the legal description of which is set forth on the Preliminary Plat thereof as Exhibit A attached hereto.

- 2. <u>Water</u>. It is recognized that the development will require extension of waterlines from various locations upon full buildout to improve fire flows and waterline pressures for the development and the surrounding properties' and, therefore the parties agree that the Developer will, at their sole cost and expense, construct all such waterlines required for the subdivision based upon design plans and water model requirements to meet DNR requirements.
- 3. <u>Streets</u>. That the City and MODOT have accepted and approved the TIS submitted by the Developer. In accordance with the TIS and its' recommendations, developer will be required to restripe 169 Highway at the entrance to Lake Meadows. All such restriping shall be subject to a permit issued by MODOT and in accordance with plans as approved by MODOT.
- 4. <u>Stormwater</u>. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for stormwater control at its' own cost and expense. Such construction will be in accordance with an approved stormwater study, and any updates to such study as required.
- 5. <u>Sanitary Sewers</u>. The parties agree that the development will be required to design and construct all necessary infrastructure required to meet the then existing city standards for gravity-flow sanitary sewers throughout the subdivision. The development will be required to rehabilitate the existing overflow basin at the Diamond Crest lift station sufficiently to hold the peak flows for the entire lift station service area, including its' 216 new units, as a part of its' initial Phase II work. It is understood and agreed that Phase I of the project will include Lots 1-13, which will require extension of gravity sewers for the 13

individual lots, but that the rehabilitation of the overflow basin is not needed with the first 13 units. The parties also agree that, as a result of certain incomplete capacity improvements to the Wildflower Lift Station on the City's Forcemain, the development will be limited to Final Plat approval of no more than 159 dwelling units until such time as those incomplete capacity improvements at the Wildflower Station are completed. It is anticipated that such work can be completed by no later than summer of 2025, but that completion time is not guaranteed. Upon completion of the Wildflower improvements, remaining lots may be platted.

- 6. <u>Parks</u>. The parties agree that the Parkland dedication requirements of the city code shall be calculated as follows:
- a. The development proposes 216 dwelling units which will result in 12.31 acres (536,311 ft²) of parkland in accordance with the subdivision formula. (216 d.u. x 2.85 census density x .02 acres per 100 = 12.31) and the development proposes 6,240ft² of creditable trails. This dedication amount represents 1.16% of the required parkland dedications. The development is then obligated to provide payment in lieu of dedications in the amount of \$617.75 per dwelling unit. Such funds shall be payable prior to recording the final plat for each such phase of the development. *E.g., Phase I includes 13 dwelling units so will be required to pay a park fee of \$8,030.75 prior to recording said plat. The total amount required is \$133,434.00.*

It is also further agreed that, the city may agree in the future (subject to city review and approval) that the development may also satisfy some or all of the payment in lieu of dedication amount by constructing or assisting in the construction of a parking lot for the

Splash Pad adjacent to the new subdivision and/or extending a sidewalk/trail from the OK Trail to the development property.

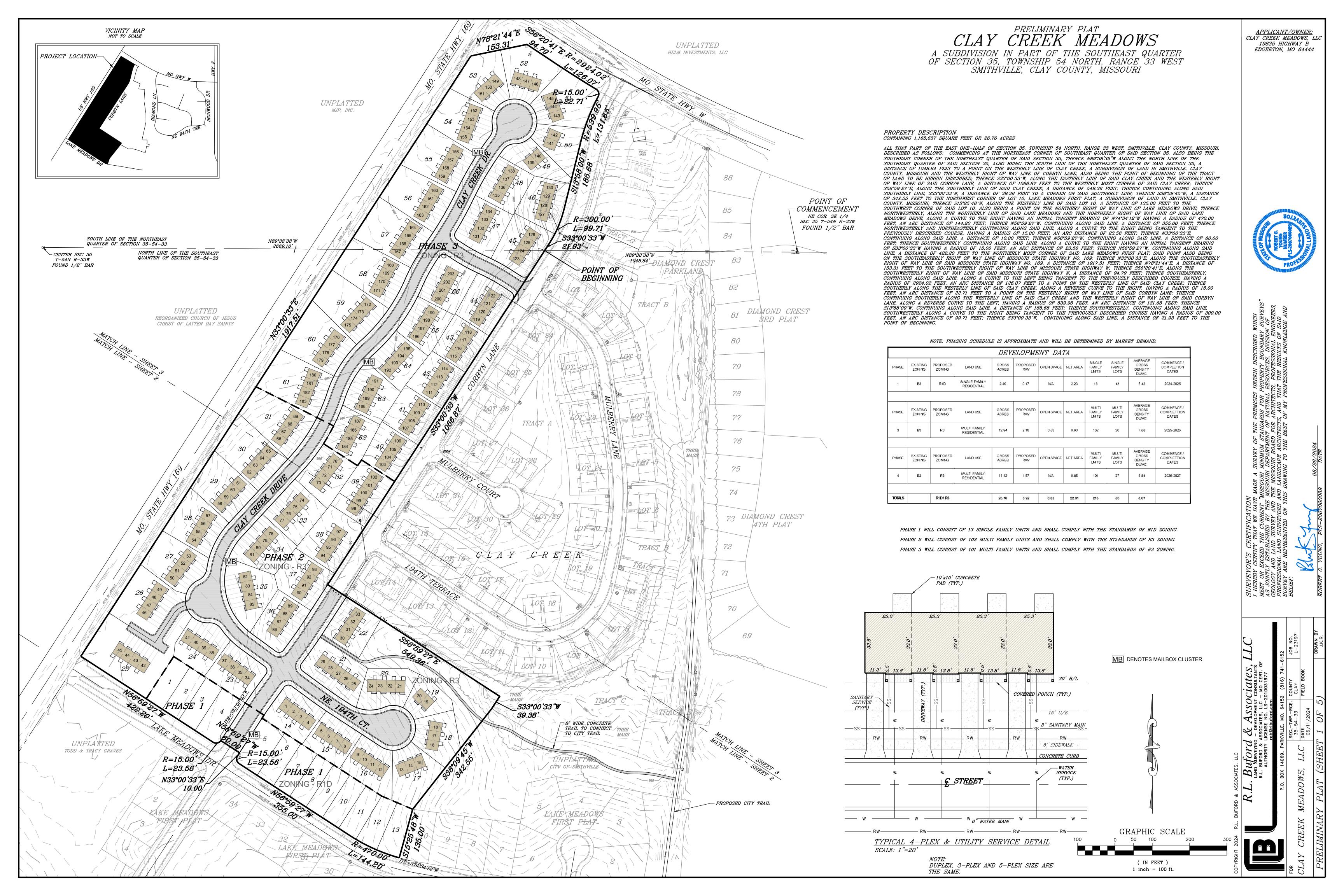
- b. The parties further agree that the park amenities described on development property within the preliminary plat are subject to Section 425.230.B. In accordance with that section, and Section 425.300, the trails shown on the preliminary plat shall be constructed prior to occupancy of the 65th dwelling unit. However, the area of the trails located in the public trail easement or otherwise on city owned property shall be further improved to be not less than an 8' concrete path with a minimum of 5" of 4,000lb psi concrete on a compacted gravel subgrade.
- 7. The parties agree that except as specifically noted herein, execution of this Agreement in no way constitutes a waiver of any requirements of applicable City Ordinances with which Developer must comply and does not in any way constitute prior approval of any future proposal for development.
- 8. All work agreed to be performed by Developer in this Agreement shall be done only after receiving written notice from City to proceed. Notice to proceed shall not be given by the City until final construction plans have been approved by the city. The recording of any final plat shall only occur in accordance with city ordinances.
- 9. In the event of default in this Agreement by either party, it is agreed that either party shall be entitled to equitable relief to require performance by the other party as well as for any damages incurred by the breach, including reasonable attorney fees.
- 10. This Agreement shall constitute the complete agreement between the parties and any modification hereof shall be in writing subject to the approval of both parties.

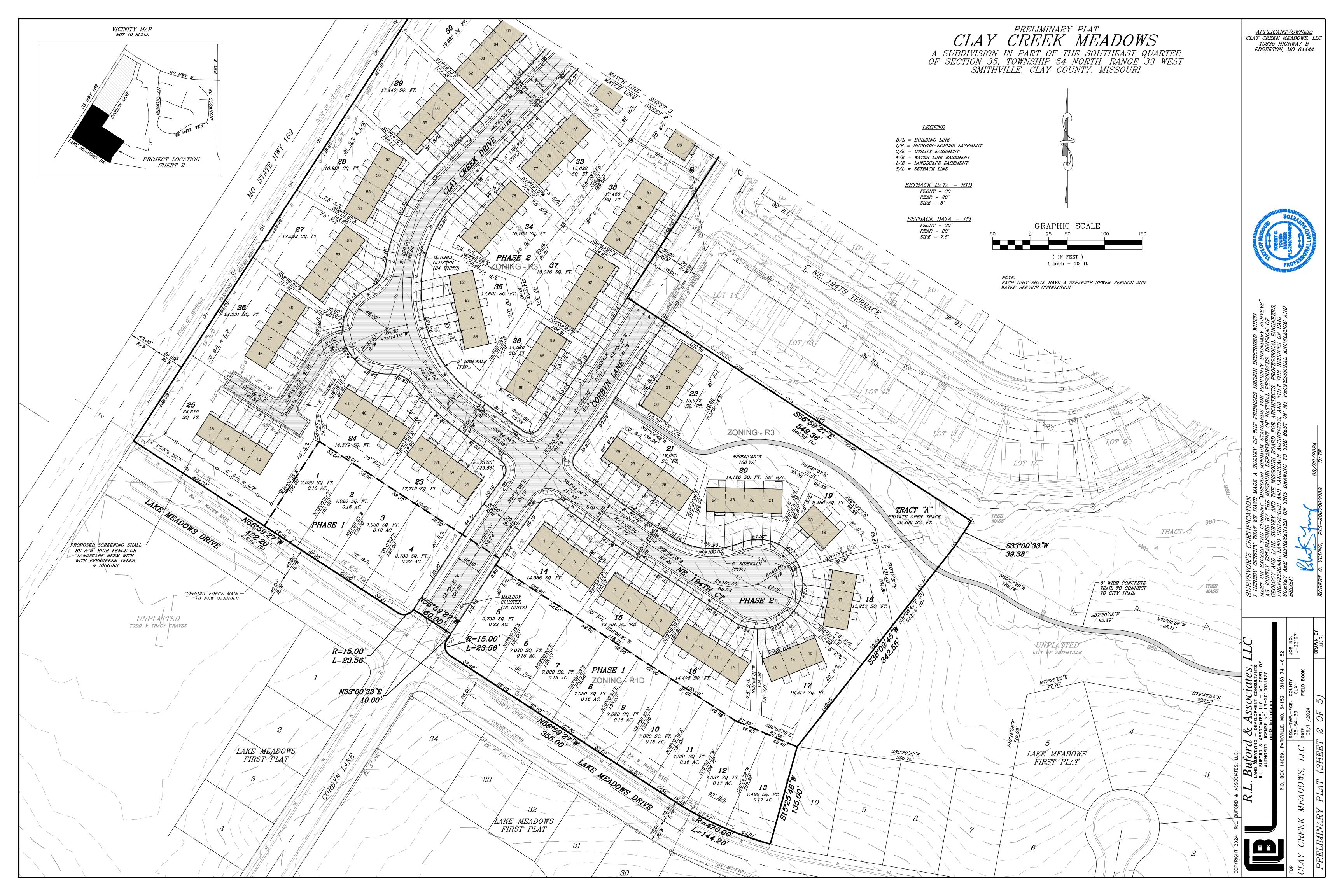
- 11. Any provision of this Agreement which is not enforceable according to law will be severed and the remaining provisions shall be enforced to the fullest extent permitted by law.
- 12. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement.
- 13. This agreement shall not be effective until: (1) signed by both partes and (2) approved by Resolution duly enacted by the Board of Aldermen of Smithville, Missouri.

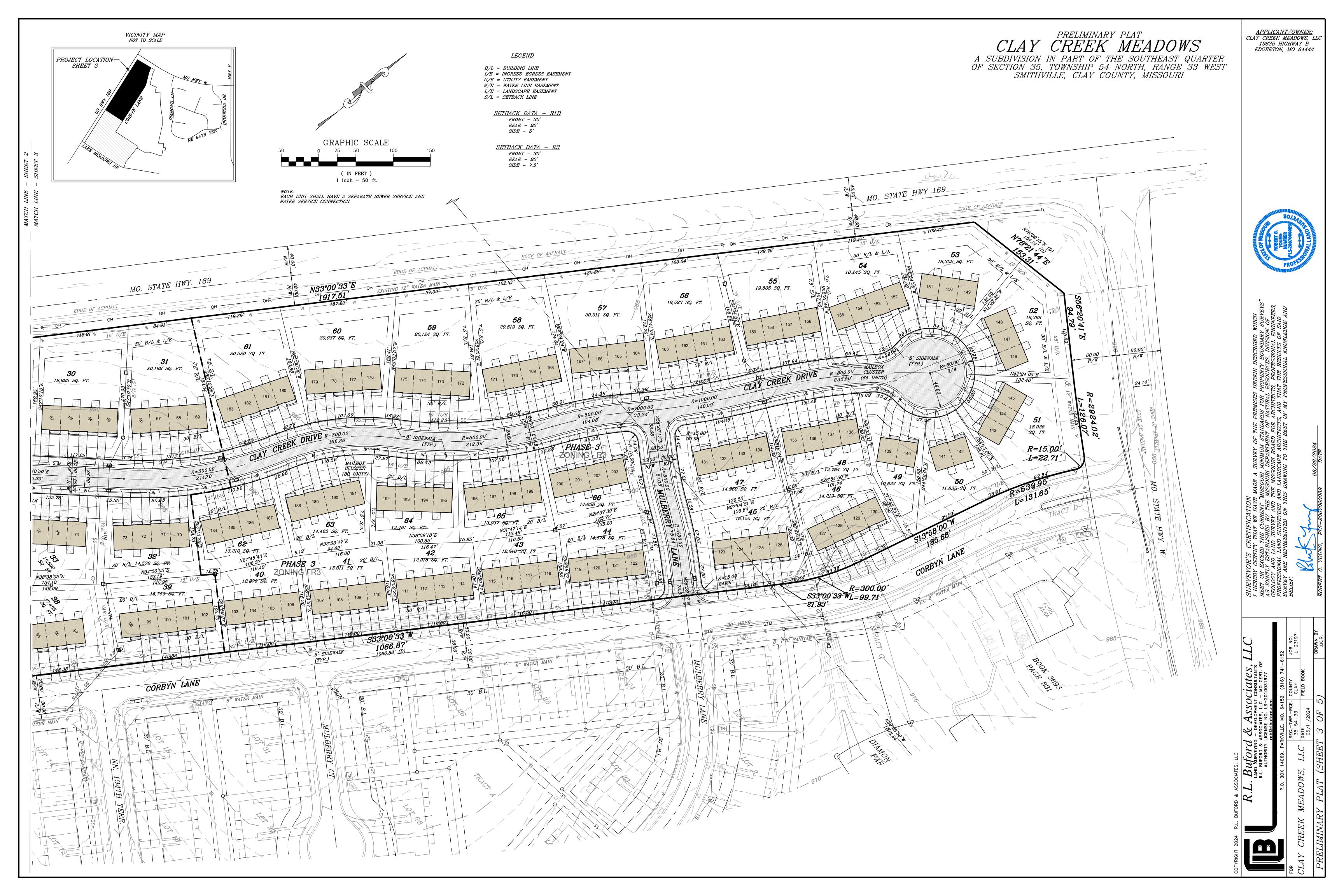
IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

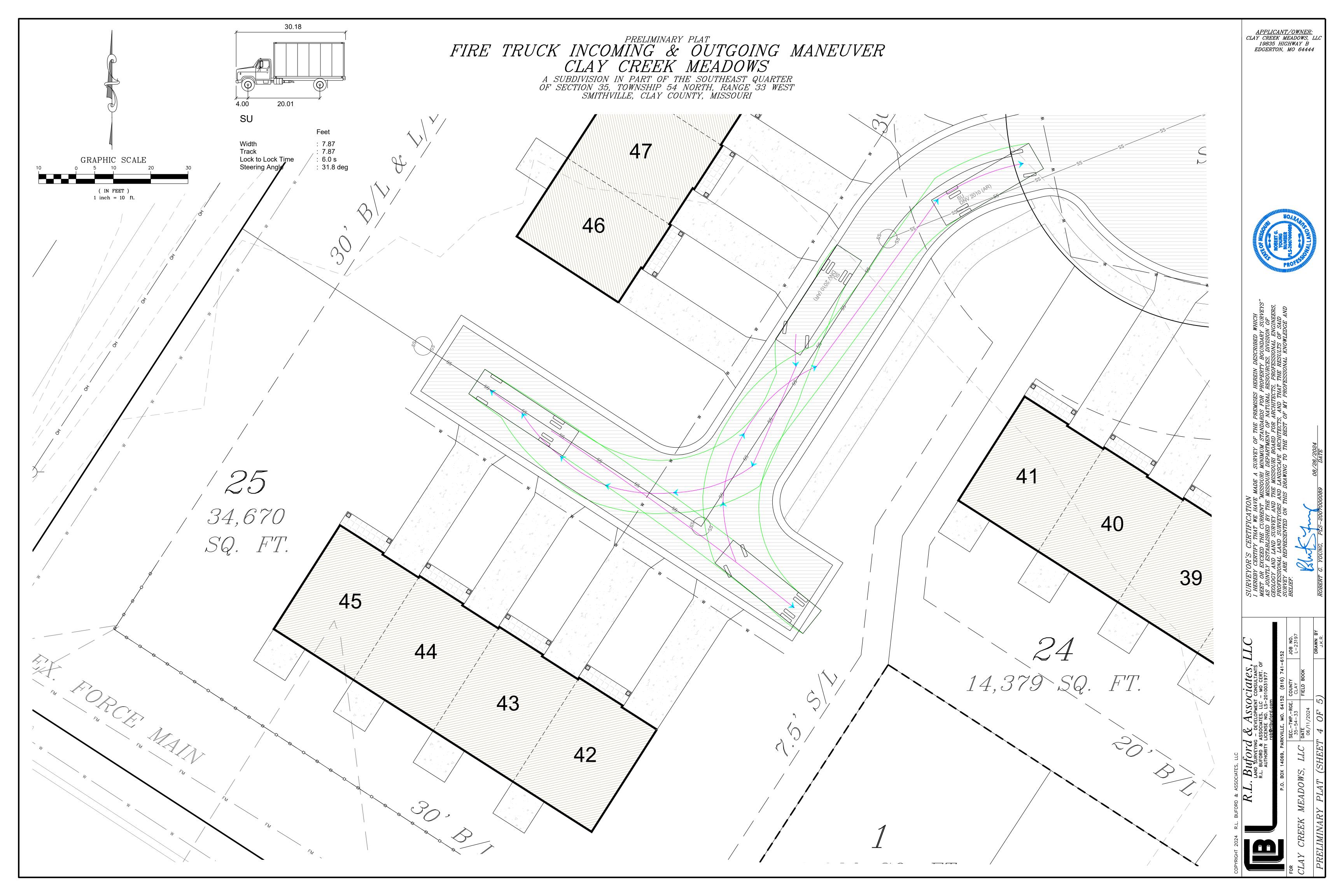
	THE CITY OF SMITHVILLE, MISSOURI
ATTEST:	By Damien Boley, Mayor
City Clerk, Linda Drummond	
	Clay Creek Meadows, LLC
	ByBenny Hoy, Managing Member
STATE OF MISSOURI)) ss COUNTY OF CLAY)	s.
On this day of undersigned Notary Public, personally a me known, and who, being by me duly of Clay Creek Meadows, LLC, and said	, 2024, before me, the appeared, to sworn, did say that he/she is the managing Member instrument was signed and sealed on behalf of said
Clay Creek Meadows, LLC by authority instrument to be the free act and deed	of its Board and he/she acknowledges said of said Clay Creek Meadows, LLC.

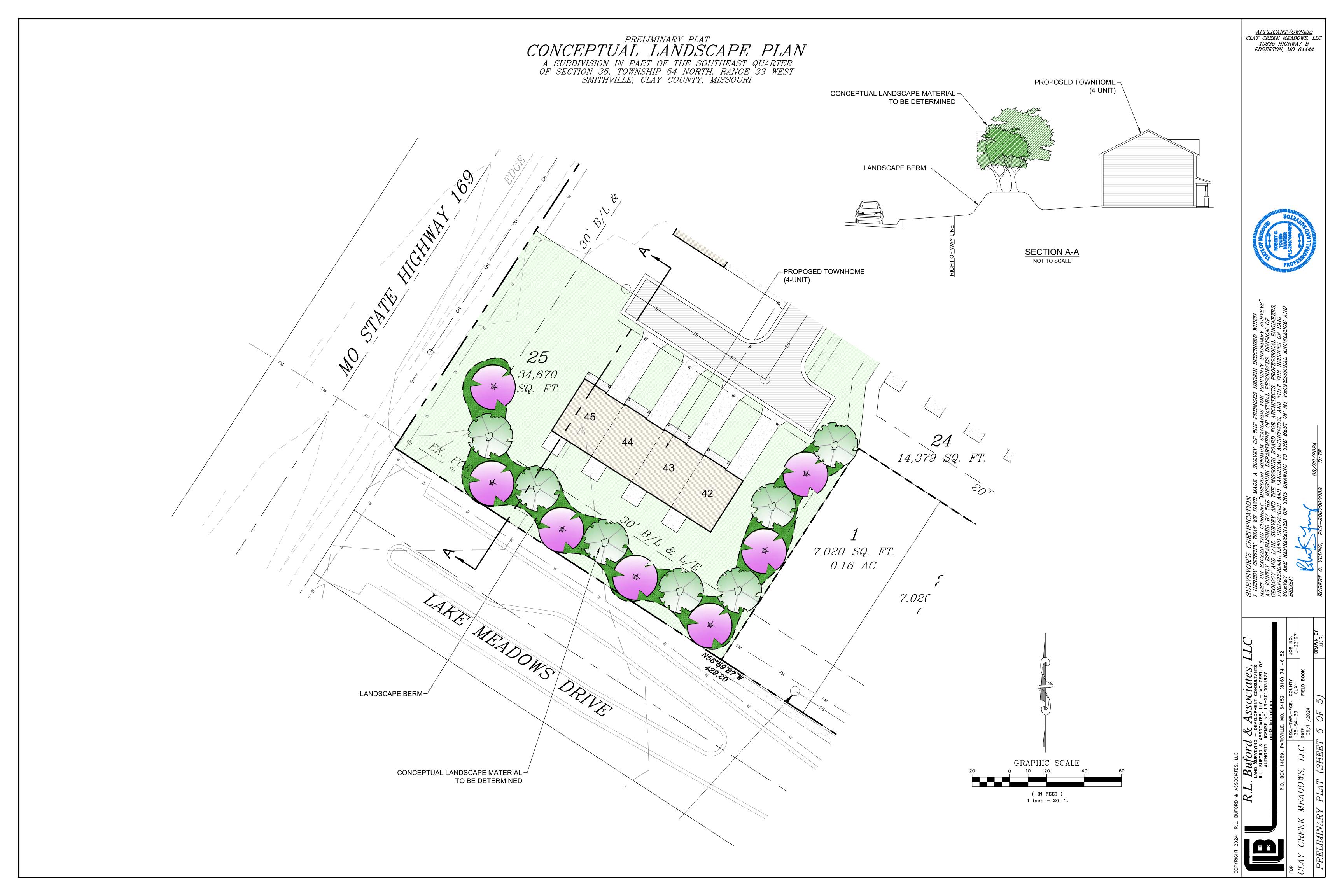
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial fice in Clay County, Missouri, on the day and year last written above.			
		Notary Public		
My Commiss	sion Expires:			













☑ Other: Resumes

Board of Aldermen Request for Action

MEETING DATE: 10/1/2024	DEPARTMENT: Administration			
AGENDA ITEM: Appointments to the Planning and Zoning Commission				
REQUESTED BOARD ACTION: A roll call vote will be needed for the nomin	ation.			
SUMMARY: Reappointment of Rob Scarborough to Plantappointment of a new citizen member to reposition and the Board will vote.	ning and Zoning Commission and place Deb Dotson. The Mayor will make the			
As recommended by the P & Z interview teal John Wallace as Commissioner to the Plann will be replacing Deb Dotson. Rob Scarbord commission. Both the appointment and real October of 2028.	ing and Zoning Commission. Mr. Wallace bugh is currently a member of the planning			
PREVIOUS ACTION: Deb Dotson was appointed in May of 2018 to reappointed in 2020. Rob was originally apparents who moved.	to complete the term of Greg Vincent and pointed in August of 2021 to replace Connor			
POLICY ISSUE: N/A				
FINANCIAL CONSIDERATIONS: N/A				
ATTACHMENTS: Ordinance Resolution Staff Report	□ Contract□ Plans□ Minutes			

Rob Scarborough 603 Quincy Blvd Smithville, MO 64089

Objective:

To secure a seat on the Planning and Zoning Committee

Experience:

2014-Present - Account Manager for Rensenhouse Electric Supply

 Strategically grow revenue and gross profits for my assigned accounts, which include Ford, GM, Unilever, and Lake City Army Ammunition Plant

2014-Present - Real Estate Investor

 Responsible for buying, rehabilitating, and selling dozens of properties in and around Kansas City. I now specialize in short term rentals in both the greater Kansas City area and Hannibal, MO

2010-2014 - Account Manager for MWE, Inc (now Convergence, Inc)

 Responsible for calling on electrical distributors, end users, engineers and contractors representing 30+ manufacturers in the electrical industry

Skills:

- Sales - Conflict Resolution - Solution Selling

- Sales Planning - Product Marketing - Customer Satisfaction

Listening/Observing - Negotiation - Team Building
 Business Development - Project Management - Sales Process

Education:

Columbia College

Class of 2000 - Bachelor of Arts in Business Administration

References:

 Scott McKenzie
 816-589-6268

 Joe Freudenthal
 816-617-2112

 Greg Vincent
 816-289-7493

John Wallace

High Volume Retail / Operations Manager

20+ years Combined Retail Store and Diesel / Automotive light mechanical with over \$70 Million in Revenues / High Growth & Established Companies / Start-up Ventures

Participative management professional; results oriented. Dedicated and passionate about providing excellent customer service and exceeding organizational goals. Proven ability to increase profit through strategic planning, increased sales and effective project management. Expert at selling needed items to both Automotive Customers and Truckers and training others to do the same. Core professional competencies include:

- ♦ Diesel Repair Shop Management
- ♦ Automotive Field Support
- ♦ Multi-Million Dollar P&L Management
- ♦ Sales, Product and Market Analysis
- ♦ Vendor Sourcing and Negotiating

- ♦ Budget Development and Implementation
- Sales Building
- ♦ Cost Reduction Strategies
- Proficiency in Microsoft Office programs, especially Outlook and Excel

Experience

Field Operations Support Specialist Ford – MSX International

July 2023 - Present

Meet with dealer principals to identify strategies to increase tire and commodities sales and profits. Assist with maintaining relationships and driving growth opportunities. Train technicians, advisors and managers.

General Travel Center Manager Pilot Corporation – Kearney, MO

January 2021 - July 2023

Complete responsibility for 35-70 million in annual sales. Manage all aspects of daily operations. Train management and store personnel; Inventory controls, Ordering, Labor scheduling; All aspects of maintenance; Ensure all merchandising plans are implemented on monthly basis.

General Travel Center / Speedco Manager

September 2013 – January 2021

Love's Travel Stops and Country Stores -St Joseph MO; Ottawa KS; Williston ND; Harrisonville MO Complete responsibility for 35-70 million in annual sales. Manage all aspects of daily operations including a 24-hour Restaurant(s) and 24-hour full-service Tire Shop; Train management and store personnel; Inventory controls, Ordering, Labor scheduling; All aspects of maintenance; Ensure all merchandising plans are implemented on monthly basis.

Franchise Business Manager/Operations Manager KFC (YUM Brands) Corporation, Inc. – Seattle, Sacramento, Idaho, San Diego, Kansas City, Buffalo, Toledo

Complete financial and managerial responsibility for numerous KFC markets. Supervised the success and development of restaurant managers, KFC Franchisees, and over 300 restaurants. Coordinated site selection, construction, contract negotiations, and staff development efforts for the opening of stores in the NY and OH area. Directed new product roll-outs and concepts including delivery and multi-brand; sales building, training, staffing, marketing, remodels of current facilities, new builds, as well as compliance with all policies and procedures.

Key Achievements

- Opened three new store locations for Love's Travel Stops, recruited and trained all staff for Retail and Service Centers (Speedco), hired all vendors.
- Successfully ran the highest volume Retail and Tire Store in the country.
- Top Performer with KFC Corporate, with over 30 top performing RGM's, including the Region's Best of the Best.
- KFC Corporate Winner of six STAR Performer Awards, two Jack of Diamond Awards, three Slugger Awards, Region P.E.T.E. Award, Titan Award, Wright Way Award, Leadership Award and Changing the Game Award

Education / Development

Edmonds Community College – Lynnwood, WA

Managerial Accounting

AMA Seminar: One Minute Manager

AMA Seminar: Seven Habits of Highly Effective People