



SMITHVILLE, MISSOURI

Board of Aldermen - Regular Session

7:00 p.m.

June 16, 2020

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AGENDA

**City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
June 16, 2020**

**7:00 pm or immediately following the Work Session – City Hall Council
Chambers **Via Videoconference****

NOTICE: *Due to the Governor’s Emergency Declaration and the Health Officer’s orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city’s FaceBook page through FaceBook Live. Attendance in person by members of the public will not be permitted.

For Public Comment, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom.

1. Call to Order

ORDINANCES & RESOLUTIONS

- 2. Bill No. 2861-20, Creation of CARES Act Stimulus Fund – 1st Reading**
An Ordinance to approve the creation of the CARES Act Stimulus Fund to account for the receipt of and expenditures from that allocation separate from any other monies. 1st reading by title only.
- 3. Bill No. 2862-20, Budget Amendment No. 2 - 1st Reading**
An Ordinance to amend the FY20 Budget to add \$945,400 in budgeted revenue to the newly created CARES Act Stimulus Fund and to add \$945,400 in budgeted expenditures for the necessary expenses incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). 1st reading by title only.
- 4. Public Hearing – Annexation of 2412 NE 157th Terrace in Lakeside Crossing**

Smithville Board of Aldermen

5. Bill No. 2863-20, Annexation of 2412 NE 157th Terrace

An Ordinance to approve the annexation of 2412 NE 157th Terrace legally described as Lakeside Crossing 1st Plat, Lot 11. 1st reading by title only.

6. Election of Mayor Pro-Tem

To elect a member of the Board to the position of Mayor Pro-Tem.

7. Election of Planning Commission Representative

Each year the Board of Aldermen must nominate and appoint a representative to the Planning and Zoning Commission.

8. Election of Economic Development Committee Representative

Each year the Board of Aldermen must nominate and appoint a representative to the Economic Development Committee.

9. Election of Parks and Recreation Committee Representative

Each year the Board of Aldermen must nominate and appoint a representative to the Parks and Recreation Committee.

OTHER MATTERS BEFORE THE BOARD

10. Public Comment

Pursuant to the public comment policy, **an email request must be submitted to the City Clerk at ldrummond@smithvillemo.org prior to the meeting.** When recognized, please state your name, address and topic before speaking. Each speaker is limited to three (3) minutes.

11. 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](#).

12. Adjourn

CREATION OF CARES ACT STIMULUS FUND



City of Smithville

Meeting Date: June 16, 2020

Department: Administration, Finance

Agenda Item: Bill No. 2861-20 – Creation of CARES Act Stimulus Fund

Summary:

This Ordinance would create a new budgetary fund for expenditure of funds received through the CARES Act Stimulus program.

Purpose:

Congress passed, and the President signed, the Coronavirus Aid Relief and Economic Security (CARES) Act on March 27, 2020, which provides for federal stimulus monies to flow to the states by population and to counties within the state also by population.

On May 1, 2020, the Clay County Commission approved Resolution 2020-139 which proposes disbursements to entities within Clay County based on population and identifies \$945,399.87 as Smithville's allocation.

This Ordinance would allow for the creation of the CARES Act Stimulus Fund to account for the receipt of, and expenditures from, that allocation separate from any other City monies.

Impact:

Comprehensive Plan:	N/A
Economic Development Plan:	N/A
Parks Master Plan:	N/A
Strategic Plan:	N/A
Capital Improvement Plan:	significant
Budget:	significant

Legislative History:

N/A

Suggested Action:

Motion to approve Bill No. 2861-20, by Title Only for First Reading

Attachments: ☐ Plans ☐ Contract ☐ Staff Report
☒ Ordinance ☐ Resolution ☐ Minutes ☐ Other:

BILL NO. 2861-20

ORDINANCE NO. XXXX-20

AN ORDINANCE CREATING THE CARES ACT STIMULUS FUND.

WHEREAS, Congress passed, and the President signed, the Coronavirus Aid Relief and Economic Security (CARES) Act on March 27, 2020; and

WHEREAS, the CARES Act provides for federal stimulus monies to flow to the states by population and to counties within the state also by population; and

WHEREAS, on May 1, 2020, the Clay County Commission approved Resolution 2020-139 which proposed disbursements to entities within Clay County based on population; and

WHEREAS, that Resolution identifies the City of Smithville's allocation as \$945,399.87; and

WHEREAS, establishment of a separate fund which allows for accounting of the receipt and expenditure of these stimulus monies is desired.

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

The CARES Act Stimulus Fund is hereby established in the City's treasury and shall be held and administered by the City's Finance Director.

Passed this ____ day of _____, 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 06/16/2020

Second Reading: / /

BUDGET AMENDMENT



City of Smithville

Meeting Date: June 16, 2020

Department: Administration Finance

Agenda Item: Bill No. 2862-20, FY20 Budget Amendment #2

Summary:

This action will amend the FY20 Budget to add \$945,400 in budgeted revenue to the newly created CARES Act Stimulus Fund and to add \$945,400 in budgeted expenditures for the necessary expenses incurred due to the public health emergency with respect to COVID-19.

Purpose:

Congress passed, and the President signed, the Coronavirus Aid Relief and Economic Security (CARES) Act on March 27, 2020, which provides for federal stimulus monies to flow to the states by population and to counties within the state also by population.

On May 1, 2020, the Clay County Commission approved Resolution 2020-139 which proposed disbursements to entities within Clay County based on population and identified \$945,399.87 as Smithville's allocation. The \$945,399.87 was received by the City on May 20, 2020. The revenue was temporarily receipted into the General Fund; however, staff recommends accounting for these revenues and the expenses from these federal monies in the newly created CARES Act Stimulus Fund.

Amending the FY20 Budget to include \$945,400 in revenue in the CARES Act Stimulus Fund will allow for the transfer of the revenue received on May 20, 2020 from the General Fund to the CARES Act Stimulus Fund.

Amending the FY20 Budget to include \$945,400 in expenditures will allow for the recording of necessary expenses the City incurred, or will incur, due to the public health emergency with respect to COVID-19. Upon approval of this Ordinance, the \$945,400 will be appropriated to the Professional Services expense category. The City Administrator, per Municipal Code, has the authority to re-appropriate that money to other expenditure categories as long as the total budgeted expenditures in the Fund remain at \$945,400. This re-allocation will take place after further discussion with the Board to determine how the City will spend those monies. These monies must be spent by October 31, 2020.

Impact:

Comprehensive Plan:

N/A

Smithville Board of Aldermen

Economic Development Plan:	N/A
Parks Master Plan:	N/A
Strategic Plan:	N/A
Capital Improvement Plan:	Significant
Budget:	Amends the FY20 Revenue and Expenditure Budgets
Legislative History: N/A	
Suggested Action: Motion to approve Bill No. 2862-20 for First Reading by Title Only.	
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input type="checkbox"/> Other:	

BILL NO. 2862-20

ORDINANCE NO. XXXX-20

AN ORDINANCE AMENDING THE FY20 OPERATING BUDGET TO ADD \$945,400 TO THE REVENUE BUDGET AND \$945,400 TO THE EXPENDITURE BUDGET.

WHEREAS, pursuant to Ordinance 3046-19, passed on October 15, 2019, the City approved the fiscal year ending October 31, 2020 Budget; and

WHEREAS, Clay County, by Resolution 2020-139, approved the passthrough of \$945,399.87 in federal stimulus monies related to the CARES Act to the City of Smithville, which must be spent by October 31, 2020; and

WHEREAS, not included in the approved fiscal year 2020 Budget is Federal Stimulus revenue related to the CARES Act; and

WHEREAS, not included in the approved fiscal year 2020 Budget are expenditures related to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19).

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

THAT the fiscal year ending October 31, 2020 Budget is hereby amended to add \$945,400 in revenues in the CARES Act Stimulus Fund and \$945,400 in expenditures in the CARES Act Stimulus Fund.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the ____ day of ____, 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 06/16/2020

Second Reading: / /

PUBLIC HEARING – ANNEXATION OF 2412 NE 157TH TERRACE



City of Smithville

Meeting Date: June 16, 2020

Department: Development

Agenda Item: Annexation Public Hearing

Summary:

In accordance with legal advice, all Public Hearings for Annexations will now be held at the Board of Aldermen level. No action is required, but the Public Hearing is to allow the public to provide its' input concerning annexation.

Purpose:

The public hearing process will allow interested parties to provide input on whether 2412 NE 157th Terrace (Lakeside Crossing Lot 11) should be annexed into the city limits.

Impact:

Comprehensive Plan:	Complies
Economic Development Plan:	n/a
Parks Master Plan:	n/a
Strategic Plan:	n/a
Capital Improvement Plan:	n/a
Budget:	n/a

Legislative History:

The Lakeside Crossing subdivision was originally annexed in 2004, but several lots had been sold prior to the developer annexing.

Suggested Action:

Take input from the Public on annexing 2412 NE 157th Terrace.

Attachments: ☐ Plans ☐ Contract ☐ Staff Report
☐ Ordinance ☐ Resolution ☐ Minutes ☐ Other:

OFFICIAL NOTICE

To whom it may concern and to all parties interested, notice is hereby given that at 7:00 PM on June 16, 2020, the Smithville Board of Aldermen in a virtual meeting will hold a public hearing to consider the following application:

An Application to annex 2412 NE 157th Terrace legally described as:

Lakeside Crossing 1st Plat, Lot 11, as depicted below:



*Due to the Governor's Emergency Declaration and the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis.

The City Planning and Zoning Commission will hold a **virtual** Board of Aldermen meeting on Tuesday, June 16, 2020 at 7:00 p.m. This virtual meeting will be broadcast live on the City's

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Facebook page. In order to comply with recommendations for social distancing, Public comments for the Public Hearing items on the agenda should be submitted to ldrummond@smithvillemo.org no later than 5:00 p.m. on Monday, June 15, 2020. Comments on the Public Hearing items on the agenda received within the timeframe will be posted with agenda materials in advance of the meeting.

The City is sensitive to members of the public who may not have access to technology, particularly with the closure of the Mid-Continent Public Library. For the public without access to technology options, comments may be dropped in the Utility Billing Drop Box, located at the front of City Hall by 4:00 pm on Monday June 15, 2020 and the comments should be marked for the Public Hearing. The Drop Box will be checked daily.

Agenda items described as Public Hearings may require live public comment during the meeting. In the case of such items, if an applicant or member of the public wishes to make live public comments, they may do so remotely or in person at the meeting. In-person comments will be reserved for those without access to technology options. The in person public comments will be taken at the Senior Center, 113 W. Main St. and subject to the social distancing requirements of the Clay County Health Department. Those wishing to participate remotely with public comment, which will be accommodated via web conference (requires internet connection) or telephone, must register with the City Clerk's office by 5:00 p.m. on Monday, June 15, 2020, by emailing ldrummond@smithvillemo.org. If participating remotely, individuals will be required to submit their name, email address or telephone number, and the item they wish to speak about. Those registering in advance will be provided instructions on how to connect with the live meeting. Commenters will be called upon by name to provide comments during the live meeting and all regular time limits will apply.

<For the June 4th publication of the CT>

ANNEXATION OF 2412 NE 157TH TERRACE

City of Smithville

Meeting Date: June 16, 2020

Department: Development

Agenda Item: Bill No. 2863-20, Annexation 2412 NE 157th Terrace

Summary:

Approving this ordinance would annex this property into the city limits.

Purpose:

The application to annex this land was submitted by the property owner following a letter from the City's attorney. The subject property was one of the lots in Lakeside Crossing that was not originally annexed in 2004 because the developer had already sold the lot. The subdivision was connected to the city sewer system upon the express agreement that when the land became contiguous to the city limits, the owner of the land would voluntarily annex. This agreement was recorded at the Recorder of Deeds to provide notice to all future owners of this obligation. Upon request, this property owner submitted the application in compliance with this recorded agreement.

The property is surrounded by the City of Smithville and is fully developed, and all city services are available to serve the property immediately. The public hearing earlier in the meeting was advertised in the paper more than seven days in advance of the hearing (June 4th) and less than 60 days have elapsed since the application was submitted (May 7th) in compliance with §71.012 R.S.Mo.

Impact:

Comprehensive Plan:	Complies
Economic Development Plan:	Complies
Parks Master Plan:	n/a
Strategic Plan:	n/a
Capital Improvement Plan:	n/a
Budget:	n/a

Legislative History:

The surrounding lots in the subdivision were annexed in 2004.

Suggested Action:

A motion to approve Bill No. 2863-20 to annex 2412 NE 157th Terrace for first reading of by title only.

Attachments: ☐ Plans ☐ Contract ☐ Staff Report

☒ Ordinance ☐ Resolution ☐ Minutes ☒ Other: Staff Report

BILL NO. 2863-20

ORDINANCE NO.

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

WHEREAS, on the 7th day of May 2020, a verified petition signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri was filed with the City Clerk; and

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

WHEREAS, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 16th Day of June 2020; and

WHEREAS, notice of said public hearing was given by publication of notice hereof on the 4th day of June 2020 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

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

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

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

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

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

Lot 11, Lakeside Crossing 1st Plat

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

Smithville Board of Aldermen

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

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

PASSED THIS ____ DAY OF JULY 2020.

Damien Boley, Mayor

ATTEST

Linda Drummond
City Clerk

First Reading: / /2020

Second Reading / /2020



STAFF REPORT

June 10, 2020
Annexation of Parcel Id # 05-908-00-03-033.00

Application for Voluntary Annexation of Land to the City

Code Sections:	State Law Section 71-012 Annexation	
Property Information:	Address:	2412 NE 157 th Terrace
	Owner:	Judith Whaley
Notice Date:	June 4, 2020	

GENERAL DESCRIPTION:

The applicant seeks to annex Lot 11 of Lakeside Crossing into the city.

COMPLIANCE WITH COMPREHENSIVE PLAN

Voluntary annexation is a request by a property owner and is subject to the discretion of the City. The Comprehensive Plan currently identifies certain areas that can be considered for annexation. The subject property is surrounded by the city limits on three sides and a part of the Lakeside Crossing subdivision.

CONTIGUOUS AND COMPACT

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

ABILITY TO PROVIDE SERVICES

All utilities and services are provided in the subdivision at this time.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

Zoning Administrator

ELECTION OF MAYOR PRO-TEM



City of Smithville

Meeting Date: June 16, 2020

Department: Administration

Agenda Item: Election of Mayor Pro-Tem

Summary:

The Board of Aldermen are required to elect a Mayor Pro-Tem annually per City Ordinance.

Section 130.030. Acting President of The Board of Aldermen.

- A. Pursuant to Section 79.090, RSMo, the Board of Aldermen shall elect one of their own number who shall be styled "Acting President of the Board of Aldermen" and who shall serve for a term of one year. The Acting President of the Board of Aldermen may commonly be referred to as Mayor pro tem.
- B. Pursuant to Section 79.100, RSMo, when any vacancy shall happen in the office of mayor by death, resignation, removal from the City, removal from office, refusal to qualify or from any other cause whatever, the acting president of the Board of Aldermen shall for the time being, perform the duties of mayor, with all the rights, privileges, powers and jurisdiction of the mayor until such vacancy be filled or such disability be removed; or, in case of temporary absence of the mayor, until the mayor's return.

Purpose:

To elect a member to the position of Mayor Pro-Tem

Impact

Comprehensive Plan:	None
Economic Development Plan:	None
Parks Master Plan:	None
Strategic Plan:	None
Capital Improvement Plan:	None
Budget:	None

Legislative History:

This is an annual event

Suggested Action:

The Board should make nominations to elect their representative to serve as Mayor Pro-Tem and roll call vote.

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

ELECTION OF PLANNING COMMISSION REPRESENTATIVE



City of Smithville

Meeting Date: June 16, 2020

Department: Administration

Agenda Item: Election of Planning Commission Member

Summary:

The Board of Aldermen are required to elect a member to serve on the Planning Commission.

Purpose:

Section 400.650 of the Code of Ordinances requires the Board of Aldermen to nominate and appoint a representative to the Planning & Zoning Commission. The process is similar to the appointment of Mayor Pro-Tem.

Impact

Comprehensive Plan: None

Economic Development Plan: None

Parks Master Plan: None

Strategic Plan: None

Capital Improvement Plan: None

Budget: None

Legislative History:

This is an annual event

Suggested Action:

The Board should make nominations and roll call vote.

Attachments: ☐ Plans ☐ Contract ☐ Staff Report
☐ Ordinance ☐ Resolution ☐ Minutes ☐ Other:

ELECTION OF ECONOMIC DEVELOPMENT COMMITTEE REPRESENTATIVE

City of Smithville

Meeting Date: June 16, 2020

Department: Administration

Agenda Item: Election of Economic Development Committee Member

Summary:

The Board of Aldermen are required to elect a member to serve on the Economic Development Committee.

Purpose:

Section 155.020 of the Code of Ordinances requires the Board of Aldermen to nominate and appoint a representative to the Economic Development Committee. The process is similar to the appointment of Mayor Pro-Tem.

Impact

Comprehensive Plan: None

Economic Development Plan: None

Parks Master Plan: None

Strategic Plan: None

Capital Improvement Plan: None

Budget: None

Legislative History:

This is an annual event

Suggested Action:

The Board should make nominations and roll call vote.

Attachments:
 ☐ Plans
 ☐ Contract
 ☐ Staff Report
☐ Ordinance
☐ Resolution
☐ Minutes
☐ Other:

ELECTION OF PARKS & RECREATION COMMITTEE REPRESENTATIVE



City of Smithville

Meeting Date: June 16, 2020

Department: Administration

Agenda Item: Election of Parks and Recreation Committee Member

Summary:

The Board of Aldermen is required to elect a member to serve on the Parks and Recreation Committee.

Purpose:

Section 255.005 of the Code of Ordinances requires the Board of Aldermen to nominate and appoint a representative to the Parks and Recreation Committee. The process is similar to the appointment of Mayor Pro-Tem.

Impact

Comprehensive Plan: None

Economic Development Plan: None

Parks Master Plan: None

Strategic Plan: None

Capital Improvement Plan: None

Budget: None

Legislative History:

This is an annual event

Suggested Action:

The Board should make nominations and roll call vote.

Attachments: ☐ Plans ☐ Contract ☐ Staff Report
☐ Ordinance ☐ Resolution ☐ Minutes ☐ Other: