



SMITHVILLE, MISSOURI

Board of Aldermen - Regular Session

7:00 p.m.

August 18, 2020

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AGENDA

**City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
August 18, 2020**

7:00 pm– City Hall Council Chambers **Via Videoconference**

NOTICE: *Due to 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.

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
2. Pledge of Allegiance
3. Consent Agenda
 - Minutes
 - August 4, 2020 Board of Alderman Work Session Minutes
 - August 4, 2020 Board of Alderman Regular Session Minutes
 - Finance Report
 - Financial Report of July 2020
 - Sales Tax Report

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports
5. City Administrator's Report

ORDINANCES & RESOLUTIONS

6. **Bill No. 2866-20, Re-Adopt the Code of Ethics – 2nd Reading**
An Ordinance to Re-Adopt the Code of Ethics to comply with Missouri Ethics Commission standards. 2nd reading by title only.
7. **Bill No. 2867-20, Repeal Section 385.030 Helmet Law – 1st Reading**
An Ordinance to repeal Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle – Special License and enacting in its place a new Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License. 1st reading by title only.

8. Bill No. 2868-20, Rezoning Harbor Lake Replat Lot 2 – 1st Reading

An Ordinance to approve rezoning 24.5 acres of land identified as the Harbor Lakes Replat, Lot 2, which is the remaining undeveloped portion of the Harbor Lakes subdivision, to be rezoned from the R-1B single family district to A-1 in order to allow standard farming uses. 1st reading by title only.

9. Bill No. 2869-20, Condemnation of Certain Lands - 1st Reading

An Ordinance authorizing condemnation of certain lands for the purpose of constructing and maintaining a sewer line. 1st reading by title only.

10. Resolution 813, Award Bid No. 20-13 for City Tow Services

A Resolution to award Bid No. 20-13, for City Tow Services, to G.T. Tow Service to provide police-ordered tows at a cost to the vehicle's owner of \$100.00 per tow.

11. Resolution 814, Award Bid No. 20-14 to Rebuild the Transfer and High Service Pumps at the Wastewater Plant

A Resolution to award Bid No. 20-14, to Mid-America Pump to rebuild the Transfer and High Service Pump for an amount not to exceed \$51,408.12.

12. Resolution 815, Part-Time Employment Agreement

A Resolution approve the Part-Time Employment Agreement to use the services of Dan Toleikis on a part time basis to continue the work previously done by him and to aid the City in the transition.

13. Resolution 816, Amendment to the FY19-20 Compensation Plan

A Resolution to amend the FY19-20 Compensation Plan to change the job description of the Finance Director.

14. Resolution 817, Site Plan Shamrock Convenience Store

A Resolution to approve site plan to authorize the demolition and new construction of Shamrock Convenience Store at 124 North 169 Highway.

15. Resolution 818-819, CARES Act Funding

Approve Resolutions related to CARES Act Funding

A. Resolution 818, MOU with Clay County Economic Development

A Resolution to authorizing the city to enter into a memorandum of understanding with the clay county economic development council for creation of CARES Small Business Grant Program Round Two.

B. Resolution 819, MOU with Northland Assistance Center

A Resolution to authorize a Memorandum of Understanding with the Northland Assistance Center to administer a utility and housing assistance program funded through the CARES Act Stimulus Funds.

16. Resolution 820, Authorize Purchase of Road Salt

A Resolution to authorize the purchase of road salt from Pavlich for the amount of \$78.00 a ton.

OTHER MATTERS BEFORE THE BOARD

17. 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.

18. 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.

19. Adjourn

CONSENT AGENDA



City of Smithville

Meeting Date: August 18, 2020

Department: Administration

Agenda Item: Consent Agenda

Summary:

Voting to approve would approve the Board of Aldermen minutes and finance reports.

Purpose:

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

Minutes

- Approve the August 4, 2020 Board of Alderman Work Session Minutes
- Approve the August 4, 2020 Board of Alderman Regular Session Minutes

Finance Reports

- Financial Report for July 2020
- Sales Tax and Use Tax Report

Impact

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

Legislative History:

N/A

Suggested Action:

A motion to approve the consent agenda

Attachments:

☐ Plans ☐ Contract ☐ Staff Report
☐ Ordinance ☐ Resolution ☒ Minutes ☒ Other: Finance & Sales Tax Report

Board of Alderman Minutes – August 4, 2020 Work Session

SMITHVILLE BOARD OF ALDERMAN

WORK SESSION

August 4, 2020 6:00 p.m.
City Hall Council Chambers

Due to the COVID-19 pandemic this meeting was held via teleconference.

Mayor Boley, Aldermen Bloemker, Alderman Chevalier, City Administrator and Chief Lockridge were in attendance in the City Hall Council Chambers, Alderman Ulledahl, Alderman Sarver, Alderman Atkins and other City Staff attended via the Zoom meeting app. The meeting was streamed live on the city's FaceBook page.

1. Call to Order

Mayor Boley called the Work Session meeting to order at 6:01 p.m. Board members present via Zoom: John Chevalier, Marv Atkins, Steve Sarver, Jeff Bloemker and Dan Ulledahl. Melissa Wilson was absent.

Staff present via Zoom: Cynthia Wagner, Nickie Lee, Chuck Soules, Dan Toleikis, Jack Hendrix, Matt Denton, Jason Lockridge and Linda Drummond.

2. Discussion of CARES Act Funding

Cynthia stated that updated information on the CARES Act expenditures was provided in the packet. She explained that tonight staff is looking for direction from the Board on how to move forward and to utilize additional funds. She gave an overview of the CARES funding to date. The City received \$945,000 in CARES funding. Since June, there have been a number of items recommended for purchase or to put out for bid. A spreadsheet is included in the packet that outlines the expenditures for the items that are on the Regular Session agenda this evening. Items for expenditure to date, including the items on the Regular Session agenda, total approximately \$320,000. Tonight, staff will bring forward reimbursement to the City for mitigation supplies such as the purchase of PPE, cleaning supplies, equipment to facilitate remote work for staff and reimbursement of expenditures for legal review. March through June totals were \$28,000. At the last board meeting the Board awarded grants for small businesses. The grants were in the amount of \$5,000 each and we awarded 21 grants. With the administrative fee for the grant process and the amount for the grants we expended a total of just over \$110,000. Cynthia said that staff was looking for direction from the Board this evening if they would like to consider financing another round small business grants.

Mayor Boley said that he had visited with a few business owners that were not able to participate in the first round of grants that could use the assistance.

Alderman Bloemker asked how many businesses we might expect to apply?

Mayor Boley said there could be up to a dozen.

Alderman Bloemker stated that he believed this would be the most effective use of the funds and was welcomed by the businesses and helped them out in a very difficult period. He said he was very supportive of this.

Mayor Boley suggested another \$100,000 total amount for the grants.

The Board directed staff to bring forward a contract for another round of small business grants.

Alderman Bloemker asked if the \$5,000 amount was what other surrounding cities were doing?

Nickie Lee, Assistant City Administrator, said that the \$5,000 was pretty much what other cities were doing for the small business grants.

Cynthia said that North Kansas City and Kearney have both done one round of grants for businesses and Gladstone was still reviewing theirs. She said that staff will work with Clay County EDC for reviewing that process again and include their five percent administrative fee.

The first of the next three expenditures was approved at the July 21 meeting for the touchless fixtures for the City restrooms, kitchen facility and touchless water fountains. The total of that expenditure was \$107,000 CARES funding. The working contractor on that project indicates the project should be completed by September 1 if the materials are received in a timely manner.

The remaining two expenditure are on the regular session agenda tonight for technology. The first is for wi-fi at Heritage Park to allow for the live streaming of ball games and that contract totals little over \$30,000. If this is approved tonight it is anticipated to be complete by September 29.

The second is to improve audio/visual quality and remote access for the Council Chambers at City Hall. If approved tonight the funding for this item totals almost \$43,000. In the bid the vendor added an instant or live polling module feature, at this point in time staff does not recommend purchase of that module. Cynthia said this could be added at a later time possibly through an app. If this

is approved tonight, pending equipment delivery and timing, the anticipated completion date is September 10.

Other areas that staff has identified as potential for expenditure would be revenue replacement. The current CARES Act does not outline replacement for lost revenues, however there are ongoing discussions of another round of funding or an amendment to the CARES Act that could potentially include revenue replacement. Staff recommends that some portion of the funding be set aside to address loss of revenue, particularly from our campground revenues, municipal court, interest and building permits which could possibly be difficult to identify with COVID although we have seen a reduction in the number of permits. Should revenue replacement become eligible the amount staff suggests would be somewhere between \$50,000 to \$80,000.

The Board asked for information concerning residential assistant grants at the last meeting with regard to providing some type of utility or rental assistance for residents. The cities of North Kansas City and Kansas City have both announced grant funds to residents to provide rental and utility assistance. In reviewing the CARES Act, staff and legal counsel is confident that is an authorized expenditure. Staff has reached out to the Northland Assistance Center to inquire about a contract similar to the small business grants contract with Clay County EDC for administration. The Northland Assistance Center has indicated they can administer a program for Smithville. Cynthia said that if this is something the Board would like to proceed with staff can reach out to the Northland Assistance Center and negotiate a contract and identify a funding level that would include caps for individuals and it would probably include a five percent administrative fee similar to Clay County EDC agreement. Staff is asking for direction from the Board. Cynthia explained that in North Kansas City the funds are available for rental assistance, for utilities which includes gas, water and electric. Calloway County is providing assistance for all of these also but are also providing assistance with internet service. Staff agreed that providing internet services might also be helpful especially with remote school access. Staff is suggesting that the City provide the funds and the Northland Assistance Center would administer those funds and report back to the City, that way the City is not involved in the review process.

Mayor Boley suggested a total amount of \$10,000 for the rental and utility and internet assistance grants.

Alderman Bloemker said he would like to see more funds go toward internet services. He said it is a service that many of our youth may need and it would be something that would directly benefit the community.

Alderman Sarver agreed with Alderman Bloemker and said that virtually may be the way the youth will be going to school.

Alderman Bloemker also said that he liked the idea of the assistance going through the Northland Assistance Center so they can screen the candidates and see if they are truly in need.

Cynthia asked if the Board wanted to make the eligible assistance go back to March or only going forward?

Alderman Bloemker asked what the other communities have done?

Cynthia said most are retroactive to March.

Nickie said that the candidates do have to show past due bills for assistance.

Alderman Bloemker suggested an amount of \$25,000.

Mayor Boley said the \$25,000 will include the administrative fee.

Cynthia said that staff will work with Northland Assistance Center and should be able to bring an agreement to the Board at the August 18 meeting.

Mayor Boley recapped the CARES funding amount for this meeting. \$105,000 for the second round of small business grants, \$80,000 for City reimbursement and \$25,000 for rental/utility/internet grants.

The next item for CARES funding is HVAC improvement to city facilities and some type of air filtration. Cynthia explained that this is not an area where staff has a lot of expertise. Staff did reach out to MetroAir and their information is included in the packet. Keith Bokelman with MetroAir is joining the meeting to help answer questions.

Keith Bokelman with MetroAir explained that they partnered with Mechanical Sales Midwest. Tyler Stroud from Mechanical Sales Midwest is joining the meeting also. Keith explained that his role as a mechanical contractor, is he works with the labor and the installation and also with the bidding process. Midwest Mechanical handles the technologies that best fit the application the City has. Keith said that he and Tyler are here to provide clarity to what they have proposed for City Hall, the Senior Center and the City's public restrooms. He said that this is a well-established technology, but it is being reapplied a lot more broadly now due to COVID-19. He explained that it is a variety of UV light applications that sanitize the air. They install these applications into the duct

work, they also have other applications that they can put in open spaces that they proposed for the Senior Center that cycles the air that goes in and out of the return air duct.

Alderman Atkins asked if we had any substantial proof that this technology is needed at this time?

Tyler Stroud stated that when this the pandemic began the information has evolved and the CDC and different groups now say that the virus is being spread through the air and even finding situations where it is transmitted through the HVAC systems in buildings. He explained that they have been working hard with individuals and groups to determine the best possible approach. This process has been around for a long time and has a track record of effectiveness against various strains of known coronaviruses. They have provided a number of solutions on best fit for the city's facilities.

Alderman Atkins stated that he runs a 250,000 square foot warehouse and they have one small UV Scrubber that they use in their coolers and freezers. He said that it does work in that area. He said that he just hasn't seen anywhere that the CDC or anyone else has that yes this is an issue with airborne circulation. Alderman Atkins said yes it does kill the viruses but is not sure it is something we need right now.

Mayor Boley said that this is a fraction of what the original HVAC bid was. He asked Chuck Soules, Public Works Director, if we already use UV at our sewer plant for treatment?

Chuck said that we have UV disinfection at the wastewater plant.

Mayor Boley asked how long we have been using the UV disinfection?

Chuck said he was not sure for the City of Smithville, but knows that they use it in Emporia, Wellington and in Lawrence, so this treatment has been around for a while.

Alderman Bloemker's recommendation for this is to keep it "shovel ready" to have funding available if expenditure of allowance is necessary. He suggested we assess this as we assess other projects and decide where the funds would be best spent. He said that these are tax dollars that we are protecting, and we need to use them where best makes sense. He said this is a great project to keep on the list and review down the road.

Mayor Boley said we will see where the funds are at the August 18 meeting.

Cynthia said that another CARES fund idea that some of the other cities or counties are doing is purchasing face masks for distribution program. Grandview, Lee Summit and Overland Park have all done this program. This would be to distribute face masks to those people who may not have them.

Cynthia said that she did reach out to NRAD and the Fire Protection District to determine to see if they had any needs. She has not yet spoken with Jason James at NRAD but has spoken with the Fire Chief Dave Klein and they feel like they are still good from an expenditure standpoint with the except they have identified the need for a fogger for cleaning similar to what the City has looked at through Parks and Recreation. This would cost somewhere between the \$4,000 to \$5,000 range and staff recommends that we assist the Fire Protection District with that purchase. She said that she will again reach out to NRAD to see if there are any similar types of needs, they might have and staff could bring those forward to the Board. She explained that the School District has reached out to the City for assistance as well.

Alderman Atkins said he had been looking for portable scrubbers for a while now and the price is closer to \$6,000 or \$7,000 plus the \$100 for the gallon of chemicals you have to have. He said that these machines are in high demand.

Mayor Boley asked if we went through a government purchasing program for Parks and Recreation or if it was open market?

Matt Denton, Parks and Recreation Director said that he did some research online looking for portable fogger and found one on Oil Works and Company and we were able to get it in 10-15 days. We were able to get two of them, one for parks and one for the campground. The cost was around \$1,500.

Cynthia said she would request Board authorization up to her expenditure level of \$7,500 which should take care of the cost of the portable fogger.

Alderman Bloemker said that was a great way to go and if staff would need to come back to the Board for more funds it could be done at the next meeting.

Cynthia asked if the Board had any interest in the face mask program?

Mayor Boley said he like the idea of doing it but would also like to look at some of the other more advanced PPE such as hand sanitizer and disinfecting wipes as well in case we have need in the community.

Alderman Bloemker asked what the real need is? The school said that people were supplying plenty of face masks. If we go and buy hand sanitizer and disinfecting wipes that are in demand, we are then pulling those items out of the market and keeping it in stockpile to distribute. He said he is hesitant to take away for the normal supply chain.

Mayor Boley asked Chief Lockridge if he has seen people in need of face masks?

Chief Lockridge said he had not.

Mayor Boley suggested postponed this item unless someone comes forward in the next month with the need. He asked if City Hall had plenty of masks?

Cynthia said that we had plenty of masks and other PPE supplies. She explained that Chief Lockridge had taken on the role of managing that inventory and ensuring that we have everything that we need.

Mayor Boley asked where we were at dollar amount so far?

Cynthia said about an additional \$200,000 of the remaining \$625,000.

Mayor Boley asked if the Council Chambers since it has been renovated will work for a meeting room or was there still a need for a separate conference room or a need for an interview room for the Police Department?

Cynthia said staff has begun to use the Council Chambers room for meetings and she believes it will work effectively. There is still a need for renovation at some point but perhaps from a community perspective it might not be the highest of priority of expenditures. The estimated cost to do conference room up front in City Hall would be about \$95,000 to \$100,000. Staff's biggest concern is not to start piecemealing projects for the renovation.

Cynthia said at the joint Board of Alderman/School District meeting last night there was some discussion concerning the possibility of available funding for the School District. Michelle Kratofil, Assistant Superintendent for the school indicated they could use equipment to assist with fine arts, particularly the music programs, such as shields for musical instruments. Some additional funding, they could use is to help with the cost of transporting of school lunches throughout the district. Cynthia asked if the Board would want to consider reimbursing the school for that cost? She explained that she meets with Dr. Schuetz, Superintendent once a month and her meeting is tomorrow and they could discuss the school's needs in more detail. Cynthia said that PPE or any equipment the school may need staff could potentially bring forward to the

Board for review. She recommended that any funding the Board approves for the school, they should provide the City the invoices for reimbursement rather than giving them a lump sum amount.

Mayor Boley said he likes the idea of the meals program. He also said we run a similar Meals on Wheels program through the City and asked if we have enough volunteers for delivery or could we possibly leverage this and the school help deliver some of the Meals on Wheels lunches? He also suggested talking to other education institutions in town and see if they have needs as well.

Alderman Bloemker said that he would feel more comfortable using the funds for things that are tied directly to CARES Act funded activities. He said he feels more comfortable funding PPE items such as the classroom dividers. He understands the importance of the students having meals but knows there is a lot of discussion on what is the most economical way to provide them, is it a school bus delivering them or a van. He believes the Board should stay out of that discussion and focus more on what the funding is supposed to be used for.

Alderman Atkins asked if staff could obtain a list from the school of what they are needing and see what items actually fit with the CARES Act funding?

Cynthia said that is what she is anticipating finding out with her discussion with Dr. Schuetz tomorrow. She said in the conversation she had with the school today she did ask for a list of items and a dollar figure that staff will be able to bring forward to the Board on August 18.

Mayor Boley said he would also like to look at the possible use of campground over the winter for people that would have to be quarantined because of COVID-19 and what that cost might be to keep it semi-staffed.

Mayor Boley opened the discussion up to the Board for any other CARES funding suggestions.

As a business owner, Alderman Ulledahl indicated he has noticed that gloves are starting to become hard to find or the price is doubled or tripled. He explained that he did a project for the school building a couple of plexiglass screens that fit on some of the tables so the kids can look at each other not sneeze across the table. He said it would be interesting to find a way to make them much cheaper and be able to have more available, not necessarily just the school district but for businesses also that have face-to-face contact with people.

Alderman Bloemker asked Alderman Ulledahl the cost of the project?

Alderman Ulledahl said that we around \$50 to \$60 a piece and it took approximately two hours to construct.

Alderman Bloemker said that he has purchased them for work and the cost is around \$100 to \$175.

Nickie suggested maybe postponing some of these items to see if the HEALS Act passes. There could be some surprises in the legislation. She explained that the HEALS Act is the updated Bill that congress is looking at passing that might change the definition of how funds can be spent.

3. Discussion of Senior Center

Dan Toleikis, Finance Director, provided a staff report in the packet that is a walkthrough of the contract for the senior center. It explains how the agreement is laid out, the cost to renovate the building, it lays out the use that is allowed by the tenant. The agreement specifically states that the City pays for. Dan explained that the City also pays for items that we are not obligated to pay for. Those are telephone, internet and television. The contract specifically states that the Smithville Senior Citizen Center a not-for-profit is responsible for those costs. The agreement lays out that the City is to provide janitorial services the Senior Center weekly and we actually provide it three times a week.

The agreement also states the use that is allowed by the City. Dan explained that we do use it for meetings. For instance, we have used it for Board of Alderman and Planning Commission meeting recently for public participation for the Zoom meetings and the police use it for a lot of training sessions.

The agreement also allows the City to rent the facility out to third parties. Dan provided in the packet information on the history of those rentals and what is in the budget for the FY20. The City receives approximately \$2,100 in revenue from rentals and pays about \$9,100 in operating expenses, that leaves a \$7,000 difference is paid out of the general fund. The general revenues of come from property tax, sales tax and use tax.

Dan said that since we are getting ready for the FY21 budget he would like the Board feedback on what their goal is for the Senior Center. Is it for the City to not have to spend tax sales tax dollars to support it? Do they want the Senior Center to be self-supporting? If they do should we look at increasing the rental fee so that we can generate more revenue? He asked how aggressive do they want to be on promoting the Senior Center as an available rental space?

In the agreement it allows, by direction of the Board, for the consumption and possession of alcohol in that building but we never have. Does the Board want to open it up for that for an additional rental fee? Does the Board not want to provide for more than what we required? If the Senior Center is being supported with some general fund revenues based on property taxes, sales taxes and use tax, would they like to see it used by the Parks and Recreation Department for recreational type

programming. Then would they want to put a value on those types of things that we would consider in that a break-even estimation. Dan said staff is looking for direction from the Board for the FY21 budget.

Mayor Boley said that we are renting Courtyard Park for an event for \$200 and the Senior Center, an indoor facility with restroom and HVAC should be rented for at least what the Courtyard is. He also said if the agreement states that they pay for the telephone, internet and television then they should be paying for them.

Alderman Ulledahl said that he saw verbiage in the agreement that it is never rented on a Saturday and a Sunday and said it should be made more available. He said that it needs to be rewritten to allow more rentals, he is just not sure that the rental price should be \$200. He explained that his event space is much smaller, and it rents for \$50 a day so suggested maybe \$100, he said it needs to be more acceptable for people to hold their events there.

Mayor Boley said they needed to look at the base rates and also the additional hourly fee. He asked Alderman Ulledahl if he could rent his space three times in one day?

Alderman Ulledahl said that said that no more than two events a day worked better due to events running over, set-up and clean-up. He said the Senior Center needs to have the times the seniors have it marked off and the rest of the time it needs to be available. He said there is not much space available to rent to hold events and it would be a great opportunity for the City to at least break even on this facility if it was available.

Mayor Boley asked if the Senior Center was managed with the Parks and Recreation facilities or was it managed separately?

Dan said it is currently managed by City Hall staff.

Cynthia said that Matt has been having internal discussion with his Recreation and Marketing manager, Brittanie Propes and she has reached out to the senior community and is looking at some additional class opportunities for them in the Senior Center. Cynthia said that in listening to the discussion from the Board this is something that can be transitioned away from City Hall management and have the rental managed by Park's staff and they could assist with the cleaning of the facility to help make it more available for multiple rentals in a weekend. They could also increase their programming using the Senior Center facility.

Mayor Boley said that Alderman Chevalier had brought up the possibility making it a Parks and Recreation managed community type center instead of just a Senior Center. He said if the City is going to manage the rentals, pay the utilities and for cleaning, we need to see when the seniors truly need it and make sure that they are getting programming out of it. He said in talking with the Clay County Senior Service they are not extremely happy with the way things have gone with the Senior

Center. They would like to see more programming and have it used for more educational purposes and not just for then seniors to just hang out.

Matt explained that Brittanie applied for a grant through the Clay County Senior Service for \$7,500 to help cover the cost for instructors and equipment for fitness classes.

Alderman Bloemker said one thing he would like to see the hours it is actually available and look at if the seniors really need it for the time that they have or would it be possible to make it available to the community earlier in the afternoon. We could then have more programming for our youth who are needing after school activities.

Mayor Boley said that with Clay County 4-H program growing, thanks to great work by or Clay County Extension, Smithville has gone from three children to more than 30 children. They were meeting here in the Council Chambers before it was renovated and now will be needing a space to meet. Girl Scouts and Boy Scout always struggle for a meeting place because places they have met in the past have changed policies, such as the library now charges a fee for their room. He suggested for groups like these we can work with them on a special rate.

Alderman Ulledahl said that he donates his meeting space to all city and community groups for free to make sure that there is a place for them to meet.

Mayor Boley said the Board could consider that or offering a type of scholarship to help reduce the fees.

Dan asked the Board for direction of the allowance of alcohol.

Mayor Boley asked what we charge on the square for an alcohol permit?

Alderman Ulledahl suggested an alcohol permit fee and an additional security deposit.

Mayor Boley asked Matt if he had any concerns?

Matt said that he went over most of the concerns with Dan and Cynthia on trying to figure out the best way of making sure it is clean. Hopefully when people do put their deposit down they do a good job of cleaning and leaving it back the way they found it that way it would not be a difficult job for staff to come in and get it back to normal so it can be rented again.

Mayor Boley suggested holding the deposits to a higher standard of cleanliness. He also said we might need to have a conversation with the senior about the location of their coffee mugs, so they do not get damaged.

Dan said he appreciated the direction from the Board.

Dan said that for the Board to consider the long-term for the Senior Center. The current term of the Senior Center lease expires in August of 2023 and any time prior to August 2022 the Senior Center a not-for-profit can express interest in extending that agreement for an additional five-year period. The agreement does not lay out any way that the City would potentially say no to it, so if they request it, they get an additional five-year term. The agreement also does not have a cap on how many times they can request that extension. Staff is looking for direction from the Board on whether they want to allow this agreement to continue or do they want to approach the seniors about renegotiating some of the terms of the contract? Or does the Board want staff to approach the seniors about potentially getting out of the contract in its entirety and possible donating the land and building to them?

Alderman Atkins said that the way things are going right now and how society is changing maybe we could say renewable every two years and keep all of our options open and not let them or anyone else just automatically take over.

Mayor Boley said he would like to see how it goes the next six months once Parks and Recreation takes over the management of the facility then have a discussion on a long-term direction at the Board retreat in the spring.

4. Adjourn

Alderman Atkins moved to adjourn the Work Session. Alderman Chevalier seconded the motion.

Ayes – 5, Noes – 0, motion carried.

Mayor Boley declared the Work Session adjourned at 7:02 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

Board of Aldermen Minutes – August 4, 2020 Regular Session

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

August 4, 2020 7:00 p.m.
City Hall Council Chambers

Due to the COVID-19 pandemic this meeting was held via teleconference.

Mayor Boley, Aldermen Bloemker, Alderman Chevalier, City Administrator and Chief Lockridge were in attendance in the City Hall Council Chambers, Alderman Ulledahl, Alderman Sarver, Alderman Atkins and other City Staff attended via the Zoom meeting app. The meeting was streamed live on the city's FaceBook page.

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:06 p.m. A quorum of the Board was present via Zoom meeting: Steve Sarver, Marv Atkins, John Chevalier, Jeff Bloemker and Dan Ulledahl. Melissa Wilson was absent. Staff present via Zoom: Cynthia Wagner, Nickie Lee, Chuck Soules, Chief Jason Lockridge, Jack Hendrix, Dan Toleikis, Matt Denton and Linda Drummond.

2. Pledge of Allegiance lead by Mayor Boley

3. Consent Agenda

- **Minutes**

- July 21, 2020 Board of Alderman Work Session Minutes
- July 21, 2020 Board of Alderman Regular Session Minutes

No discussion.

Alderman Chevalier moved to approve the consent agenda. Alderman Sarver seconded the motion.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

None

5. City Administrator's Report

Cynthia reported that she just received a text from Public Works Director, Chuck Soules about a question that came up in the Work Session meeting with regard to UV disinfectant. The City has been utilizing UV disinfection at the wastewater treatment plant since 2007.

Included in the packet was memo from Chuck regarding Main Street repairs. In the memo he outlined a number of projects that staff is coordinating. The waterline repair is ongoing and nearing completion. Staff's recommendation as outlined in that memo for the Streetscape project and the Main Street Trail is not doing a massive overlay to the waterline repair until we are working on the next phase of the streetscape project. Doing the overlay once will also mean that the road will be in a patched condition until the completion of streetscape.

Last week we conducted the Comprehensive Plan meetings. We had 40-50 people participate in the sessions. Staff appreciates the time the Board of Aldermen, staff and the community put into providing feedback. There is a lot of information to flesh out. The next steps in the process will include another series of focus groups the last week of August. In the sessions last week there was an outlined assignment for homework, if people will visit the portal, they can view information about the process, and we can provide feedback. The Planning Commission will be working through some of the issues related to the Comprehensive Plan in both their August and September meetings.

Cynthia announced that Linda Drummond has attained the status of Certified Municipal Clerk within the International Institute of Municipal clerks. She has already received the status of Missouri Registered City Clerk.

Cynthia indicated that last week Dan Toleikis, Finance Director, has given his resignation effective August 24. His wife has accepted a position with a hospital in Omaha and they will be relocating. Staff is working to negotiate a contract with Dan to secure his assistance through the completion of the 2021 budget process. That contract will be brought to the Board on August 18.

Mayor Boley thanked Dan for everything he has accomplished. He said that the City budget has come a long way especially for transparency and the Board was very appreciative of his work.

ORDINANCES & RESOLUTIONS

6. Bill No. 2864-20, Zoning 2412 NE 157th Terrace to R-1B – 2nd Reading

Alderman Sarver moved to approve Bill No. 2864-20, to approve the zoning of 2412 NE 157th Terrace, Lakeside Crossing recently annexed into the City Limits, to R-1B. 2nd reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote via teleconference:

Alderman Sarver – Aye, Alderwoman Wilson – Absent, Alderman Atkins – Aye,
Alderman Ulledahl – Aye, Alderman Chevalier – Aye, Alderman Bloemker – Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2864-20 approved.

7. Bill No. 2865-20, Rescind Ordinance 3062-20, Parks and Stormwater Tax – Emergency Ordinance Sponsored by Mayor Boley – 1st and 2nd Readings

Alderman Bloemker moved to approve Bill No. 2865-20, to rescind Ordinance 3062-20 and approve Bill No. 2865-20 for the half-cent sales tax for Parks and Stormwater with the corrected dates. 1st reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote via teleconference:

Alderman Bloemker – Aye, Alderman Ulledahl – Aye, Alderman Chevalier – Aye,
Alderwoman Wilson – Absent, Alderman Sarver – Aye, Alderman Atkins – Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2865-20 approved first reading.

Alderman Bloemker moved to approve Bill No. 2865-20, to rescind Ordinance 3062-20 and approve Bill No. 2865-20 for the half-cent sales tax for Parks and Stormwater with the corrected dates. 2nd reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote via teleconference:

Alderman Sarver – Aye, Alderwoman Wilson – Absent, Alderman Atkins – Aye.
Alderman Ulledahl – Aye, Alderman Bloemker – Aye, Alderman Chevalier – Aye,

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2865-20 approved.

8. Bill No. 2866-20, Re-Adopt the Code of Ethics – 1st Reading

Alderman Sarver moved to approve Bill No. 2866-20, to re-adopt the Code of Ethics to comply with Missouri Ethics Commission standards. 1st reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote via teleconference:

Alderman Chevalier – Aye, Alderman Ulledahl – Aye, Alderman Bloemker – Aye.
Alderwoman Wilson – Absent, Alderman Atkins – Aye, Alderman Sarver – Aye,

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 2866-20 approved first reading.

9. Resolution 807, Special Event Permit, Humphrey's 100 Gravel Grinder

Alderman Bloemker moved to approve Resolution 807, approving a special event permit for Smithville Parks and Recreation for Humphrey's 100 Gravel Grinder Bike Race at Courtyard Park on Saturday, September 26, 2020. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 807 approved.

10. Resolution 808, Acknowledging Emergency Purchase

Alderman Sarver moved to approve Resolution 808, acknowledging the emergency purchase of an expense for an amount of \$9,154.76 to purchase and install a new Lightnin MI5Q6 mixer from Mid-America Pump. Alderman Atkins seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 808 approved.

11. Resolution 809, Acknowledging Emergency Purchase

Alderman Chevalier moved to approve Resolution 809, acknowledging the emergency purchase of an expense for an amount of \$17,255.60 for a culvert replacement and bank reconstruction on Cliff Drive. Repairs were done by Menke Excavating, LLC. Alderman Sarver seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 809 approved.

12. Resolution 810-812, CARES Act Funding

Approve Resolutions related to CARES Act Funding.

C. Resolution 810, Award Bid No. 20-10, Wi-Fi at Heritage Park

Alderman Chevalier moved to approve Resolution 810, to award Bid No. 20-10 to KCMOTech, LLC and authorize and direct the Mayor to execute an agreement in an amount not to exceed \$30,331.81. Alderman Atkins seconded the motion.

Alderman Bloemker said as he read through the RFA he saw that the cameras would be on the first base side and asked Aaron Nijse with KCMOTech, LLC, if they could be moved behind home plate instead to make a better viewing

experience. He also wanted to make sure that this had ability to add sound and scoreboard.

Aaron said that their design does have the cameras behind first base but can be moved to directly behind home plate instead. The camera view will span the whole field and all activity. The system that they are installing does allow for the installation of a dynamic scoreboard and for sound in the future.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 810 approved.

D. Resolution 811, Award Bid No. 20-12, City Hall Audio/Visual

Alderman Bloemker moved to approve Resolution 811, to award Bid No. 20-12 to Kansas City Audio-Visual and authorize and direct the Mayor to execute an agreement in an amount not to exceed \$49,367.35. Alderman Chevalier seconded the motion.

Alderman Atkins asked if this system would cover ADA requirements?

Mayor Boley said he did not believe it would do closed caption. He said that this system would improve the sound quality in the room and allows us to have displays in the room that we will be able to use for closed captioning in the future.

Alderman Bloemker asked if we could include the hearing devices for the hearing impaired to use for the meetings?

Dan Toleikis said that he has contacted the vendor and asked for a quote for those additions.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 811 approved.

E. Resolution 812, June CARES Expenditures

Alderman Chevalier moved to approve Resolution 812, approving the eligible expenditures incurred between June 1, 2020 and June 30, 2020 totaling \$13,889.12 in the CARES Act Stimulus Fund. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 812 approved.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

None

14. New Business from the Floor

None

15. Adjourn

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

Ayes – 5, Noes – 0, motion carries via teleconference. Mayor Boley declared the regular session adjourned at 7:32 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

Financial Report – July 2020

REVENUES, BY FUND	FY19 Actual	FY20 Budget	FY20 YTD	FY20 Projection	
GENERAL FUND	5,563,826.38	4,545,530.00	3,538,485.09	4,530,060.00	77.85%
CAPITAL PROJECTS FUND	4,182,447.81	238,120.00	-	228,120.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	451,246.42	475,080.00	397,290.39	509,760.00	83.63%
DEBT SERVICE FUND	127,417.32	556,280.00	223,755.00	556,280.00	40.22%
TRANSPORTATION SALES TAX FUND	496,431.90	475,080.00	399,480.29	509,760.00	84.09%
COMBINED WATER & WASTEWATER SYSTEMS FUND	4,064,279.60	4,381,400.00	3,169,465.43	4,436,550.00	72.34%
SANITATION FUND	780,003.87	840,360.00	617,492.65	826,780.00	73.48%
	15,665,653.30	11,511,850.00	8,345,968.85	11,597,310.00	72.50%

EXPENDITURES, BY FUND	FY19 Actual	FY20 Budget	FY20 YTD	FY20 Projection	
GENERAL FUND	4,789,412.43	5,424,590.00	3,700,333.33	5,189,550.00	68.21%
CAPITAL PROJECTS FUND	4,230,808.48	1,882,370.00	459,984.61	1,882,370.00	24.44%
CAPITAL IMPROVEMENT SALES TAX FUND	127,417.32	798,910.00	223,755.00	798,910.00	28.01%
DEBT SERVICE FUND	127,417.32	325,020.00	223,755.00	325,020.00	68.84%
TRANSPORTATION SALES TAX FUND	557,722.17	380,000.00	121,349.21	379,880.00	31.93%
COMBINED WATER & WASTEWATER SYSTEMS FUND	2,575,747.48	6,690,170.00	3,877,081.06	6,917,000.00	57.95%
SANITATION FUND	786,350.04	835,290.00	608,400.75	825,890.00	72.84%
	13,194,875.24	16,336,350.00	9,214,658.96	16,318,620.00	56.41%

[Full Financial Report](#) – July 2020

Sales & Use Tax Report



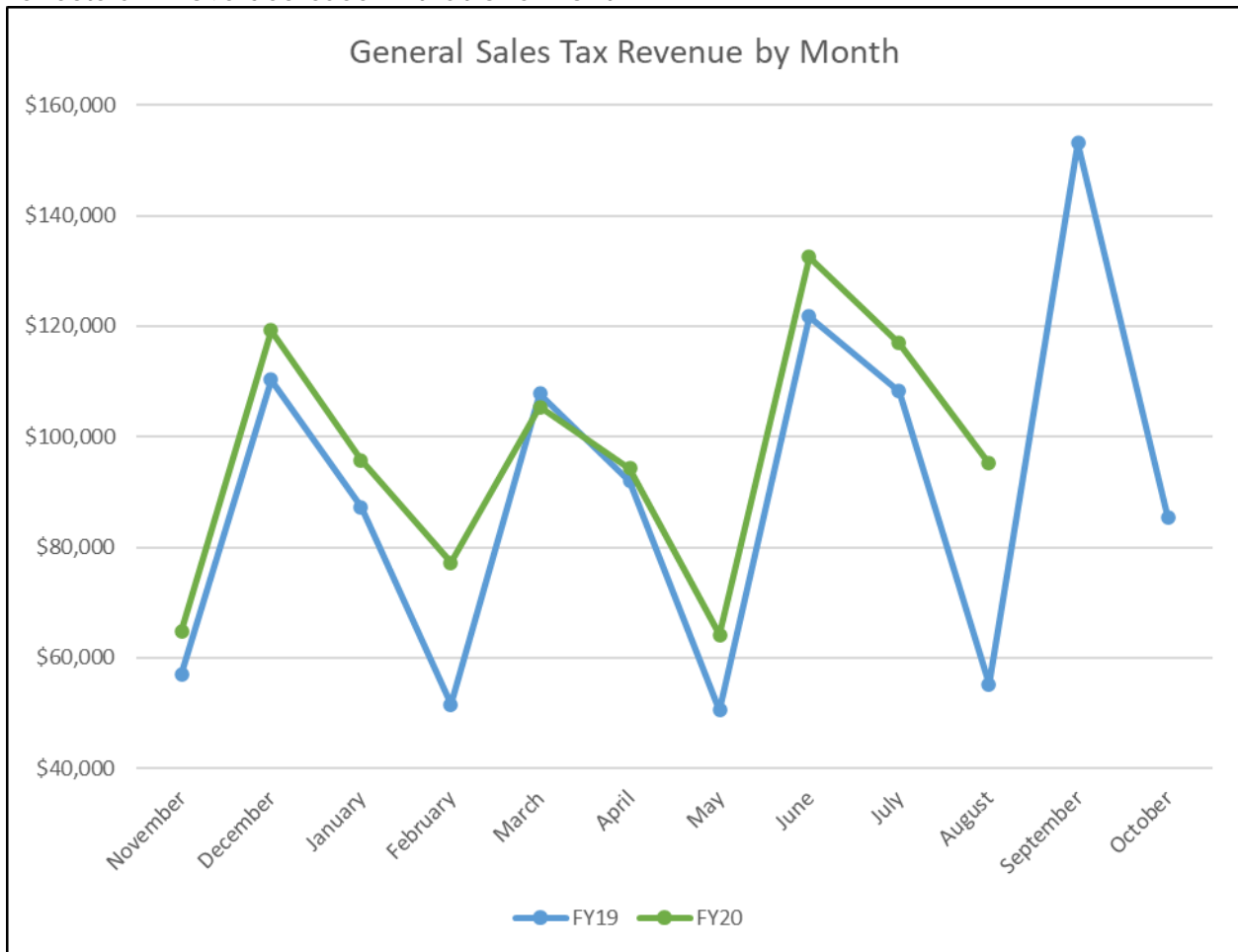
STAFF

REPORT

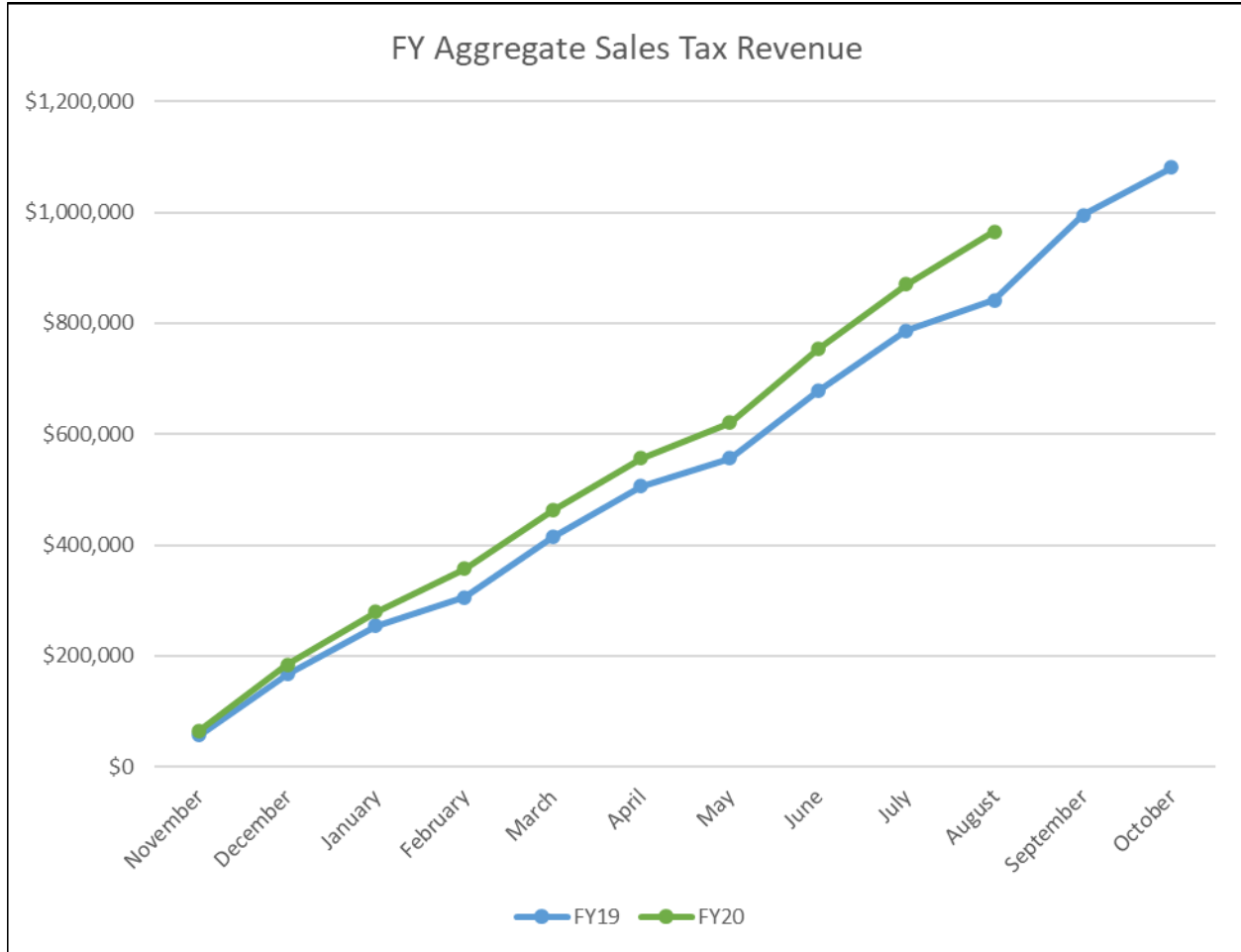
Date: August 18, 2020
Prepared By: Daniel Toleikis, Finance Director
Subject: Sales & Use Tax Update
Staff Report: All Departments

GENERAL SALES TAX

The following graph shows the general sales tax revenue received each month, beginning with November 2018, through the collection received on August 7, 2020. Monthly FY20 revenue exceeds monthly FY19 revenue in every month except March, where the 2020 distribution was down \$2,318.15 from the 2019 distribution, which reflects a 2.15% decrease in that one month.

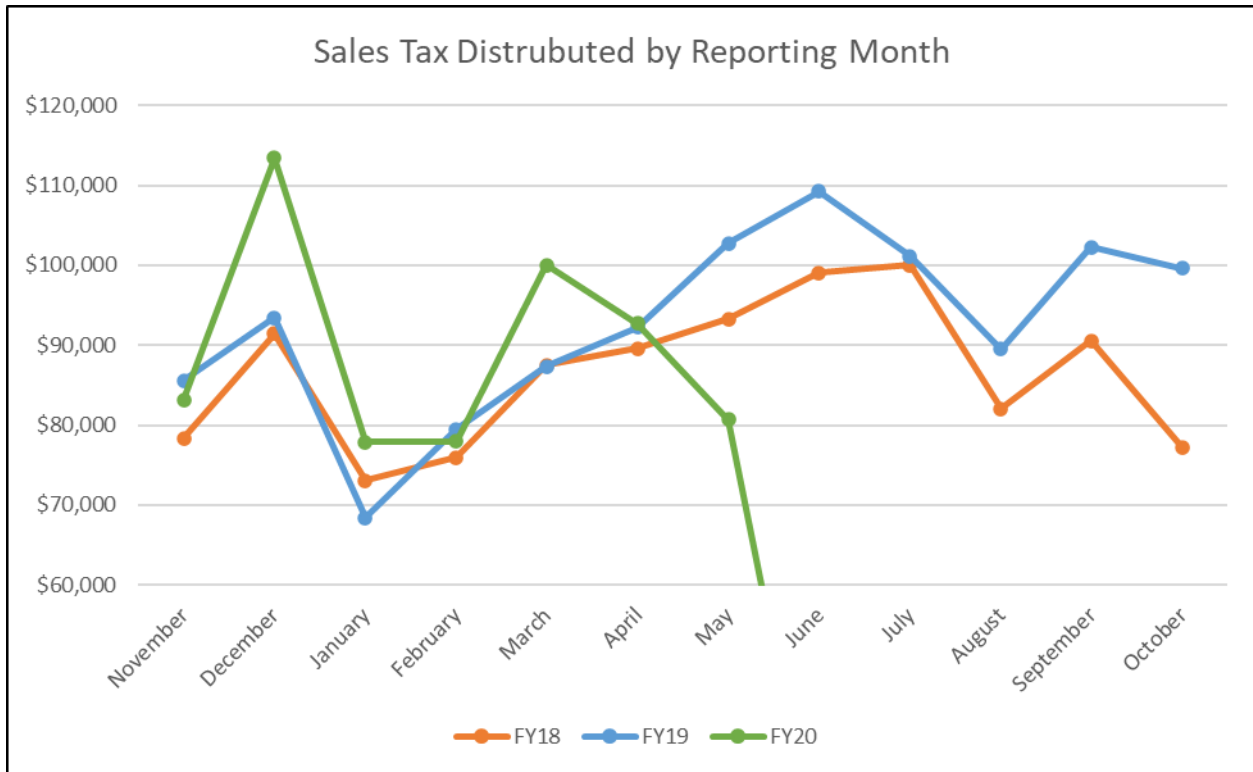


The following graph shows the aggregate general sales tax revenue received in FY19 and FY20, through the collection received on August 7, 2020. FY19 revenue through August 2019 totaled \$841,841.00. FY20 revenue through August 2020 totals \$965,565.93 (up \$123,724.93; up 14.7%).



Smithville Board of Aldermen

It's important to note that the month general sales tax revenue is received by the City does not directly correlate to the month businesses reported sales. The following graph rearranges the monthly sales tax revenue data from the month it was received by the City to the month for which sales were reported.

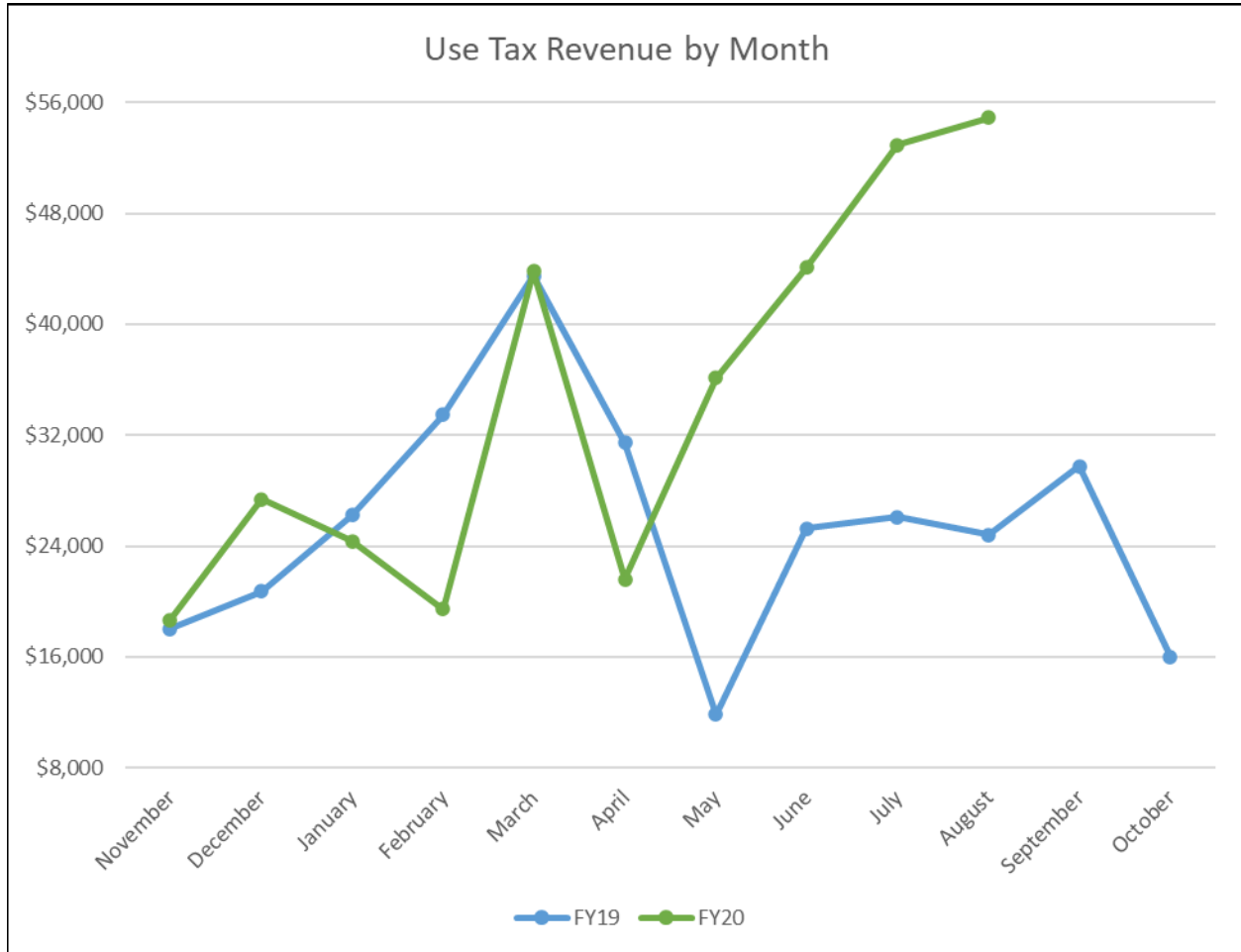


Now we must examine the number of businesses reporting this sales tax data to determine where the data is complete (all business have reported) and where staff is still waiting for additional data (waiting for some businesses to still report). December 2019 will be used as the base month, since all businesses (those that submit monthly, quarterly, and annually) should be submitting that month.

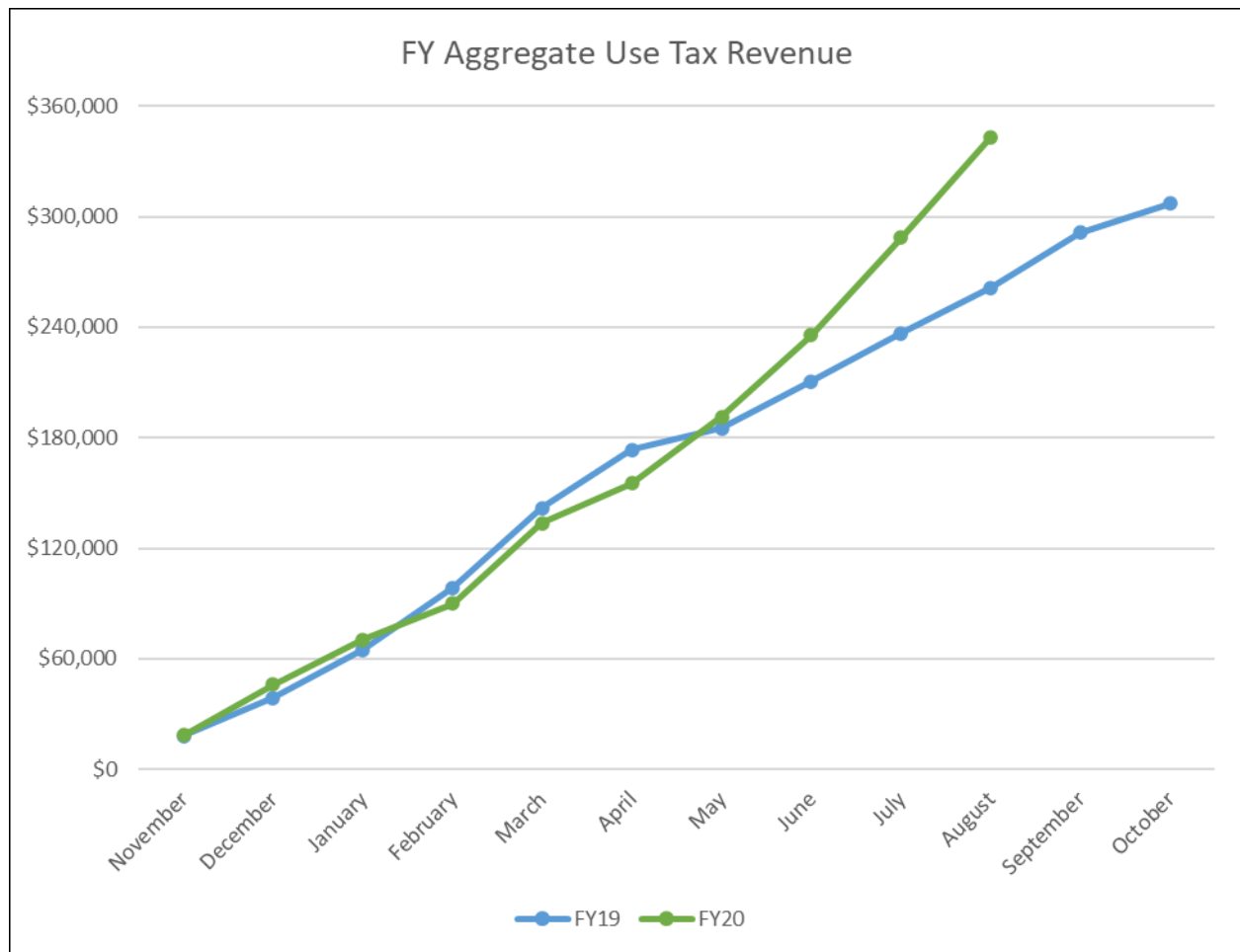
Month	Businesses Reporting			Notes
	Monthly	Quarterly	Annually	
December 2019	231	55	48	BASE MONTH
January 2020	226	-	-	nearly 100% received
February 2020	213	-	-	more than 90% received
March 2020	217	42	-	about 90% received
April 2020	187	-	-	about 80% received
May 2020	128	-	-	about 55% received
June 2020	-	1	-	only 1 business reported so far

USE TAX

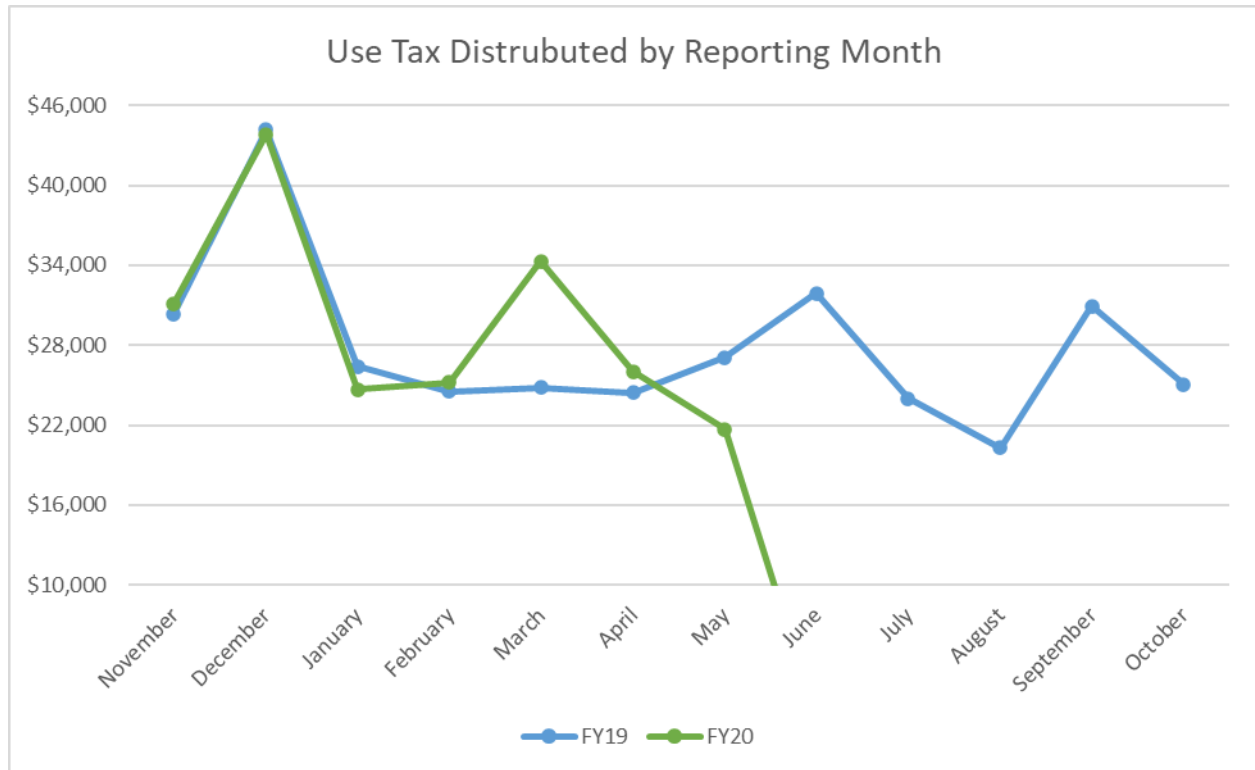
The following graph shows the general sales tax revenue received each month, beginning with November 2018, through the collection received on August 7, 2020.



The following graph shows the aggregate general sales tax revenue received in FY19 and FY20, through the collection received on August 7, 2020. FY19 revenue through August 2019 totaled \$261,412.02. FY20 revenue through August 2020 totals \$343,330.91 (up \$81,918.89; up 31.3%).



It's important to note that the month use sales tax revenue is received by the City does not directly correlate to the month businesses reported sales. The following graph rearranges the monthly use tax revenue data from the month it was received by the City to the month for which sales were reported.



Now we must examine the number of businesses reporting this use tax data to determine where the data is complete (all businesses have reported) and where staff is still waiting for additional data (waiting for some businesses to still report). Use tax data has a bit more of a lag in the reporting than sales tax data, and also a larger number of businesses who report. December 2019 will be used as the base month, since all businesses (those that submit monthly, quarterly, and annually) should be submitting that month.

Month	Businesses Reporting			Notes
	Monthly	Quarterly	Annually	
December 2019	596	237	88	BASE MONTH
January 2020	493	-	-	about 80% received
February 2020	542	-	-	about 90% received
March 2020	547	275	-	nearly 100% received
April 2020	495	-	-	about 80% received
May 2020	231	-	-	about 40% received
June 2020	1	2	-	only 3 businesses reported so far

CITY ADMINISTRATOR'S REPORT



City Administrator's Report

August 13, 2020

Mayor Appointed to MARC Board

Mayor Boley was recently appointed to serve as the Clay County representative to the Mid Americal Regional Council Board of Directors.

Update on CARES Expenditures/Projects

At the August 4 Work Session, the Board provided direction on expenditure of additional CARES funds. Approval of Memoranda of Understanding for administration of a second round of Small Business Grants and a Utility/Housing Assistance Grant program for residents are on the agenda for this week's meeting.

Following discussion with the Executive Director of NRAD, they have expressed interest in purchase of a fogger similar to the equipment identified by the Smithville Area Protection District. It has been indicated to both entities that the Board is supportive of these purchases, so long as they are within the purchasing authority of the City Administrator (\$7,500).

Equipment to complete projects previously approved (replacement of restroom and kitchen facility fixtures to touchless; video streaming at Heritage Park; and Board Room audio/visual upgrades) is all on order and projects continue on schedule, with all anticipated to be complete by the end of September, pending receipt of equipment in a timely manner.

In review of expenditures under consideration by other Clay County communities and following discussion with legal counsel, staff recommends that an additional \$80,000 be held as potential reimbursement for utilization of the Families First leave time authorized by Congress earlier this year.

The following summarizes utilization of the \$945,400 in funding as authorized or recommended to date, totaling approximately \$625,000:

Items authorized by Board prior to 8/4	\$ 319,548
Second Round – Small Business Grants	105,000
Utility/Housing Assistance Grants	25,000
Air Purifiers – SAFD/NRAD	15,000
Hold in reserve for revenue replacement	80,000
Hold in reserve to reimburse leave time	<u>80,000</u>
	\$ 624,548

Approximately \$320,000 in funding remains after these expenditures. The Smithville School District has submitted a request for funding, which is attached. Staff will be seeking direction from the Board regarding these requests/appropriate level of funding for the School District.

Finally, as discussed at the Work Session, staff will develop an RFP for HVAC improvements to have ready for release should such a project be desired and directed by the Board.

Recreation Program Participants

Registration has closed for fall soccer, t-ball and youth volleyball. Soccer numbers are down from past years, as expected, due to COVID-19. Fall t-ball and volleyball are being offered for the first time.

Soccer

2018	Spring	90
2018	Fall	128
2019	Spring	123
2019	Fall	139
2020	Spring	143
2020	Fall	116

T-Ball

2017	Spring	66
2018	Spring	91
2019	Spring	106
2020	Fall	84

Volleyball

2018	Winter	38
2020	Fall	31

Enrollments for the soccer clinic are currently at 30 and continue to August 17.

Parks and Recreation programs continue to follow Clay County Public Health Center guidance for all sports. Hand sanitizer stations are provided for game days and disinfectant wipes are provided to clean all shared equipment. During the coaches meetings, staff will provide direction to coaches to avoid common practices like handshakes, high-fives, and close team huddles. Limited spectator attendance will also be encouraged. Cameras at Heritage Park will be installed in time for the majority of the season.

Comprehensive Plan Update

The process continues! The consulting team is working to update the portal with new information and "homework" in the form of discussion topics is included in each focus area.

Summaries of the work and homework/community follow up can all be found on the portal: <https://lab.future-iq.com/city-of-smithville-comprehensive-planning-process-2020/smithville-community-engagement/>

The next series of focus group meetings will be held Monday, August 31 through Thursday, September 3.

Smithville School District Funding Request

High School Virtual Learning Fees

\$120,000.00

For students of all ages, we have offered the opportunity to learn virtually this school year in an effort to limit the number of students in each building and to provide extra protection from infection for our Warrior families. At the high school, this creates a challenge for students with unique classes in their schedules, specifically those with only one teacher who teaches the course. If we do not have a teacher who is able to take on the additional responsibility of virtual students along with their in-person teaching responsibilities, we will contract with our virtual learning partners to offer these unique courses. The fee for each course per semester is at least \$245. We currently have 124 high school students enrolled in virtual learning. After a review of their schedules, we anticipate that, on average, each student will need two courses per semester to complete their schedules that will require contracting with one of our virtual learning partners. This request will help us pay those fees without further deficit spending. Any amount awarded toward this expense is greatly appreciated even if it is not the full amount.

iReady Site License Upgrade for Virtual Learning

\$26,700.00

This is an online supplement to our mathematics program for grades 1-6. It allows teachers to easily differentiate instruction to best meet student needs via a diagnostic assessment and computer assigned skills lessons. It will not take the place of the teacher or whole group lessons but it will allow all students to work purposefully while teachers instruct in small skill-based groups.

Bell Covers for Band Instruments

\$2,210.00

This is an additional layer of protection for our band students who are participating in one of the most risky classes that we offer in the COVID-19 world. The bell covers actually fit over the end of the instrument so that the aerosol generated when playing a brass or woodwind instrument is not released into the air. This purchase will allow our band students to experience band in a way very similar to pre-COVID.

Supplies for COVID-19 Protection

\$100,000.00

We are in the process of ordering additional layers of protection for students and staff in the forms of plexi-glass dividers, clear face masks, face shields, cloth face masks, portable desks for flexible seating while social distancing, and cleaning supplies.

Extra Power Cords for Kindergarten Devices

\$12,000.00

This purchase would allow us to send home an extra charger with kindergarten students for virtual snow days or an extended absence that requires virtual learning for elementary students.

Screencastify

\$7500.00

This product allows teachers to create instructional videos for use in virtual learning. A site license would enable all of our teachers to use this resource.

TOTAL

\$268,410.00

RE-ADOPT THE CODE OF ETHICS



City of Smithville

Meeting Date: August 18, 2020

Department: Administration

Agenda Item: Bill No. 2866-20, Re-adopt the Code of Ethics - Second Reading

Summary:

Every year the Board is required by state law to review and re-adopt its Code of Ethics with election of new Board members. The present form of the Code of Ethics is included in the packet and recommended for re-adoption.

Purpose:

To maintain the integrity of City government and comply with state law.

Impact

Comprehensive Plan:	No Impact
Economic Development Plan:	No Impact
Parks Master Plan:	No Impact
Strategic Plan:	No Impact
Capital Improvement Plan:	No Impact
Budget:	No Impact

Legislative History:

Suggested Action:

A motion to approve Bill No. 2866-20, Re-adoption of the Code of Ethics, for second reading by title only.

Attachments: ☐ Plans ☐ Contract ☐ Staff Report
☒ Ordinance ☐ Resolution ☐ Minutes ☒ Other: RSMO Section 135

BILL NO. 2866-20

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 135 OF THE CODE OF ORDINANCES

WHEREAS Section 105.485.4 RSMo allows political subdivisions the option of adopting their own method of disclosing conflicts of interest and personal financial disclosure. State laws require that this ordinance/resolution be adopted biennially by September 15th; and

WHEREAS the City currently provides by ordinance in Chapter 135 for procedures for compliance with ethics requirements; and

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

Section 1. Chapter 135 of the Code of Ordinances of the City of Smithville, Missouri is hereby deleted in its entirety, and a new Chapter 135 is hereby enacted, to be read and numbered as follows:

CHAPTER 135: CODE OF ETHICS

SECTION 135.010: DECLARATION OF POLICY

It is the policy of the City of Smithville, Missouri, to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter "public officials"). The citizens and businesses of the City are entitled to have fair, ethical and accountable local government. The City recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of public officials. Public officials of the City are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties. In order to fulfill this mission, the City hereby adopts a code of ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. Unless specifically defined otherwise, the terms used in Chapter 135 shall be defined as set forth in Section 105.450 R.S.Mo et seq. as now adopted or hereinafter amended.

SECTION 135.020: RESPONSIBILITY OF PUBLIC OFFICE

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City and avoiding actions that are inconsistent with the best interests of the City. All persons, claims and transactions coming before the Board of Aldermen or any City board, commission or committee shall be assured of fair and equal treatment.

SECTION 135.030: COMPLIANCE WITH LAW

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, State and the City and to carry out impartially these laws in the performance of their public duties to foster respect for all

government. These laws include, but are not limited to, the United States and Missouri Constitutions, the laws of the State of Missouri and City ordinances.

SECTION 135.040: CONDUCT OF OFFICIALS

The professional and personal conduct of public officials shall be above reproach and shall avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor, other members of the Board of Aldermen, boards, commissions, committees, City staff and the public.

SECTION 135.050: PERFORMANCE OF DUTIES

A. Public officials shall perform their duties in accordance with the processes and rules of order as established by the Board of Aldermen, boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board of Aldermen by City staff.

SECTION 135.060: PUBLIC MEETINGS

Public officials shall prepare themselves for the public issues, listening courteously and attentively to all public discussion before the body and focus on the business at hand. Public officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body or otherwise interfere with the orderly conduct of meetings.

SECTION 135.070: DECISION BASED ON MERIT

Public officials shall base their decisions on the merits and the substance at hand.

SECTION 135.080: COMMUNICATION

Unless otherwise prohibited by law, privilege or the rules of evidence, Public officials shall publicly share with the Board of Aldermen or any boards, commissions and/or committees of the City any substantive information that is relevant to a matter under consideration by said entity of which they have knowledge from any source.

SECTION 135.090: CONFLICT OF INTEREST

- A. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a Substantial Interest or personal relationship, or which may reasonably give rise to the appearance of a conflict of interest or impropriety.
- B. The Mayor or any member of the Board of Aldermen who has a Substantial Interest, in any bill shall disclose on the records of the Board of Aldermen the nature of his or her interest and shall disqualify himself or herself from participation in deliberation or voting on any matters relating to this interest.
- C. Public officials should avoid action, whether or not specifically prohibited, which might reasonably result in or create the appearance of using their public office for private gain.

SECTION 135.100: GIFTS, GRATUITIES AND FAVORS

Public officials shall comply with the requirements of Chapter 105, RSMo relating to the acceptance and reporting of gifts, gratuities and favors.

SECTION 135.110: CONFIDENTIALITY OF INFORMATION

Unless approved by the Board of Aldermen, no elected or appointed Public Official shall disclose or make public any information which is otherwise closed to the Public pursuant to §610.021 R.S.Mo. or otherwise protected from disclosure by Missouri or Federal law. No Public Official shall use or provide information obtained as a result of his or her position for the benefit of the Public Official or the recipient in an advantages position over the general public.

SECTION 135.120: USE OF PUBLIC RESOURCES

A. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.

B. A public official shall not utilize the City's name, letterhead, logo or seal for the purpose of endorsing any political candidate, business, commercial product or service.

SECTION 135.130: ADVOCACY

As nonpartisan stewards of the public interest, the Mayor and members of the Board of Aldermen shall not appear on behalf of the private interests of third parties before the Board of Aldermen or any other board, commission, committee or proceeding in the City. Public officials of boards, commissions and committees shall not appear before their own bodies or before the Board of Aldermen on behalf of the private interests of third parties on matter related to the areas of service of their bodies. Public officials shall represent the official policies or positions of the City to the best of their abilities when designated as delegates for this purpose. When representing their individual opinions and positions, public officials shall explicitly state that they do not represent their body or the City and they shall not give the inference that they do.

SECTION 135.140: POLICY ROLE OF MEMBERS

Public officials shall respect and adhere to the City Administrator form of government as outlined in the ordinances, policies and procedures with respect to the City Administrator's relationship to the Board of Aldermen. In this structure, the Board of Aldermen determine the policies of the City with the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Individual Board of Aldermen members shall not, except at the direction of the entire Board of Alderman, have any role in the administrative functions of the City or the professional duties of City staff or the implementation of City policy or decisions. This prohibition shall not apply to the Mayor, nor the Mayor Pro Tem acting in the Mayor's absence.

Additionally, this prohibition shall not apply to any individual Board of Aldermen's ability to obtain information reasonably necessary to perform his or her duties.

SECTION 135.150: INDEPENDENCE OF BOARDS, COMMISSIONS AND COMMITTEES

The value of independent advice and recommendations of boards, commissions and committees to the public decision-making process is of such significance that members of the Board of Aldermen should refrain from using their positions to influence the deliberations or outcomes of board, commission and committee proceedings. This prohibition is not meant to include the actions of any Board of Aldermen when acting as a member of any such committee.

SECTION 135.160: BEHAVIOR

All City elected and appointed officials shall conduct themselves in a professional business manner and should refrain from the public use of profane or offensive language so as to reflect well on the City.

SECTION 135.170: POSITIVE WORKPLACE ENVIRONMENT

Public officials shall support the maintenance of a positive and constructive workplace environment for the City employees and for citizens and businesses dealing with the City.

SECTION 135.180: IMPLEMENTATION

The code of ethics for public officials of the City is intended to be self-enforcing. Therefore, it becomes most effective when public officials are thoroughly familiar with it and embrace its provisions. For this reason, these ethical standards shall be included in the regular orientation of candidates for Board of Aldermen, newly elected officials and appointed members of all boards, commissions and committees of the City.

The code of ethics shall be reviewed biannually by the Board of Aldermen. Recommendations received from the review shall be considered by the Board of Aldermen.

SECTION 135.190: COMPLIANCE AND ENFORCEMENT

- A. The City's code of ethics expresses standards of ethical conduct expected for the public officials of the Board of Aldermen, boards, commissions and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the government.
- B. A person making a complaint against a public official for violation of this policy shall submit the complaint, in writing, to the Mayor who shall conduct or cause to be conducted an investigation as he or she reasonably believes is warranted by the complaint. The Mayor may request the aid of the City Attorney, Police or other City employees with said investigation. The Mayor may choose to disregard any

anonymous complaint or complaint not based on personal or credible evidence as determined in the sole discretion of the Mayor. If the Mayor determines that the complaint may warrant disciplinary action by the Board of Alderpersons, the Mayor shall cause a special session of the Board of Alderpersons to be held for the purpose of conducting a hearing with regard to said allegations/complaint. Said hearing to be conducted pursuant to the Missouri Administrative procedures act §536.010 R.S.Mo et seq. as now adopted or hereinafter amended.

- C. Any complaint concerning the Mayor shall be made to the Mayor Pro Tem who shall have the same authority as the Mayor set forth above when reviewing any such complaint.
- D. The Board of Aldermen shall make a final determination upon a majority vote of all members, except for any member of the Board of Aldermen which is the subject of a complaint. The standard of proof required for a final determination of violation of this policy (unless otherwise required by law) shall be a preponderance of the evidence. At the discretion of the Board of Aldermen, sanctions may include private or public reprimand or censure, removal or exclusion from leadership positions, the governing board, and other official positions or duties that do not conflict with Missouri Statutes.

SECTION 135.210: DISCLOSURE REPORTS

Each elected official, the City Clerk, the City Administrator and the Chief Purchasing Officer (if some other individual) shall disclose the following information by May first (1st) regarding any such transactions which were engaged in during the previous calendar year:

1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date and identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, and other than transfers for no consideration to the political subdivision; (if none, state none) and;
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision; (if none state none);
3. The City Administrator, City Clerk and the Chief Purchasing officer also shall disclose by May first (1st) for the previous calendar year the following information:

- a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
- b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

SECTION 135.220: FILING OF REPORTS

The reports, in the attached format, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION 135.230: WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment.
2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

SECTION 135.240: FILING OF ORDINANCE

The City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten (10) days of its adoption.

PASSED THIS 18th DAY OF AUGUST 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 08/04/2020

Second Reading: 08/18/2020

Section 135.010 Declaration of Policy.

[Ord. No. 2895-14 §1, 7-1-2014^[1]; Ord. No. 2954-16 §1, 9-6-2016]

It is the policy of the City of Smithville, Missouri, to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter "public officials"). The citizens and businesses of the City are entitled to have fair, ethical and accountable local government. The City recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of public officials. Public officials of the City are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties. In order to fulfill this mission, the City hereby adopts a Code of Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. Unless specifically defined otherwise, the terms used in Chapter [135](#) shall be defined as set forth in Section 105.450, RSMo., et seq., as now adopted or hereinafter amended.

^[1] Editor's Note: Section 1 of this ordinance also repealed former Ch. 135, Code of Ethics, as adopted and amended by Ord. No. 1407 §1, 8-27-1991; Res. of 8-15-1995; Ord. No. 1805-98 §§1 — 2, 8-18-1998; Ord. No. 2022-01 §§1 — 3, 8-21-2001; Ord. No. 2110-02 §§1 — 2, 8-20-2002; Ord. No. 2110-03 §§1 — 2, 8-19-2003; Ord. No. 2303-04 §§1 — 3, 8-17-2004; Ord. No. 2402-05 §§1 — 2, 8-16-2005; Ord. No. 2483-06 §§1 — 2, 8-1-2006; Ord. No. 2568-07 §§1 — 2, 7-17-2007; Ord. No. 2717-09 §§1 — 2, 6-2-2009; Ord. No. 2768-10 §§1 — 2, 9-7-2010; Ord. No. 2844-12 §§1 — 2, 8-7-2012.

Section 135.020 Responsibility of Public Office.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City and avoiding actions that are inconsistent with the best interests of the City. All persons, claims and transactions coming before the Board of Aldermen or any City board, commission or committee shall be assured of fair and equal treatment.

Section 135.030 Compliance With Laws.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, State and the City and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Missouri Constitutions, the laws of the State of Missouri and City ordinances.

Section 135.040 Conduct of Officials.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

The professional and personal conduct of public officials shall be above reproach and shall avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor, other members of the Board of Aldermen, boards, commissions, committees, City staff and the public.

Section 135.050 Performance of Duties.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall perform their duties in accordance with the processes and rules of order as established by the Board of Aldermen, boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board of Aldermen by City staff.

Section 135.060 Public Meetings.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall prepare themselves for the public issues, listening courteously and attentively to all public discussion before the body and focus on the business at hand. Public officials shall refrain from interrupting

other speakers, making personal comments not relevant to the business of the body or otherwise interfere with the orderly conduct of meetings.

Section 135.070 Decision Based on Merit.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall base their decisions on the merits and the substance at hand.

Section 135.080 Communication.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Unless otherwise prohibited by law, privilege or the rules of evidence, public officials shall publicly share with the Board of Aldermen or any boards, commissions and/or committees of the City any substantive information that is relevant to a matter under consideration by said entity of which they have knowledge from any source.

Section 135.090 Conflict of Interest.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

A. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a substantial interest or personal relationship, or which may reasonably give rise to the appearance of a conflict of interest or impropriety.

B. The Mayor or any member of the Board of Aldermen who has a substantial interest in any bill shall disclose on the records of the Board of Aldermen the nature of his or her interest and shall disqualify himself or herself from participation in deliberation or voting on any matters relating to this interest.

C. Public officials should avoid action, whether or not specifically prohibited, which might reasonably result in or create the appearance of using their public office for private gain.

Section 135.100 Gifts, Gratuities and Favors.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall comply with the requirements of Chapter 105, RSMo., relating to the acceptance and reporting of gifts, gratuities and favors.

Section 135.110 Confidentiality of Information.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Unless approved by the Board of Aldermen, no elected or appointed public official shall disclose or make public any information which is otherwise closed to the public pursuant to Section 610.021, RSMo. or otherwise protected from disclosure by Missouri or Federal law. No public official shall use or provide information obtained as a result of his or her position for the benefit of the public official or the recipient in an advantageous position over the general public.

Section 135.120 Use of Public Resources.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

A. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.

B. A public official shall not utilize the City's name, letterhead, logo or seal for the purpose of endorsing any political candidate, business, commercial product or service.

Section 135.130 Advocacy.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

As nonpartisan stewards of the public interest, the Mayor and members of the Board of Aldermen shall not appear on behalf of the private interests of third parties before the Board of Aldermen or any other board, commission, committee or proceeding in the City. Public officials of boards, commissions and committees shall not appear before their own bodies or before the Board of Aldermen on behalf of the private interests of third parties on matters related to the areas of service of their bodies. Public officials shall represent the official policies or positions of the City to the best of their abilities when designated as delegates for this purpose. When representing their individual opinions and positions, public officials shall explicitly state that they do not represent their body or the City and they shall not give the inference that they do.

Section 135.140 Policy Role of Members.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall respect and adhere to the City Administrator form of government as outlined in the ordinances, policies and procedures with respect to the City Administrator's relationship to the Board of Aldermen. In this structure, the Board of Aldermen determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Individual Board of Aldermen members shall not, except at the direction of the entire Board of Aldermen, have any role in the administrative functions of the City or the professional duties of City staff or the implementation of City policy or decisions. This prohibition shall not apply to the Mayor, nor the Mayor Pro Tem acting in the Mayor's absence. Additionally, this prohibition shall not apply to any individual Board of Aldermen's ability to obtain information reasonably necessary to perform his or her duties.

Section 135.150 Independence of Boards, Commissions and Committees.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

The value of independent advice and recommendations of boards, commissions and committees to the public decision-making process is of such significance that members of the Board of Aldermen should refrain from using their positions to influence the deliberations or outcomes of board, commission and committee proceedings. This prohibition is not meant to include the actions of any Board of Aldermen when acting as a member of any such committee.

Section 135.160 Behavior.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

All City elected and appointed officials shall conduct themselves in a professional business manner and should refrain from the public use of profane or offensive language so as to reflect well on the City.

Section 135.170 Positive Workplace Environment.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

Public officials shall support the maintenance of a positive and constructive workplace environment for the City employees and for citizens and businesses dealing with the City.

Section 135.180 Implementation.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

A. The Code of Ethics for public officials of the City is intended to be self-enforcing. Therefore, it becomes most effective when public officials are thoroughly familiar with it and embrace its provisions. For this reason, these ethical standards shall be included in the regular orientation of candidates for Board of Aldermen, newly elected officials and appointed members of all boards, commissions and committees of the City.

B. The Code of Ethics shall be reviewed biannually by the Board of Aldermen. Recommendations received from the review shall be considered by the Board of Aldermen.

Section 135.190 Compliance and Enforcement.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

A. The City's Code of Ethics expresses standards of ethical conduct expected for the public officials of the Board of Aldermen, boards, commissions and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the government.

B. A person making a complaint against a public official for violation of this policy shall submit the complaint, in writing, to the Mayor who shall conduct or cause to be conducted an investigation as he or she reasonably believes is warranted by the complaint. The Mayor may request the aid of the City Attorney, Police or other City employees with said investigation. The Mayor may choose to disregard any anonymous complaint or complaint not based on personal or credible evidence as determined in the sole discretion of the Mayor. If the Mayor determines that the complaint may warrant disciplinary action by the Board of Aldermen, the Mayor shall cause a special session of the Board of Aldermen to be held for the purpose of conducting a hearing with regard to said allegations/complaint, said hearing to be conducted pursuant to the Missouri Administrative Procedures Act, Section 536.010, RSMo., et seq., as now adopted or hereinafter amended.

C. Any complaint concerning the Mayor shall be made to the Mayor Pro Tern who shall have the same authority as the Mayor set forth above when reviewing any such complaint.

D. The Board of Aldermen shall make a final determination upon a majority vote of all members, except for any member of the Board of Aldermen who is the subject of a complaint. The standard of proof required for a final determination of violation of this policy (unless otherwise required by law) shall be a preponderance of the evidence. At the discretion of the Board of Aldermen, sanctions may include private or public reprimand or censure, removal or exclusion from leadership positions, the governing board, and other official positions or duties that do not conflict with Missouri Statutes.

Section 135.200 (Reserved)

Section 135.210 Disclosure Reports.

[Ord. No. 2895-14 §1, 7-1-2014; Ord. No. 2954-16 §1, 9-6-2016]

REPEAL SECTION 385.030 HLEMET LAW



City of Smithville

Meeting Date: 08/18/2020

Department: Police

Agenda Item:

Bill No 2867-20: Ordinance Repealing Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License. And Enacting In Its Place A New Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License.

Summary:

On July 14, 2020, Governor Parson signed HB 1963 which effective repealed Missouri's mandatory helmet law for many riders. The bill states, "Any qualified motorcycle operator who is twenty-six years of age or older may operate a motorcycle or motor tricycle upon any highway of this state without wearing protective headgear if he or she in addition to maintaining proof of financial responsibility in accordance with chapter 303, is covered by a health insurance policy or other forms of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motor tricycle."

Purpose:

Bill 2867-20 will repeal Section 385.030 of the Code of Ordinances and replace it with a new Section 385.030 to bring City Ordinance in line with the new State Statute.

Impact:

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

Legislative History:

This ordinance was last modified on March 16, 2004.

Suggested Action:

Staff recommends approval of Bill 2867-20.

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

BILL NO. 2867-20

ORDINANCE NO. _____

ORDINANCE REPEALING ORDINANCE SECTION 385.030 OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED — MOTORCYCLE — SPECIAL LICENSE. AND ENACTING IN ITS PLACE A NEW ORDINANCE SECTION 385.030 OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED — MOTORCYCLE — SPECIAL LICENSE.

WHEREAS Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License. Of the Smithville City Ordinances currently reads as follows:

Section 385.030 Operation of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License.

A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 302.080, R.S.Mo., to:

1. Operate any vehicle upon any highway in this State unless the person has a valid license;

2. Operate a motorcycle or motortricycle upon any highway of this State unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director. The Director may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, R.S.Mo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

4. Operate a motor vehicle with an instruction permit or license issued to another person.

5. Operates a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person.

B. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in Section 301.010, R.S.Mo., upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director.

WHEREAS the State of Missouri has passed a new Section 302.026 R.S.Mo. (Effective 8-28-20) which reads as follows:

1. Any qualified motorcycle operator who is twenty-six years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she in addition to maintaining proof of financial responsibility in accordance with chapter 303, is covered by a health insurance policy or other form of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motortricycle.

2. Proof of coverage required by subsection 1 of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator's insurance card.

3. No person shall be stopped, inspected, or detained solely to determine compliance with this section.

WHEREAS the City of Smithville wishes to amend City Ordinance Section 385.030 to comply with the new Missouri law regarding the operation of motorcycles with or without a helmet.

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

Effective August 28, 2020 Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License. of the Smithville City Ordinances is repealed and replaced by a new Section 385.030 Operation Of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License of the Smithville City Ordinances which shall read as follows.

Section 385.030 Operation of Motor Vehicle Without Proper License Prohibited — Motorcycle — Special License.

A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 302.080, R.S.Mo., to:

1. Operate any vehicle upon any highway in this State unless the person has a valid license;

2. Operate a motorcycle or motortricycle upon any highway of this State unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director. The Director may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, R.S.Mo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

4. Operate a motor vehicle with an instruction permit or license issued to another person.

5. Operates a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person.

B. Except as provided in subsection C. every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in Section 301.010, R.S.Mo., upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director.

C. Exceptions to Helmet Requirement

(1). Notwithstanding §375.190.B of these Ordinances, any qualified motorcycle operator who is twenty-six years of age or older may operate a motorcycle or motortricycle upon any City Street or highway without wearing protective headgear if he or she in addition to maintaining proof of financial responsibility in accordance with chapter 303 R.S.Mo, is covered by a health insurance policy or other form of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motortricycle.

2. Proof of coverage required by subsection C.1. of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator's insurance card.

3. No person shall be stopped, inspected, or detained solely to determine compliance with this section.

PASSED THIS ____ DAY OF _____ 2020.

Damien Boley, Mayor

ATTEST:

Smithville Board of Aldermen

Linda Drummond, City Clerk

1st reading 08/18/2020

2nd reading __/__/__

REZONING HARBOR LAKE REPLAT LOT 2



City of Smithville

Meeting Date: August 18, 2020**Department:** Development**Agenda Item:** Rezoning Harbor Lake Replat Lot 2**Summary:**

Approving this ordinance would change the zoning from R-1B to A-1.

Purpose:

The applicant requested that 24.5 acres of land identified as the Harbor Lakes Replat, Lot 2, which is the remaining undeveloped portion of the Harbor Lakes subdivision, to be rezoned from the R-1B single family district to A-1 in order to allow standard farming uses. The applicant is also the owner of the A-1 zoned land to the north of this property, and the Harbor Lakes subdivision and the HOA lake are on the east and south. To the west is A-1 land as well.

The matter was properly noticed in the newspaper and to adjoining property owners for a public hearing at the August 11, 2020 Planning and Zoning Commission meeting. At the hearing, only the applicant spoke in favor of the request. Following the hearing, the Commission voted to recommend approval of rezoning the land to A-1 and submits its Findings of Fact to the Board.

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 property was originally zoned and Preliminary Platted as part of the Harbor Lakes subdivision in 2002 and modified in 2003.

Suggested Action:

A motion to Read Bill No. 2868-20 for First Reading by Title Only.

Attachments: ☐ Plans ☐ Contract ☐ Staff Report

☒ Ordinance ☐ Resolution ☐ Minutes ☒ Other: Staff Report

**FINDING OF FACTS AND
CONCLUSIONS OF LAW**

Applicant: Twyla Harding Revocable Trust

Land Use Proposed: A-R

Zoning: R-1B

Property Location: Harbor Lakes Replat – Northwest undeveloped area.

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 11, 2020, and presents these findings to the Board of Aldermen, with its' recommendations on the application.

Finding of Facts

1. *Character of the neighborhood.*
The neighborhood is predominately low density single-family residential properties, with some large lot farm ground to the west and north.
2. *Consistency with the City's Comprehensive Plan and ordinances.*
The Comprehensive plan calls out the general area as a low density residential.
3. *Adequacy of public utilities and other needed public services.*
Adequate utilities are available.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*
The tract is 24.5 acres of land that was proposed to be the final phases of the Harbor Lakes subdivision. Since the 2008 recession, the property has remained undeveloped.
5. *Length of time the property has remained vacant as zoned.*
The property is R-1B land originally Preliminary Platted for housing similar to the existing Harbor Lakes subdivision.
6. *Compatibility of the proposed district classification with nearby properties.*
The proposed district is comparable to the land to the north of the Harbor Lakes subdivision.
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 11, 2020, has been taken into consideration as well as the documents provided.

Recommendation of the Planning Commission

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

- A. This application and the Rezoning of this property from R-1B to A-1 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 setting the initial zoning to A-1.

BILL NO. 2868-20

ORDINANCE NO. _____

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

WHEREAS, The City of Smithville received an application for rezoning the undeveloped portion of Harbor Lakes subdivision on June 30, 2020; and

WHEREAS, a Public Notice was mailed to adjoining property owners and published in the CT newspaper more than 15 days prior to the Public Hearing before the Planning Commission on August 11, 2020; and

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

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

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

The property legally described as: Harbor Lake Replat, Lot 2, a subdivision in Smithville, Clay County, Missouri

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

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

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

PASSED THIS _____ DAY OF _____, 20____

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: / /

Second Reading / /

Exhibit A

All that part of the North one half of Section 36, Township 34, Range 33, Clay County, Missouri, described as follows: Beginning at the Northwest corner of the Northeast Quarter of said Section 36; thence North 89 degrees 49 minutes 48 seconds East along the North line of the Northeast Quarter of said Section 36, a distance of 662.69 feet to the Northeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36; thence South 0 degrees 20 minutes 18 seconds West along the East line of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36, a distance of 663.23 feet to the Southeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36; thence North 89 degrees 50 minutes 00 seconds East along the South line of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said Section 36, a distance of 590.45 feet to the West line of the East 170 Acres of said Section 36; thence South 0 degrees 26 minutes 29 seconds West along the West line of the East 170 Acres of said Section 36, a distance of 114.37 feet; thence North 89 degrees 43 minutes 06 seconds West, a distance of 971.22 feet; thence South 56 degrees 32 minutes 56 seconds West, a distance of 98.83 feet; thence South 46 degrees 04 minutes 14 seconds West, a distance of 376.49 feet to the most Westerly corner of Tract "G", HARBOR LAKE FIFTH PLAT, a subdivision of land in the City of Smithville, Clay County, Missouri; thence North 89 degrees 43 minutes 06 seconds West, a distance of 238.15 feet; thence South 13 degrees 23 minutes 08 seconds West, a distance of 70.00 feet; thence North 89 degrees 43 minutes 06 seconds West, a distance of 1004.87 feet to a point on the East line of Lot 1, CARTER FARMS, a subdivision of land in the City of Smithville, Clay County, Missouri; thence North 00 degrees 34 minutes 50 seconds East, along the East line of said Lot 1, a distance of 60.52 feet to the Northeast corner of said Lot 1; thence North 89 degrees 28 minutes 47 seconds West, along the North line of said Lot 1, a distance of 528.68 feet to the Northwest corner of said Lot 1, said point also being on the East right of way line of Missouri State Highway "F"; thence North 0 degrees 34 minutes 50 seconds East along said right of way line, a distance of 794.51 feet; thence along said right of way line, along a curve to the left, tangent to the last described course, having a radius of 349.73 feet, an arc distance of 66.19 feet; thence South 89 degrees 38 minutes 07 seconds East, a distance of 192.23 feet; thence North 0 degrees 35 minutes 50 seconds East, a distance of 233.0 feet to the North line of the Northwest Quarter of said Section 36; thence South 89 degrees 38 minutes 07 seconds East along said line, a distance of 1666.64 feet to the point of beginning. Said tract contains 60.87 acres more or less.



STAFF REPORT
August 11, 2020
Rezoning of Parcel Id # 01-915-00-02-001.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: Undeveloped land Harbor Lake

Owner: Twyla Harding Current Zoning:

R-1B Proposed Zoning: A-1

Public Notice Dates:

1st Publication in Newspaper: July 23rd, 2020 Letters to Property

Owners w/in 185': July 23rd, 2020

GENERAL DESCRIPTION:

The applicant seeks to rezone a 24.35 acre parcel that represents the remaining undeveloped portions of the Harbor Lake Subdivision, lying north of the existing subdivision and between the end of both Harbor Dr. and 196th St. The applicant also owns the land further to the north, which is also zoned A-1.



EXISTING ZONING:

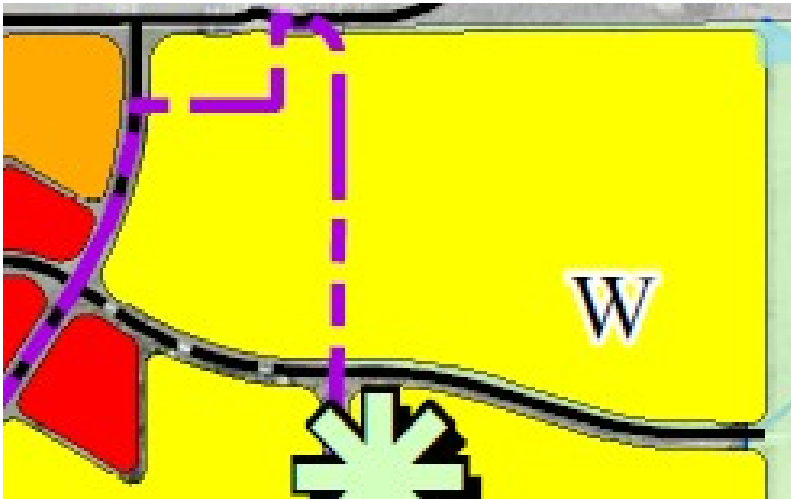
The existing zoning is R-1B and was preliminarily platted to be part of the Harbor Lake subdivision.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is a fully developed, single-family subdivision to the south and to the east of the parcel, with A-1 land to the west and north.

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

The existing Comprehensive Plan was approved on October 6, 2005 and calls for this area to be low density Residential.



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

While all utilities are available to the site, no anticipated utilities would be anticipated for agricultural uses.

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

The current use is vacant, undeveloped phases of Harbor Lake subdivision. That subdivision stopped adding phases after the 2008 recession.

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

The property was zoned to its' existing district classification when Harbor Lake subdivision was planned in the early 2000's and has not changed following the final plat approval of the 5th plat of the subdivision in 2006. The final lot in that plat was completed in 2017

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

The proposed district would extend the farm uses further south into the subdivision area.

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

Some of the A-1 uses can impact the use and enjoyment of existing homes, but no known uses are identified.

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

With no detrimental effects specifically identified, no great loss is expected.

STAFF RECOMMENDATION:

Staff recommends the Commission consider the impact that the conflicts between full farming operations and fully developed residential subdivisions may cause and base its' recommendation on the 8 items above.

Respectfully Submitted,

Zoning Administrator

CONDEMNATION OF LAND



City of Smithville

Meeting Date: August 18, 2020

Department: Public Works

Agenda Item: Bill No. 2869-20, An Ordinance Authorizing Condemnation of Certain Lands for the Purpose of Constructing and Maintaining a Sewer Line - First Reading

The South Sewer Interceptor Project includes the installation of a sanitary sewer gravity main along the east side of the Rocky Branch of Wilkerson Creek south of Amory Road as well as near the northwest quadrant of the US Highway 169 and Stonebridge Lane intersection. The City hired HDR to provide the engineering plans under Authorization 65.

In December of 2019 Right-of-Way Associates were hired to complete appraisals and make offers for the necessary permanent and temporary easements to complete the construction. Offers were presented to the owners of the properties in February and March. Right-of-Way Associates have tried to contact owners several times to discuss the appraisals and offer but, with the exception of only a couple there has been no response. The few that have responded have asked for compensation or concessions that have not been justified.

In order to get this project moving the City needs to initiate the condemnation process. Municipalities have the power of Eminent Domain which essentially allows Cities to condemn property for public purposes. The process allows for a fair value to be determined and property owners are compensated fairly.

Briefly, the process begins with the City passing an Ordinance identifying the property needed, the purpose of the taking, and the owners of the property. The Ordinance on this agenda takes this action.

A 60-day notice of the City's intent to condemn the property is sent to the owners explaining the process and their rights. This is followed up with a 30-day notice and written offer before the filing of the condemnation action. If no agreement is reached, then the City files a condemnation suit and personally serves the owners, providing notice of a hearing in court. At the initial hearing the court will determine if the City has established the power to condemn for a public purpose, the necessity of the property, and that the City engaged in good faith negotiations to acquire the property before filing the petition. If these elements are satisfied, the court will enter an order of condemnation allowing the City to acquire the property upon payment of damages and will appoint commissioners.

Then Commissioners then conduct an informal hearing which provides an opportunity for the property owners to present their position on value and damages to an impartial panel. The Commissioners file a report of value and damages. The City can then pay into the court the amount of the determined value and take possession. Both the City and the owners have the right to file an exception and could request a jury trial. The City is responsible for all condemnation proceedings costs.

There are many issues relating to each of these steps which if the Board has further questions should be referred to the City's Attorney.

Purpose:

To approve Bill No. 2869-20, An Ordinance Authorizing Condemnation of Certain Lands for the Purpose of Constructing and Maintaining a Sewer Line - First Reading

Impact

Comprehensive Plan:	No Impact
Economic Development Plan:	No Impact
Parks Master Plan:	No Impact
Strategic Plan:	No Impact
Capital Improvement Plan:	The South Sewer interceptor project is included in the CIP
Budget:	No Impact

Legislative History:

Suggested Action:

A motion to approve Bill No. 2869-20, An Ordinance Authorizing Condemnation of Certain Lands for the Purpose of Constructing and Maintaining a Sewer Line - First Reading

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

BILL NO. 2869-20

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING CONDEMNATION OF CERTAIN LANDS FOR THE
PURPOSE OF CONSTRUCTING AND MAINTAINING A SEWER LINE**

Authorizing condemnation and taking of public and private property interest for public use as Permanent Sewer Easements and Temporary Construction & Grading Easements along the east side of the Rocky Branch of Wilkerson Creek south of Amory Road as well as near the northeast quadrant of the US Hwy 169 and Stonebridge Lane intersection for a sewer improvement project "**SOUTH SMITHVILLE INTERCEPTOR**", in Smithville, Clay County, Missouri providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the City of Smithville; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

WHEREAS the Board of Aldermen finds that certain interests in private property must be condemned for the necessary public use for the construction of a sanitary sewer improvement project "**SOUTH SMITHVILLE INTERCEPTOR**" in Smithville, Clay County, Missouri.

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

SECTION 1. That the property interests herein described are hereby authorized condemned and taken for public purpose in and upon the land hereinafter described for use as a Sanitary Sewer Line, Sewer Easements and Temporary Construction & Grading Easements in a proceeding instituted in Clay County, Missouri, by the City Attorney for "**SOUTH SMITHVILLE INTERCEPTOR**", including any necessary structures or appurtenances, in Smithville, Clay County, Missouri, hereby described as follows:

SECTION 2. That the property interests obtained by condemnation shall be used by the City of Smithville, Missouri for the location of improvements to be constructed thereon including any necessary structures, facilities, and appurtenances to it, and Smithville or its authorized agents, employees or independent contractors, shall have the right to enter in or authorize the entry in and upon said properties for the purpose of constructing, reconstructing, maintaining, operating and repairing the following improvements:

Temporary Construction and Grading Easement

The Temporary Construction and Grading Easements shall be used by the City of Smithville Missouri or its authorized agents, servants, employees or independent contractors, during the construction of said project, for grading and sloping, removal of trees and shrubbery, removal and replacement of fencing, sidewalks and driveways, the storage of materials, the operation of equipment, and the movement of a working force.

The City of Smithville Missouri shall cause the surface of lands lying within said temporary construction easements to be restored to substantially the same physical condition that existed at the time Smithville or its agents entered upon them. Temporary construction easements shall terminate two (2) years from commencement of construction, or upon completion and acceptance of the improvements by the Director of Public Works or the City Administrator whichever occurs first.

Permanent Utility Easement

The Permanent Utility Easement shall be used by the City of Smithville Missouri or its authorized agents, servants, employees or independent contractors for the location, construction, reconstruction, maintenance, operation and repair of a sanitary sewer line main improvements and any and all appurtenances incidental thereto for "**SOUTH SMITHVILLE INTERCEPTOR**" in, under, upon, over, across, and through the following described tracts of land situated in Smithville, Clay County, Missouri.

By the granting of these Permanent Utility Easements, it shall not be construed to prohibit the Landowner (Subject to compliance with all applicable City Ordinances) from developing any adjoining property, or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof; provided, however, said easement shall be kept free from additional depth of overburden, (no change in the earth cover over the sewer line will be made without the written approval of the City of Smithville Director of Public Works or the City Administrator) buildings, and any other structure or obstruction (except sidewalks, roadways pavement, grass, shrubs, fences, or curbs), which will interfere with the Grantee in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing, operating, repairing, improving, and maintaining said sewer main improvements and appurtenances.

The City of Smithville shall cause the surface of lands lying within the Permanent Utility Easement to be restored to substantially the same physical condition that existed at the time the City of Smithville or its agents entered upon it, with the exception of any sewer facilities or appurtenances thereto that may need to be upon said surface.

SECTION 3. That the private property is hereby authorized condemned and taken for public use and hereby described as follows:

PERMANENT SEWER EASEMENTS

Tract/Parcel No. 6 – PERMANENT SEWER EASEMENT:

Owner. L. David Littleton, Trustee of the L. David Littleton Revocable Trust dated March 29, 2013,

PERMANENT SEWER EASEMENT:

All that part of the Southwest Quarter of Section 26, Township 53 North, Range 33 West, in Smithville, Clay County, Missouri, more particularly described as follows:

Beginning at the southeast corner of a tract of land as described and recorded in Book 5044 at Page 31, in the Office of the Recorder of Deeds, Clay County, Missouri, said point being also the southwest corner Lot 1, Highview Subdivision, a subdivision in Smithville, Clay County, Missouri, according to the recorded plat thereof, thence N03°13'21"E, along the east line of said tract and the west line of said Lot 1, 250.27 feet (250.00 deed) to the northeast corner of said tract; thence N89°07'44"W, along said north line, 14.81 feet; thence departing said north line, S41°46'39"E, 6.78 feet; thence S03°13'21"W, 234.24 feet; thence S48°13'21"W, 13.02 feet; thence S00°53'38"W, 2.19 feet to the south line of said tract, thence S89°06'22"E, along said south line, 19.14 feet to the Point of Beginning.

Containing 2,575 square feet, more or less

Tract/Parcel No. 7 PERMANENT SEWER EASEMENT

Owner. IFTIKHAR & RUBINA MALIK, KAMIL MALIK, (Married Person) and MOUNIS MALIK (Single Person)

PERMANENT SEWER EASEMENT

All that part of the Southwest Quarter of Section 26, Township 53 North, Range 33 West, in Smithville, Clay County, Missouri, more particularly described as follows:

Beginning at the northeast corner of a tract of land as described and recorded in Book 6111 at Page 98, in the Office of the Recorder of Deeds, Clay County, Missouri, said point being also the southwest corner Lot 1, Highview Subdivision, a subdivision in Smithville, Clay County, Missouri, according to the recorded plat thereof, thence S03°13'21"W, along the east line of said tract, 10.00 feet to the southeast corner of said tract; thence N89°06'22"W, along the south line of said tract, 18.73 feet; thence departing said south line, N00°53'38"E, 10.00 feet to the north line of said tract; thence S89°06'22"E, along said north line, 19.14 feet to the Point of Beginning.

Containing 189 square feet, more or less.

Tract/Parcel No. 12 PERMANENT SEWER EASEMENT

Owner: Bill L. and Arvilla L. Maples

PERMANENT SEWER EASEMENT

All that part of the Southeast Quarter of Section 2, Township 52 North, Range 33 West, Clay County, Missouri, more particularly described as follows:

Commencing at the southwest corner of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence S89°29'46"E, along the south line thereof, 233.51 feet to the Point of Beginning; thence departing said south line, N08°09'46"E, 103.74 feet; thence N11°49'27"W, 314.32 feet; thence N17°51'47"E, 239.91 feet to the south right of way line of Armory Road; thence along said right of way line,

easterly, on a curve to the left having an initial tangent bearing of S75°32'39"E and a radius of 255.00 feet, an arc distance of 20.10 feet; thence departing said right of way line, S17°51'47"W, 236.59 feet; thence S11°49'27"E, 312.55 feet; thence S08°09'46"W, 104.58 feet to the south line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence N89°29'46"W, along said south line, 20.18 feet to the Point of Beginning.

Containing 13,114 square feet, more or less.

Tract/Parcel No. 13 PERMANENT SEWER EASEMENT

Owner: Bill L Maples, Trustee under the Bill L. Maples Declaration of Trust Dated June 30, 1997

PERMANENT SEWER EASEMENT

All that part of the Southeast Quarter of Section 2, Township 52 North, Range 33 West, Clay County, Missouri, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence S89°24'05"E, along the south line thereof, 263.70 feet to the Point of Beginning; thence departing said south line, N12°16'21"W, 368.52 feet; thence N08°09'46"E, 296.30 to the north line of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence S89°29'46"E, along said north line, 20.18 feet; thence departing said north line, S08°09'46"W, 295.38 feet; thence S12°16'21"E, 369.48 feet to the south line of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence N89°24'05"W, along said south line, 20.52 feet to the Point of Beginning.

Containing 13,297 square feet, more or less.

Tract/Parcel No. 14 PERMANENT SEWER EASEMENT:

Owner: William J. and Jamie L. Talley,

PERMANENT SEWER EASEMENT:

All that part of the Southeast Quarter of Section 2, Township 52 North, Range 33 West, Clay County, Missouri, more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 2; thence S89°18'18"E, along the south line thereof, 274.42 feet to the Point of Beginning; thence departing said south line, N12°35'49"E, 89.05 feet; thence N04°03'55"W, 398.63 feet; thence N03°01'31"W, 400.53 feet; thence N01°59'09"E, 399.19 feet; thence N12°16'21"W, 32.02 feet to the north line of the South Half of the Southeast Quarter of said Section 2; thence S89°24'05"E, along said north line, 20.52 feet; thence departing said north line, S12°16'21"E, 29.96 feet; thence S01°59'09"W, 400.81 feet; thence S03°01'31"E, 399.47 feet; thence S04°03'55"E, 401.37 feet; thence S12°35'49"W, 87.76

feet to the south line of the Southeast Quarter of said Section 2; thence N89°18'18"W, along said south line, 20.44 feet to the Point of Beginning.

Containing 26,388 square feet, more or less.

Temporary Construction Easements

Tract/Parcel No. 6 — Temporary Construction & Grading Easement

Owner: L. David Littleton, Trustee of the L. David Littleton Revocable Trust dated March 29, 2013,

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

All that part of the Southwest Quarter of Section 26, Township 53 North, Range 33 West, in Smithville, Clay County, Missouri, more particularly described as follows:

Beginning at the southeast corner of a tract of land as described and recorded in Book 5044 at Page 31, in the Office of the Recorder of Deeds, Clay County, Missouri, said point being also the southwest corner Lot 1, Highview Subdivision, a subdivision in Smithville, Clay County, Missouri, according to the recorded plat thereof, thence N03°13'21"E, along the east line of said tract and the west line of said Lot 1, 25.00 feet; thence departing said east line, N89°06'22"W, 25.00 feet; thence S03°13'04"W, 25.00 feet to the south line of said tract, thence S89°06'22"E, along said south line, 25.00 feet to the Point of Beginning.

AND;

Commencing at the southeast corner of a tract of land as described and recorded in Book 5044 at Page 31, in the Office of the Recorder of Deeds, Clay County, Missouri, said point being also the southwest corner Lot 1, Highview Subdivision, a subdivision in Smithville, Clay County, Missouri, according to the recorded plat thereof, thence N03°13'21"E, along the east line of said tract and the west line of said Lot 1, 225.24 feet to the Point of Beginning; thence continue N03°13'21"E, 25.02 feet to the northeast corner of said tract; thence N89°07'44"W, along said north line, 41.03 feet; thence departing said north line, S00°52'16"W, 25.00 feet; thence S89°07'44"E, 40.00 feet to the Point of Beginning.

EXCEPT; the Permanent Utility Easement described above,

Containing 1,064 square feet, more or less.

Tract/Parcel No. 7 — Temporary Construction & Grading Easement

Owner: IFTIKHAR & RUBINA MALIK, KAMIL MALIK, (Married Person) and MOUNIS MALIK (Single Person).

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

All that part of the Southwest Quarter of Section 26, Township 53 North, Range 33 West, in Smithville, Clay County, Missouri, more particularly described as follows:

Beginning at the northeast corner of a tract of land as described and recorded in Book 6111 at Page 98, in the Office of the Recorder of Deeds, Clay County, Missouri, said point being also the southwest corner Lot 1, Highview Subdivision, a subdivision in Smithville, Clay County, Missouri, according to the recorded plat thereof, thence S03°13'21"W, along the east line of said tract, 10.00 feet to the southeast corner of said tract; thence N89°06'22"W, along the south line of said tract, 25.00 feet; thence departing said south line, N03°13'04"E, 10.01 feet to the north line of said tract; thence S89°06'22"E, along said north line, 25.00 feet to the Point of Beginning.

EXCEPT; the Permanent Utility Easement described above,

Containing 61 square feet, more or less.

Tract/Parcel No. 12 — Temporary Construction & Grading Easement

Owner: Bill L. and Arvilla L. Maples,

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

All that part of the Southeast Quarter of Section 2, Township 52 North, Range 33 West, Clay County, Missouri, more particularly described as follows:

Commencing at the southwest corner of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence S89°29'46"E, along the south line thereof, 223.42 feet to the Point of Beginning; thence departing said south line, N08°09'46"E, 103.33 feet; thence N11°49'27"W, 315.21 feet; thence N17°51'47"E, 242.16 feet to the south right of way line of Armory Road; thence along said right of way line, easterly, on a curve to the left having an initial tangent bearing of S73°17'43"E and a radius of 255.00 feet, an arc distance of 60.73 feet; thence departing said right of way line, S17°51'47"W, 234.67 feet; thence S11°49'27"E, 309.88 feet; thence S08°09'46"W, 105.83 feet to the south line of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence N89°29'46"W, along said south line, 60.54 feet to the Point of Beginning.

EXCEPT; the Permanent Utility Easement described above,

Containing 26,145 square feet, more or less.

Tract/Parcel No. 13 — Temporary Construction & Grading Easement

Owner: Bill L Maples, Trustee under the Bill L. Maples Declaration of Trust Dated June 30, 1997

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

All that part of the Southeast Quarter of Section 2, Township 52 North, Range 33 West, Clay County, Missouri, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence S89°24'05"E, along the south line thereof, 253.44 feet to the Point of Beginning; thence departing said south line, N12°16'21"W, 368.04 feet; thence N08°09'46"E, 296.75 to the north line of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence S89°29'46"E, along said north line, 60.54 feet; thence departing said north line, S08°09'46"W, 294.01 feet; thence S12°16'21"E, 370.93 feet to the south line of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of said Section 2; thence N89°24'05"W, along said south line, 61.55 feet to the Point of Beginning.

EXCEPT; the Permanent Utility Easement described above,

Containing 26,595 square feet, more or less.

Tract No. 14 — Temporary Construction & Grading Easement

Owner: William J. and Jamie L. Talley,

TEMPORARY CONSTRUCTION & GRADING EASEMENT:

All that part of the Southeast Quarter of Section 2, Township 52 North, Range 33 West, Clay County, Missouri, more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 2; thence S89°18'18"E, along the south line thereof, 264.20 feet to the Point of Beginning; thence departing said south line, N12°35'49"E, 89.69 feet; thence N04°03'55"W, 397.25 feet; thence N03°01'31"W, 401.06 feet; thence N01°59'09"E, 398.37 feet; thence N12°16'21"W, 33.07 feet to the north line of the South Half of the Southeast Quarter of said Section 2; thence S89°24'05"E, along said north line, 61.55 feet; thence departing said north line, S12°16'21"E, 26.86 feet; thence S01°59'09"W, 403.25 feet; thence S03°01'31"E, 397.89 feet; thence S04°03'55"E, 405.49 feet; thence S12°35'49"W, 85.83 feet to the south line of the Southeast Quarter of said Section 2; thence N89°18'18"W, along said south line, 61.32 feet to the Point of Beginning.

EXCEPT; the Permanent Utility Easement described above,

Containing 52,775 square feet, more or less.

SECTION 4. Said improvements shall be of the nature described and specified in, and shall be done in accordance with, the plans and specifications certified under the supervision of the Director of Public Works the same being on file in the Public Works Department and being incorporated herein by reference.

SECTION 5. That just compensation for the property taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Clay County, Missouri, pursuant to the provisions of Chapter 523 & §88.010, §88.667 and/or §91.770 of the Revised Statutes of Missouri, as supplemented or amended and by Rules 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by the City of Smithville from funds appropriated for such purposes.

SECTION 6. That pending the acquisition of said property by condemnation, the City Administrator and/or the Director of Public Works is hereby authorized to continue negotiations on the purchase of said property and pay for it out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

SECTION 7. That said property interests described in Section 3 be condemned and conveyed to the City of Smithville, Missouri.

SECTION 8. That upon the effective date of this ordinance the City Clerk is hereby directed to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

PASSED THIS ____ DAY OF _____ 2020.

DAMIEN BOLEY, MAYOR

ATTEST:

LINDA DRUMMOND, CITY CLERK

1st reading ____/____/____

2nd reading ____/____/____

AWARD BID NO. 20-13 FOR CITY TOW SERVICES



City of Smithville

Meeting Date: August 18, 2020

Department: Police

Agenda Item: Resolution 813 – Towing Services

Summary:

The Police Department has a need for police-ordered tows for the general public at the request of the City, 24 hours-per-day, 365 days-per-year, including holidays. The current contract expires October 31, 2020.

In accordance with the City's Municipal Code, Chapter 150 – Purchasing Policy, a Request for Proposal (RFP) was issued on July 20, 2020 with a closing time of 10:00 a.m. on August 5, 2020.

One response was received (included in the packet). City staff recommends GT Towing Service as the lowest and best offeror according to the evaluation criteria established in the RFP.

If approved, GT Towing Service will provide police-ordered tows at a cost to the vehicle's owner of \$100 per tow. GT Towing Service has had the City's current police-ordered towing contract since December 2015. The new contract would run from November 1, 2020 through October 31, 2023, with the City's option to renew the contract for two additional one-year terms.

Purpose:

To award Bid #20-13 GT Towing Service according to policy.

Impact:

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

Legislative History:

None

Suggested Action:

Motion to approve Resolution 813.

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

RESOLUTION 813

A RESOLUTION AWARDING A CONTRACT IN RESPONSE TO BID NO. 20-13 TO GT TOW SERVICE FOR TOWING SERVICES.

WHEREAS, The City Police Department has a need for police-ordered tows for the general public; and

WHEREAS, staff has conducted a bid process as outlined in the City Purchasing Policy; and

WHEREAS, after a bid process and reference checks, staff has made a recommendation for accepting the lowest and best bid received as being the most advantageous to the City.

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

THAT Bid No. 20-13 is hereby awarded to GT Towing Service and the Mayor is hereby authorized to execute the services agreement.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 18th of August 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

[G.T. Tow Service Bid](#)

AWARD BID NO. 20-14 TO REBUILD THE TRANSFER AND HIGH SERVICE PUMPS



City of Smithville

Meeting Date: August 18, 2020

Department: PW - Water

Agenda Item: Resolution 814 – RFP 20-14 Rebuild Water Treatment Plant Transfer and High Service Pumps

Summary:

The Transfer and High Service pumps are part of the department's maintenance program. There are three of each and we schedule refurbishing the pumps, one every 3-4 years to ensure they are working properly. The transfer pumps send water through the water plant and the high service pumps send the treated water from the plant into the distribution system throughout the City. These pumps are critical to maintaining water service to our residents and should they fail then the City's ability to provide water to the community would be diminished.

In accordance with the City's Municipal Code, Chapter 150 – Purchasing Policy, a Request for Proposal (RFP) was issued on July 20, 2020 with a closing time of 11:00 a.m. on August 5, 2020.

Three responses were received (included in the packet). City staff is recommending Mid-America Pump as being the most responsive, and in the City's best interest. Mid-America Pump is not necessarily the lowest bid however Mid-America Pump has extensive experience providing service on these pumps and a thorough knowledge of the City's water plant.

The bids requested companies to refurbish/rebuild the worn components of the pumps. There are basic rebuild kits available however once the pumps are taken apart, we may find that additional work is needed. Mid-America Pump has completed this work on the other pumps and better understand what they may encounter. Their bid did include a range for the High Service Pump due to this experience. Should either pump need to be replaced (cannot be rebuilt), Mid-America Pump would be the lowest bidder. The difference between the low bid by Fluid Equipment is \$1,130.39 on the low end and up to \$4,891.71 on the high end.

Staff is also recommending awarding the bid in an amount not to exceed \$51,408.12. This is the total to replace both pumps provided by Mid-America Pump. Our plan is to rebuild the pumps but if replacement is necessary then we would be able to proceed.

Funding was approved in the 2020 Combined Water and Waste-Water Utility

Smithville Board of Aldermen

operating budget.	
Purpose: To award Bid #20-14 to Mid-America Pump to Rebuild the Transfer and High Service Pump	
Impact: Comprehensive Plan: N/A Economic Development Plan: N/A Parks Master Plan: N/A Strategic Plan: N/A Capital Improvement Plan: N/A Budget: Funds are available in the 2020 Combined Water and Waste-Water Operating Budget	
Legislative History: None	
Suggested Action: Motion to approve Resolution 814.	
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input checked="" type="checkbox"/> Other: Bid	

RESOLUTION 814

A RESOLUTION AWARDING RFP 20-14, REBUILD TRANSFER AND HIGH SERVICE PUMPS, TO MID-AMERICA PUMP IN AN AMOUNT NOT TO EXCEED \$51,408.12

WHEREAS, as part of annual routine maintenance, bids were received to rebuild the Transfer Pump and the High Service Pump at the Water Treatment Plant; and

WHEREAS, staff has conducted a bid process as outlined in the City Purchasing Policy; and

WHEREAS, after a bid process and reference checks, staff has made a recommendation for accepting the most responsive and best bid received as being the most advantageous to the City.

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

THAT Bid No. 20-14 is hereby awarded to Mid-America Pump in an amount not to exceed \$51,408.12

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 18th of August 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Smithville Board of Aldermen

Chuck Soules

From: Sent: To: Subject:

Bob Lemley
Thursday, August 6, 2020 10:12 AM Chuck Soules
Bids For pumps at water plant.

Chuck

After reviewing the bids as you know IPS did not submit a complete bid. Fluid Equipment gave a basic rebuild for the turbine pump Mid-American gave a complete rebuild price so we know where we stand on price for complete rebuild with Mid-American pump. Fluid Equipment's price could go much higher if they find more wrong with the pump.

If it should come down to replacing new Mid-American is lower on price plus they will replace with same pump. Fluid wants to replace with different pump.

The High service pump is about the same story Fluid Equipment price is a basic rebuild they are assuming impeller, shaft and casing are in good condition that price would go way up if they need to fix or replace one of those things.

Replacement cost is lower for Mid-American pump. Fluid wants to replace with a different pump.

Mid-American pump does all of our pump and motor work this include waste water plant, water plant and lift stations they have for many years they have rebuilt transfer pumps and high service pumps for us in the past and do great work. They put us at the top of their customer priority list when we call them for an emergency they respond in a timely manner.

It is my opinion that we award the bid to Mid-American pump company. Thank you,

RFP 20-14 Rebuild Transfer and High Service Pump

Item	Mid America Pump	Fluid Equipment	IPS
Base Bid A: Rebuild Transfer Pump	\$ 13,643.24	\$ 9,410.62	no bid
Alt. 1: Replace Transfer Pump	\$ 29,251.36	\$ 42,612.47	no bid
Base Bid B: Rebuild High Service Pump	\$8515.95 - \$12,277.27	\$ 11,618.18	\$ 5,756.00
Alt 2: Replace High Service Pump	\$ 22,156.78	\$ 45,999.76	\$ 11,993.00

PART-TIME EMPLOYMENT AGREEMENT



City of Smithville

Meeting Date: August 18, 2020

Department: Administration

Agenda Item: Resolution 815, Employment Agreement

Summary:

Finance Director Dan Toleikis submitted a letter of resignation effective August 24, 2020 due to relocation. It is in the interest of the City to enter into an agreement with Dan to complete several projects until the new director is hired and, to that extent, a part-time employment has been negotiated. Key terms of the agreement include:

- Employee must provide transition duties and provide training to City employees prior to his last day physically in the office;
- Employee will be responsible for the following duties: finalize the FY21 budget and ensure completion of the budget process; completion of the budget document; oversee Capital Improvement Plan development and implementation; oversee any debt-related issues; continue to update the FY20 forecast; coordinate the implementation of the proposed Enterprise Fleet Management and VERF program; train/transition duties to the Assistant City Administrator, Finance Specialist II, and future director; and provide weekly updates to the City Administrator.
- The Employee will not have access to the City's financial system or bank accounts.
- The Employee will utilize his personal laptop and cell phone.
- The Employee will be compensated at a rate of \$50/hour for a minimum of 10 hours per week and maximum of 30 hours per week.

Upon approval of this Agreement, the current Finance Director is proposed to begin in a remote interim capacity beginning August 31, 2020. On-site duties will be split between the Finance Specialist II and Assistant City Administrator. The recruitment process for the position will begin in August, with a goal of having a new Finance Director on staff this fall.

Purpose:

To execute an agreement with Dan Toleikis to perform certain duties remotely.

Impact:

Comprehensive Plan:	N/A
Economic Development Plan:	N/A
Parks Master Plan:	N/A

Smithville Board of Aldermen

Strategic Plan:	N/A
Capital Improvement Plan:	N/A
Budget:	N/A
Legislative History: N/A	
Suggested Action: Motion to approve Resolution 815.	
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input checked="" type="checkbox"/> Other: Employment Agreement	

RESOLUTION 815

**RESOLUTION OF THE CITY OF SMITHVILLE MISSOURI APPROVING THE
PART-TIME EMPLOYMENT AGREEMENT WITH DAN TOLEIKIS**

I. RECITALS AND FINDINGS

WHEREAS, Dan Toleikis has served as the Finance Director for the City of Smithville Missouri; and

WHEREAS, Dan Toleikis has resigned his position with the City effective August 24, 2020 and is moving outside the metropolitan region.

WHEREAS, the City has expressed a desire to continue to use the services of Dan Toleikis on a part-time basis to continue the work previously done by him and to aid the City in the transition.

WHEREAS, the City and Dan Toleikis have negotiated an Employment Agreement by which he may continue on a part-time basis working remotely for the City. Said Employment Agreement is attached hereto as **Exhibit 1**.

NOW, THEREFORE, in consideration of the mutual promises, terms, covenants, and conditions set forth in Exhibit 1 the City has negotiated an Employment Agreement with Dan Toleikis. Said Agreement is attached hereto as **Exhibit 1**.

II. RESOLUTION

Be it resolved by the City of Smithville Missouri, that the Mayor is authorized to sign the employment Agreement with Dan Toleikis in the form of the **Exhibit 1** attached hereto.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 18th of August 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

EXHIBIT 1

**EMPLOYMENT
CONFIDENTIALITY - AGREEMENT**

This Agreement is made and entered into this ____ day of _____ 2020, between the City of Smithville, Missouri (hereinafter called "CITY" or "EMPLOYER"), and Dan Toleikis (hereinafter called EMPLOYEE), pursuant to these terms and conditions:

RECITALS

1. Whereas, the EMPLOYEE has served as the Finance Director for the City of Smithville Missouri; and
2. Whereas, the EMPLOYEE has resigned his position with the City effective August 24th, 2020.
3. Whereas, the City has expressed a desire to continue to use the services of the Employee on a part time basis to continue the work previously done by the Employee and to aid the City in the transition.
4. The City and Employee wish to memorialize their understanding regarding their working arrangement.

NOW, THEREFORE, in consideration of the mutual promises, terms, covenants and conditions set forth herein and the performance of each, it is hereby agreed as follows:

AGREEMENTS

1.1 EMPLOYMENT AND DUTIES.

1.2. Prior to 8-24-20 Employee will continue as a full-time employee and as the Finance Director for the City of Smithville. As such, Employee shall have the responsibilities, duties and authority commensurate with such position. Such Duties to include but not be limited to:

- Employee completing as many SOPs and transition meetings with City staff as possible prior to 8/24/20; this may include but is not limited to: TIF/CID administration; sales tax monitoring; Audit follow up if applicable; debt management; bids/purchasing protocol; and transition of budget documents and other working spreadsheets.

1.3. Beginning 8-31-20 Employee while working remotely shall provide the services assigned by the Mayor, City Administrator, or her designee. Employee will report to such supervisor as shall be designated by the Mayor, City Administrator, or her designee. Employee hereby accepts this employment upon the conditions herein contained and agrees to devote

such Employee's best efforts to promote and further the needs of the City. Said duties including but not limited to the following:

- Employee will provide weekly updates to City Administrator on the projects below, either on telephone or Zoom
- Employee will provide a schedule of work prior to 8/24/20
- Continue to finalize the FY21 budget and ensure completion of in the FY21 Budget process
- Complete draft of GFOA compliant budget document ready for submission
- Continue to oversee Capital Improvement Plan development and implementation
- Oversee any Debt-related issues and transition to new Director
- Continue to update the FY20 Forecast
- Coordinate with staff and contractor to implement Enterprise Fleet Management and VERF
- Train/transition issues to the Assistant City Administrator, Finance Specialist II, and future director

1.4. Employee shall faithfully adhere to, execute and fulfill all policies established by the City.

1.5. Employee shall not, during the term of Employee's employment hereunder, engage in any other transaction with the City for compensation or be engaged as an individual, owner, officer, agent or employee in any business that is providing services to the City or attempting to contract with or provide services to the City. The Employee will not solicit the City's business for any other entity. The foregoing limitation shall not be construed as prohibiting Employee from providing services to other employers made known to the City, if in the City's sole discretion, such other employment does not interfere with Employee's duties and responsibilities hereunder. If in the City's sole discretion any such other employment does interfere with Employees duties and/or responsibilities hereunder, Employer may give Notice to Employee that any such other employment activity must not be commenced or if active must be terminated. However, the foregoing limitation shall not be construed as prohibiting Employee from making personal investments in such form or manner as will neither require Employee's services in the operation or affairs of the companies or enterprises in which such investments are made nor violate the terms of any other portion of this agreement.

1.6 Employee hereby represents and warrants to the City that the execution of this Agreement by Employee and City's employment of Employee and the performance of Employee's duties hereunder will not violate or constitute a breach of any agreement with any other person or entity. Employee agrees to indemnify the City for any claim, (including, but not limited to, attorneys fees and expenses of investigation, and litigation) by any third party that such third party may now have or may hereinafter have against the City based upon or arising out of any non-competition agreement, breach of fiduciary duty, convention or secrets agreement between Employee and such third party.

2.1 COMPENSATION. For services rendered by Employee, the City shall compensate Employee as follows:

2.2. Until 8-24-20, Employee shall perform his duties on a full-time basis and shall receive his current salary and all benefits currently made available to the Employee. On or reasonably after 8-24-20 the City will pay Employee any other compensation to which he is entitled as a full-time employee leaving the City's employment.

2.3. After 8-31-20, Employee will perform the services as set forth above under ¶1.3. on a part-time basis at the rate of pay of Fifty Dollars (\$50.00) per hour. It is anticipated that employee will generally work an average of Twenty (20) hours per week, with a minimum of 10 hours and maximum of 30 hours, but this time may be adjusted by the mutual agreement of the parties. Employee will report the hours worked to the City on a weekly basis and the City will compensate Employee every two weeks in accord with its current payroll policy. City will withhold from Employees wages as required by State and Federal Law in conformity with the Employee's W-4 on file with the City.

2.4. *Benefits and Other Compensation.* After 8-24-20, Employee shall be not be entitled to receive any additional benefits and compensation unless such benefits and compensation are provided to all part-time Employees. Employee acknowledges he has received information from the City on how to continue his health, dental and eye insurance (at his own expense) after leaving full-time employment on 8-24-20. Employee acknowledges that he will not receive any other Benefits or Other Compensation other than as set forth herein.

3.1 CONFIDENTIALITY. Employee and the City anticipate that while employed by the City, Employee may come into contact with, produce, and/or learn confidential information concerning the City's business, including but not limited to its method of doing business, trade secrets, patents, data, vendor information, other employee information and information concerning residents. The Employee shall be employed and have access to such information under the conditions that such confidential and/or proprietary information remain confidential and the property of the City.

3.2. All information of a tangible or intangible nature disclosed to Employee, learned and/or produced by Employee individually and/or jointly with others during his employment shall be considered confidential and the property of the City.

3.3. All rights in and title to confidential information, related materials, samples, products, data or processes disclosed to Employee, learned and/or produced by Employee individually and/or jointly with others during his employment shall remain and/or vest in the City. All inventions, information, related materials, samples, products, data and/or processes produced and/or developed by Employee during his employment shall be considered work for hire and shall be the property of the City.

3.4. Neither the execution of this Agreement nor the furnishing of any information hereunder shall be construed as granting, either expressly or by implication, any license under any copyright, trade secret, patent or other proprietary right now or hereafter owned or controlled by the City, nor any right to use the information made available to and/or produced by Employee individually and/or jointly with others.

3.5. Each invention, discovery, improvement of and/or addition to the City's existing computer code, property, data, product and/or confidential information whether made

individually by Employee during the course of employment and/or with others shall be the property of the City.

3.6. Employee shall not, without the prior written consent of the City, disclose or provide access to the City's confidential information to any third party for any purpose, nor reproduce in any media the confidential information disclosed to Employee, learned and/or produced by Employee individually and/or jointly with others during Employee's employment.

3.7. The obligation of Employee to protect confidential information shall not apply to information which:

(A) Is or becomes publicly known through no wrongful act of Employee; or

(B) Becomes rightfully known to Employee without confidential restrictions from a source other than the City and/or any of its employees; or

(C) Is approved by the City for disclosure without restriction in a written document which is signed by a duly authorized officer of the City; or

(D) Employee can show written records that such information was rightfully in Employee's possession before any employment with the City.

3.8. Employee further agrees that any confidential information disclosed to Employee, learned and/or produced by Employee individually and/or jointly with others during his employment and all copies thereof shall not be taken from the City's place of business without the written approval of the City and any material allowed to be removed with such written permission shall be returned at the direction of the City, but in no event later than five (5) days after Employee is no longer employed by the City.

3.9. The obligation of Employee to hold the confidential information in confidence shall survive the termination (for any reason) of Employee's employment.

3.10. Employee agrees to cooperate with the City and to execute any document reasonably necessary to give effect to this agreement.

4.1 **TERM: TERMINATION: RIGHTS ON TERMINATION.** The agreement may be terminated in any one of the following ways:

4.2 While it is hoped that the Employee would give the City at least two weeks' notice, the Employee may terminate this Agreement at any time after 8-31-20.

4.3 While it is hoped that the City would give the Employee at least two weeks' notice, the City may terminate this agreement at any time after 8-31-20.

4.4 *Death.* The death of Employee shall immediately terminate this Agreement.

5.1 **RETURN OF CITY PROPERTY.**

5.2. On or before 8-24-20 Employee will return to the City all City property including any computer, phone, all records, patents, trademarks, business plans, financial statements, manuals, memoranda, lists and other property delivered to or compiled by Employee by or on behalf of the City, the City's Representatives, or Vendors thereof which pertain to the business of the City shall be and remain the property of the City and the subject at all times to discretion and control thereof. Likewise, all correspondence, reports, records, samples, reports, data, charts, advertising materials and other similar data pertaining to the business, activities or future plans of the City which is collected by Employee shall be delivered promptly to be City without request by 8-24-20.

5.3. After 8-24-20 Employee may be provided certain equipment and/or materials with which to provide the services anticipated by this agreement. It is understood that this equipment will not include a phone or computer. It is understood that such provided material and equipment shall remain the Property of the City. Upon the termination of this Agreement or upon the request by the City, Employee will return to the City all City property including any equipment and data lists and other property delivered to or compiled by Employee by or on behalf of the City, the City's Representatives, or Vendors thereof which pertain to the business of the City shall be and remain the property of the City and the subject at all times to discretion and control thereof. Likewise, all correspondence, reports, records, samples, reports, data, charts, advertising materials and other similar data pertaining to the business, activities or future plans of the City which is collected by Employee shall be delivered promptly to be City

6.1 BOND. The City shall have the option to procure at its expense a fiduciary Bond on Employee regarding the services provided by the Employee to the City pursuant to this agreement. Employee agrees to cooperate in that process and to provide any information or complete any forms needed for such Bond.

7.1 INDEMNIFICATION. To the extent permitted by applicable law, City shall defend, save harmless and indemnify EMPLOYEE against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of EMPLOYEE'S duties as under this Agreement, unless the act or omission involved intentional, willful or wanton conduct or criminal action. Legal representation, provided by City for EMPLOYEE, shall extend until a final determination of the legal action including any appeals. The City shall indemnify EMPLOYEE, to the extent permitted by law, against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by EMPLOYEE in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of EMPLOYEE'S duties and occurring within the course and scope of his employment unless the act or omission involved intentional, willful or wanton conduct or criminal action.

7.2 EMPLOYEE recognizes that City shall have the absolute right to compromise any and all claims.

7.3 To the extent permitted by applicable law, EMPLOYER agrees to pay all reasonable litigation expenses of EMPLOYEE throughout the pendency of any litigation to which the EMPLOYEE is a party, witness, or advisor to the EMPLOYER, resulting from the exercise of judgment or discretion in connection with the performance, unless such act involved willful or wanton conduct or criminal action. Such expense payments shall continue beyond EMPLOYEE'S service to the EMPLOYER as long as the litigation is pending. Further, if no longer employed by City, City agrees to pay EMPLOYEE reasonable consulting fees and travel expenses when EMPLOYEE serves as a witness, advisor or consultant to City regarding pending litigation.

8.0 APPLICABLE LAW, JURISDICTION AND VENUE The terms of this Agreement are subject to and shall be interpreted and enforced pursuant to the laws of the State of Missouri. Any action in regard to the content or arising out of the terms and conditions shall be instituted and litigated in the courts of the State of Missouri, County of Clay and in no other. The parties submit to the jurisdiction of the courts of the State of Missouri and to venue in Clay County.

9.1 NOTICES Any Notice as set forth herein must be served by Federal Express or similar overnight delivery service or by certified mail, return receipt requested, addressed to the party and shall be deemed given as of the deposit in the U. S. Mails or with overnight delivery service. Notice to the City shall be sent to the City Administrator, City of Smithville Missouri 107 W. Main Street Smithville, MO 64089. Notice to EMPLOYEE shall be sent to the EMPLOYEE at Dan Toleikis, 7011 S. 151st St, Omaha NE 68138. Either party may designate such other Person and/or delivery address from time to time by written Notice. Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service.

10. GENERAL PROVISIONS

10.1 Integration. This Agreement and the Municipal Code of the City of the City of Smithville, Missouri, sets forth and establishes the entire understanding between the City and the EMPLOYEE relating to the employment of the EMPLOYEE by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated and made a part of this Agreement.

10.2 Condition Precedent: This Contract shall be null and void and of no effect unless and until the City has by Ordinance or Resolution passed by the City Board of Alderpersons, obtained the authority to enter into this Employment Agreement Contract.

10.2 Binding Effect. This Agreement shall be binding on the EMPLOYER and the EMPLOYEE as well as his heirs, assigns, executors, personal representatives and successors in interest.

10.3 Effective Date. This Agreement shall become effective after the Condition Precedent as set forth in paragraph 10.2 has been satisfied and all parties have executed this Agreement

10.4 Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

10.5 Contract Language: The language of this Agreement reflects negotiations between Employee and the City, each of whom have had the opportunity to modify the text. In the event of litigation or other dispute concerning the language of this Agreement, general rules construing ambiguities against the drafter shall not apply. It is agreed that if more than one copy of this document may be executed and that the original filed with the City Clerk shall be deemed to be the controlling original.

10.6 Entire Agreement: This Agreement sets forth the entire Agreement and understanding between the parties as to the subject matter of this Agreement, and supersedes, cancels, and merges all Agreements, negotiations, commitments, writings, and discussions between them as to the subject prior to the date of the execution of this Agreement. No modifications to this Agreement shall be binding on either party unless such modifications are in writing and signed by both parties.

IN WITNESS WHEREOF, the parties herein have executed this Agreement as of the date first written above.

THE CITY OF SMITHVILLE

By: _____
Damien Boley, Mayor

EMPLOYEE

By: _____
Dan Toleikis

AMENDMENT TO THE FY19-20 COMPENSATION PLAN



City of Smithville

Meeting Date: August 18, 2020

Department: Administration

Agenda Item: Resolution 816, 2019-2020 Compensation Plan Amendment

Summary:

Staff is recommending changes to the Finance Director job description. This resolution would amend the job description of the Finance Director in the Compensation Plan to reflect the changes recommended by staff.

The recommended changes include:

- Updates to the job summary to better clarify the Director's role in departmental and organizational leadership;
- Additional emphasis on oversight of capital improvement planning;
- Addition of responsibility for oversight of Tax Increment Financing and Community Improvement districts;
- Clarifies responsibility for benefit administration along with Human Resources; and
- Addition of emphasis on maintaining relationship with professional organizations.

Upon approval of this resolution, staff plans to begin the recruitment process for the position in August-September with an anticipated start date of in the fall of 2020. In the interim, the current Finance Director will begin in a remote interim capacity beginning August 31, 2020, pending approval of the employment contract. On-site duties will be split between the Finance Specialist II and Assistant City Administrator.

Purpose:

To change the job description of the Finance Director.

Impact:

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

Legislative History:

Smithville Board of Aldermen

N/A

Suggested Action:

Motion to approve Resolution 816

Attachments:

☐

Plans

☐

Contract

☐

Staff Report

☐

Ordinance

☒

Resolution

☐

Minutes

☐

Other: Job description

RESOLUTION 816

A RESOLUTION AMENDING THE 2019-2020 COMPENSATION PLAN TO CHANGE THE FINANCE DIRECTOR JOB DESCRIPTION.

WHEREAS, The Board of Aldermen approved a 2019-2020 Compensation Plan on September 3, 2019; and,

WHEREAS, the 2019-2020 Compensation Plan contains an existing Finance Director job description; and,

WHEREAS, staff recommends changes to the Finance Director job description;

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

THAT the 2019-2020 Compensation Plan is hereby amended to change the Finance Director job description based on staff recommendations.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18th day of August 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Finance Director

DEPARTMENT: Finance

SUPERVISOR: City Administrator

SUMMARY:

The Finance Director serves as the director of the department with highly responsible managerial and supervisory work in planning, organizing and directing all activities in the Finance Department. Under the Direction of the City Administrator, performs professional administrative duties; exercises either direct or functional control over such functions as accounting, auditing, financial planning and reporting, investments disbursements, utility billing and revenue collection. Prepares and assists in the administration of the organization budget(s) and capital improvement plan. Performs research and analysis on policies and procedures.

DUTIES & RESPONSIBILITIES:

- Assume full management responsibility for all Finance Department services and activities ~~Manages and directs all financial activities~~ including cash flow management, revenue collections, debt management, bank relationships and investments.
- Supervises the Finance staff, including the revenue collection, payroll, procurement, and customer service, and utility billing, ~~and human resources personnel~~.
- Supervise the issuance of all licenses, permits and receipts in the name of the City, and the collection and accounting for funds thereof.
- Supervise maintenance of appropriate accounting records.
- Prepares, analyzes, and interprets financial statements and reports as necessary to ensure sound financial management and appropriate transparency in the handling of government funds.
- Oversee administration and application of Tax Increment Financing (TIF) and Community Improvement District (CID) funds and any other future special districts.
- Administers the City's insurance policies in coordination with Human Resources.
- Assist the City Administrator with the Budget and capital improvement plan preparation and implementation process.
- Ability to maintain regular contact with consultants, City, County, State and Federal agencies, professional and technical groups, and the general public and state committees.
- Coordinates the City's benchmarking/performance measurement efforts.

- Attend Board of Aldermen meetings and provide staff support to the Board and other committees as needed.
- Other duties as assigned by the City Administrator.
- ~~All other responsibilities and tasks assigned by his/her supervisor.~~

REQUIREMENTS:

- Graduation from a college or university with a bachelor's degree in finance, accounting, business administration or some other related field; and five to seven (5-7) years of related experience; or an equivalent combination of education and experience.
- Comprehensive knowledge of and experience with public finance.
- ~~Considerable knowledge of modern office practices and methods of receiving, depositing and disbursing large amounts of money upon proper authorization.~~
- ~~Considerable knowledge of the municipal laws, policies, codes and regulations.~~
- Ability to plan, lay out, assign, supervise and review the work of financial staff in the performance of varied duties.
- Ability to establish and maintain effective working relationships with work colleagues and the general public.
- Ability to be bonded.

SITE PLAN SHAMROCK CONVENIENCE STORE



City of Smithville

Meeting Date: August 18, 2020

Department: Development

Agenda Item: Resolution 817, Site Plan Approval – 124 North 169 Highway Shamrock Convenience Store

Summary:

Approving this Site Plan would authorize the applicant to obtain a building permit to begin construction in accordance with the plans.

Purpose:

The application is to demolish and completely rebuild the existing Shamrock Convenience Store at the same location between the current Price Chopper and the cemetery. The building proposal is to demolish the 1,500 square feet existing building and construct a 5,040 square feet replacement and a new canopy with 6 pumps. The building is a stucco and brick front façade and a two-color stucco façade on the three remaining sides.

In addition to the proper materials, each façade meets the distinct base, middle and top requirements of the ordinance by either brick (front façade) or reddish colored stucco for the base. The site layout will use the existing two commercial entrances on 169 Highway with substantially more parking, as well substantially more landscaping that meets the requirements of the ordinance.

The project also includes certain erosion control protection measures that will become permanent features. There is no detention, as the rear of the site is both in the Floodplain and the floodway of the river. All drainage does not leave the site until it is in the river.

After review, the Planning and Zoning Commission recommends approval of the site plan request.

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:

None

Suggested Action:

A motion to approve Resolution 817 Site Plan Approval 124 N. 169 Highway for Shamrock Convenience Store

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

RESOLUTION 817

A RESOLUTION APPROVING THE SITE PLAN FOR A NEW CONVENIENCE STORE AND GAS STATION FOR SHAMROCK AT 124 NORTH 169 HIGHWAY

WHEREAS, the applicant submitted plans to demolish their existing gas station and rebuild a new 5,040 convenience store in its' place at 124 North 169 Highway, and;

WHEREAS, those plans meet all of the requirements in the site plan review provision of the zoning code, and;

WHEREAS, the Planning Commission reviewed the plans and submissions by the applicant at its August 11, 2020 meeting and recommend approval of the site plan.

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

THAT THE SITE PLAN APPLICATION FOR A NEW SHAMROCK CONVENIENCE STORE AT 124 NORTH 169 HIGHWAY IS HEREBY APPROVED.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18th day of August 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

[Plans for Shamrock Gas Station](#)

CARES FUNDING - MOU WITH CLAY COUNTY ECONOMIC DEVELOPMENT



City of Smithville

Meeting Date: August 18, 2020

Department: Administration

Agenda Item: Resolution No. 818 – MOU with CCEDC for Creation of CARES Small Business Grant Program Round Two

Summary:

This Resolution would authorize a Memorandum of Understanding with Clay County Economic Development Council (CCEDC) to administer a second round of small business grant program funded through the CARES Act Stimulus Fund.

Purpose:

A grant program for small businesses to reimburse the costs of business interruption caused by required closures relating to COVID-19 is an authorized expenditure in the CARES Act. On June 23, the Board of Aldermen authorized the first round of the CARES Small Business Grant program for Smithville businesses. The Board approved \$105,000 in grants on July 7, 2020. On August 4 the Board directed staff to develop a second round of grants.

The attached MOU outlines the responsibilities of the City and CCEDC in administering a program which will issue up to \$100,000 in total grant funds to small businesses in Smithville. Small businesses can apply for a \$5,000 grant to reimburse business expenses related to COVID-19. The program details are listed below.

Eligible businesses include:

- Businesses physically located in Smithville.
- Businesses must have had a valid 2019 Business License.
- Public-facing businesses directly impacted by the “Stay at Home” order such as retail, food service, arts and entertainment, hospitality, fitness, medical, and personal services.
- Businesses or individual whose primary revenue is generated from rental properties.

Businesses do not qualify if they are a:

- Previous recipient of a Smithville CARES Small Business grant.
- National franchise.
- Non-profit organization.
- Business with current liens by the City or fees owed to the City of Smithville.

Priority will be given to:

- Businesses that have 20 or fewer full-time equivalent employees.

- Businesses that have \$2.5 million or less in annual revenue.
- Businesses that have not received certain Federal COVID-19 related relief (excluding Payroll Protection Program funds). Please disclose if you have received any COVID-19 related relief funding.

Eligible Use of Funds:

1. Grants can be used for expenses incurred from March 1, 2020 through August 31, 2020. Expenses can include, but are not limited to, payroll (provided federal funds have not already been received for this purpose), rent, mortgage interest, utilities, inventory replacement, and COVID-19 supplies.
2. The grant funds may also be used to purchase necessary protective equipment for employees and customers and for exterior/interior cleaning needed to keep facilities sanitized.

Ineligible Use of Funds:

1. Grant funds may not be used for repayment of any federal or state loan programs related to COVID-19 relief funding.
2. Grant funds may not be used for any purposes outside of the Federal guidelines as set forth in <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Additional Information:

- Grant applicants must provide documentation for eligible COVID-19 expenses.
- Grant applications and information is considered public information under the Missouri Sunshine Laws.
- Grant expenditures may be audited at a future date. Improper usage will require reimbursements to the City within 10 days of demand by the City for return of funds.
- In reviewing and considering the grant applications, it is the policy of the City of Smithville and the Clay County EDC to ensure equal opportunity without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

If approved, CARES Small Business Grant Applications accepted from August 19 – September 4, 2020. It is anticipated grant allocations would be approved at the September 15 Board meeting. If funds remain after that date, the program deadline may be extended.

Impact:

Comprehensive Plan:	N/A
Economic Development Plan:	Complies

Parks Master Plan:	N/A
Strategic Plan:	N/A
Capital Improvement Plan:	N/A
Budget:	Complies
Legislative History: Resolution 792, Resolution Authorizing the City to Enter into an MOU with CCEDC	
Suggested Action: Motion to approve Resolution 818.	
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input checked="" type="checkbox"/> Other: MOU	

RESOLUTION 818

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CLAY COUNTY ECONOMIC DEVELOPMENT COUNCIL

WHEREAS, the City of Smithville, Missouri (the "City") is a fourth-class city and political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri; and

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

WHEREAS, On May 1, 2020 the Clay County Commission approved Resolution 2020-139, providing CARES funding to the City of Smithville for eligible expenses incurred between March 1, 2020 and December 30, 2020 to address the COVID-19 pandemic

WHEREAS, Certain types of grants are indicated in the guidance as potentially eligible, including expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures; and

WHEREAS, the City has determined that the Clay County Economic Development Council is well qualified to perform grant administration services; and

WHEREAS, the Clay County Economic Development Council administered the previous CARES Smithville Small Business Grant Program ending in July 2020 resulting in \$105,000 in grants; and

WHEREAS, there continues to be a need in the community for grants; and

WHEREAS, the City now desires to enter into a second Memorandum of Understanding for services (the "Agreement") with the Clay County Economic Development Council for said services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of North Smithville Missouri, as follows:

THAT Section 1. Authorization of Agreement. The Board of Aldermen hereby authorizes the City to enter into the Agreement with the Clay County Economic Development Council in connection with administration of CARES Act funding for a second round of small business grants, which agreement shall be in substantially the form of Exhibit A, attached hereto and incorporated herein by reference. The City is hereby authorized to pay for the costs of such Agreement, provided that such costs do not exceed the amounts set forth in the Agreement.

Section 2. Further Authority. The City shall, and the mayor, city clerk, city officials and employees of the City are hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. Severability. The sections, paragraphs, sentences, clauses and phrases of this Resolution shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the valid portions of this Resolution are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5. Effective Date. This Resolution shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18th day of August 2020

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CLAY COUNTY ECONOMIC DEVELOPMENT COUNCIL
AND
THE CITY OF SMITHVILLE**

Congress passed, and the President signed, the Coronavirus Aid Relief and Economic Security (CARES) Act on March 27, 2020. The CARES Act provides for Federal Stimulus Funds to flow to the States by population and to the Counties within the State by population.

Certain types of grants are indicated in the guidance as potentially eligible, including expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures as further described and identified in the federal government guidelines ("guidelines") as set forth at <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>.

Governments have discretion to determine what payments are necessary per the guidelines. A program that is aimed at assisting small businesses with the cost of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance.

The City desires to initiate Round Two of the program known as the CARES Smithville Small Business Grant Program ("program") to consider grants. The Program is attached hereto as **Exhibit A**. The staff of the City of Smithville (the "City") has neither the capacity or qualifications to administer such a program. The Clay County Economic Development Council (the "EDC") does, however, have the capacity and the ability to administer such a program, and successfully administered round one of the program in June and July 2020.

This exhibit is incorporated herein by reference as though more fully set forth herein.

This Agreement is also entered into by the parties pursuant to the authority granted to governmental entities under Chapter 70 R.S.Mo. *et seq.*;

Accordingly, the following is agreed between the City and the EDC.

1. City expects to make up to One Hundred Thousand Dollars (\$100,000) in grants available to qualifying Smithville businesses, subject to other needs of the City, under the program.
2. EDC shall collect, evaluate, and verify grant applications, on an application form approved by the Smithville governing body, from Smithville small businesses commencing August 19, 2020 through September 4, 2020 at 5:00 p.m. If the funds are not expended, the deadline may be extended.

3. The EDC shall present the City with information on the grant application and its recommendations for awards (grantees and amounts) as soon as practical after the deadline for applications.
4. The Smithville governing body shall consider the recommendations of the EDC and indicate its acceptance of EDC recommendations with or without modifications.
5. The EDC shall send out letters to grant applicants regarding acceptance/denial as soon as practical after action by the Smithville governing body.
6. The City shall be responsible for the disbursement of funds to grantees as approved by the Smithville governing body.
7. In consideration of the services of EDC, City shall pay EDC an amount equivalent to five percent (5%) of the amount of grant funds that are disbursed to Smithville small businesses.
8. The Memorandum of Understanding is effective from August 19 until all applications received by the EDC have been evaluated, presented to City for its review and consideration, and returned to the EDC for approval/denial letters which are to be sent on or before September 18, 2020.

Agreed on this 18th day of August 2020.

On behalf of City:

On behalf of EDC:

Damien Boley, Mayor

Executive Director

Date: _____

Date: _____



CARES Smithville Small Business Grant Program – ROUND 2 Information Sheet

Congress passed, and the President signed, the Coronavirus Aid, Relief and Economic Security (CARES) Act on March 27, 2020. On May 1, 2020, the Clay County Commission approved Resolution 2020-139, providing CARES funding to the City of Smithville for eligible expenses incurred between March 1, 2020 and December 30, 2020 to address the COVID-19 pandemic.

The Board of Aldermen established the CARES Small Business Grant Program on June 23, 2020 to be administered by the Clay County EDC. This program issued \$105,000 in total grant funds to small businesses in Smithville. **On August 4, the Board authorized a second round of grants for up to \$100,000.** Small businesses can apply for a \$5,000 grant to reimburse business expenses related to COVID-19 from **August 19 through September 4, 2020.**

Eligible businesses include:

- Businesses physically located in Smithville.
- Businesses must have had a valid 2019 Business License.
- Public-facing businesses directly impacted by the “Stay at Home” order such as retail, food service, arts and entertainment, hospitality, fitness, medical, and personal services.
- Businesses or individual whose primary revenue is generated from rental properties.

Businesses do not qualify if they are a:

- Previous recipient of a CARES Smithville Small Business Grant.
- National franchise.
- Non-profit organization.
- Business with current liens by the City or fees owed to the City of Smithville.

Priority will be given to:

- Businesses that have 20 or fewer full-time equivalent employees, and;
- Businesses that have \$2.5 million or less in annual revenue.
- Businesses that have not received certain Federal COVID-19 related relief (excluding Payroll Protection Program funds). Please disclose if you have received any COVID-19 related relief funding.

Eligible Use of Funds:

3. Grants can be used for expenses incurred from March 1, 2020 through August 31, 2020. Expenses can include but are not limited to payroll (provided federal funds have not already been received for this purpose), rent, mortgage interest, utilities, inventory replacement, and COVID-19 supplies.

4. The grant funds may also be used to purchase necessary protective equipment for employees and customers and for exterior/interior cleaning needed to keep facilities sanitized.

Ineligible Use of Funds:

3. Grant funds may not be used for repayment of any federal or state loan programs related to COVID-19 relief funding.
4. Grant funds may not be used for any purposes outside of the Federal guidelines as set forth in <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Additional Information:

- Grant applicants must provide documentation for eligible COVID-19 expenses.
- Grant fund applications and information is considered public information under the Missouri Sunshine Laws.
- Grant fund expenditures may be audited at a future date. Improper usage will require reimbursements to the City within 10 days of demand by the City for return of funds.
- In reviewing and considering the grant applications, it is the policy of the City of Smithville and the Clay County EDC to ensure equal opportunity without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

CARES Small Business Grant Applications accepted from August 19 – September 4, 2020. If the funds are not expended, the deadline may be extended.

CARES Smithville Small Business Grant Program Application Form

Requirements – These records must be presented with this application

- ☐ Two forms of ID (each signer) – one with picture other with name only

Sole Proprietorship - General Partnership

- ☐ Two years of personal tax returns 2018-2019 if 2019 not filed copy of the extension and 2017 tax information
- ☐ Schedules and 1099s, Income Statement & Balance Sheet
- ☐ Six months of personal bank statements (March, April, May of **2019 & 2020**)
- ☐ Copy of **2019** City Business License

Limited Liability Company (LLC) Limited Partnership (LP) Limited Liability Partnership (LLP)

- ☐ Two years of business tax returns 2018-2019, if 2019 is not filed a copy of the extension and 2017 tax information
- ☐ Schedules and 1099s, Income Statement & Balance Sheet
- ☐ Six months of business bank statements (March, April, May of **2019 & 2020**)
- ☐ Copy of **2019** City Business License

Legal Name of Company: _____

Physical Address: _____ City : _____ State: _____

Zip: _____

Length of time you have been in business in Smithville: _____

Name of Grant Applicant: _____

Business Phone Number: _____ Cell Phone Number: _____

Email address: _____

Type of Business: _____

Explanation of how funds will be used: Items can include specific cash flow gaps, payroll or any fixed operating costs required to remain solvent and/or scaling down, reducing expenses, purchasing cleaning and personal protection equipment, and any additional proactive measures due to the crisis (documentation required).

How will this grant help you get through the COVID-19 crisis:

I/We certify that the above information, including any attachments or exhibits provided herewith are valid and correct to the best of my/our knowledge.

Signature: _____ Date: _____

Signature: _____ Date: _____

Please email all information to juliel@clayedc.com SUBJECT: Smithville Grant Application
Clay County Economic Development - 816-468-4989 -7001 N. Locust, Gladstone, MO 64118

CARES FUNDING – MOU WITH NORTHLAND ASSISTANCE CENTER



City of Smithville

Meeting Date: August 18, 2020

Department: Administration

Agenda Item: Resolution 819 – MOU with The Northland Assistance Center for Administration of CARES Utility and Housing Assistance Grants

Summary:

This Resolution would authorize a Memorandum of Understanding with The Northland Assistance Center (NAC) to administer utility and housing assistance program funded through the CARES Act Stimulus Fund.

Purpose:

A grant program for individuals to reimburse the costs to residents for utilities and housing assistance due to COVID-19 is an authorized expenditure in the CARES Act. On August 4, the Board of Aldermen authorized the first round of the CARES Utility and Housing Assistance Grant program for Smithville residents. The proposed funding amount is \$25,000, including the 5% administrative fee.

City staff do not have the expertise or ability to administer such a program, which would require accessing personal information from residents and verifying they have not received assistance from any other agency. The Northland Assistance Center, whose service territory already includes Smithville and all of Clay County, has the capability and desire to administer the program.

The attached MOU outlines the responsibilities of the City and The Northland Assistance Center in administering the program which will expend up to \$25,000 in total grant funds to individuals in Smithville. Funds would be paid directly from The Northland Assistance Center to the landlord, mortgage holder, or utility provider. Utilities includes gas, electric, water, wastewater, trash, and internet bills. Recipients are eligible to receive both housing and utility assistance, but may only receive assistance once every six months. Requests for assistance will be verified through the Mid America Assistance Center database to ensure applicants are not receiving duplicate payments for that service. To receive assistance, residents must call The Northland Assistance Center, identify themselves as Smithville residents, set up an appointment and provide the documents outlined in the MOU. The City will receive a monthly report summarizing the types of assistance provided to residents.

If approved, Smithville CARES Utility and Housing Assistance Grant Applications will be accepted from August 19 until funds are exhausted or no later than December 30, 2020.

Impact:	
Comprehensive Plan:	N/A
Economic Development Plan:	N/A
Parks Master Plan:	N/A
Strategic Plan:	N/A
Capital Improvement Plan:	N/A
Budget:	Complies
Legislative History:	
N/A	
Suggested Action:	
Motion to approve Resolution 819.	
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input checked="" type="checkbox"/> Other: MOU	

RESOLUTION 819

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTHLAND ASSISTANCE CENTER.

WHEREAS, the City of Smithville, Missouri (the "City") is a fourth-class city and political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri; and

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

WHEREAS, On May 1, 2020 the Clay County Commission approved Resolution 2020-139, providing CARES funding to the City of Smithville for eligible expenses incurred between March 1, 2020 and December 30, 2020 to address the COVID-19 pandemic

WHEREAS, Certain types of grants are indicated in the guidance as potentially eligible, including expenditures related to the provision of grants to residents for housing and utility assistance; and

WHEREAS, the City has determined that The Northland Assistance Center is well qualified to perform grant administration services; and

WHEREAS, the City now desires to enter into a Memorandum of Understanding for services (the "Agreement") with The Northland Assistance Center for said services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of North Smithville Missouri, as follows:

THAT Section 1. Authorization of Agreement. The Board of Aldermen hereby authorizes the City to enter into the Agreement with The Northland Assistance Center in connection with administration of CARES Act funding for a utility and housing assistance grant program. The City is hereby authorized to pay for the costs of such Agreement, provided that such costs do not exceed the amounts set forth in the Agreement.

Section 2. Further Authority. The City shall, and the mayor, city clerk, city officials and employees of the City are hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. Severability. The sections, paragraphs, sentences, clauses and phrases of this Resolution shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the

valid portions of this Resolution are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 5. Effective Date. This Resolution shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18th day of August 2020

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE NORTHLAND ASSISTANCE CENTER
AND THE CITY OF SMITHVILLE, MISSOURI**

THIS MEMORANDUM OF UNDERSTANDING (this "**MOU**") is dated as of August 18, 2020 ("**Effective Date**"), by and between the **CITY OF SMITHVILLE**, a fourth-class city and municipal corporation duly organized and existing under the laws of the State of Missouri (the "**City**") and **THE NORTHLAND ASSISTANCE CENTER**, a Missouri nonprofit corporation ("**NAC**").

RECITAL
S

- A. Congress passed and the President signed the Coronavirus Aid, Relief and Economic Security (CARES) Act on March 27, 2020. The CARES Act provides for Federal Stimulus Funds to flow to the States by population and to Counties within the State also by population.
- B. Certain types of grants are indicated in the guidance as potentially eligible, including expenditures related to emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs caused by COVID-19. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.
- C. The City staff has neither the capacity nor the qualifications to administer such a program. NAC does, however, have the qualifications, capacity and the ability to administer such a program.

Accordingly, the following is agreed to between the City and the NAC:

- 1. The City commits to making up to Twenty-Five Thousand Dollars (\$25,000.00) in grants to qualifying Smithville individuals and families.
- 2. NAC shall review and approve applications from Smithville residents for assistance with housing or utilities (including internet). All applicants will be required to provide proof of residency, picture identification for all household members over 18 years of age, social security cards for all household members, proof of income, when appropriate, and a letter from the landlord or mortgage company and/or a copy of the utility

bill(s).

3. NAC will be responsible for the disbursement of funds directly to the purveyor.
4. NAC will enter all clients into the Mid-America Assistance Center (MAAC) database and will provide reports to the Board of Aldermen on a monthly basis.
5. In consideration of the services of NAC, the City shall pay NAC an amount equivalent to five percent (5%) of the amount of grant funds that are disbursed to Smithville individuals or families.
6. NAC shall comply with all federal, state and local laws, rules, regulations and guidelines in carrying out the services described herein.
7. The recitals set forth above are true and correct and are incorporated herein by reference and made a part of this MOU.
8. The persons executing this MOU on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this MOU on behalf of said party, (iii) by so executing this MOU, such party is formally bound to the provisions of this MOU, and (iv) the entering into this MOU does not violate any provision of any other agreement to which said party is bound.
9. This Memorandum of Understanding is effective from August 18, 2020 through December 30, 2020 or until grant funds are exhausted, whichever comes first.

D. This Agreement is also entered into by the parties pursuant to the authority granted to governmental entities under Chapter 70 R.S.Mo. *et seq.*;

Agreed to this 18th day of August 2020.

CITY SMITHVILLE

THE NORTHLAND
ASSISTANCE CENTER

Damien Boley
Mayor

Rita Pearce
Executive Director

Date: _____

Date: _____

AWARD BID FOR PURCHASE OF ROAD SALT



City of Smithville

Meeting Date: August 18, 2020

Department: PW - Streets

Agenda Item: Resolution 820 – Authorize Purchase of Road Salt

Summary:

Purpose:

The City uses approximately 500 tons of salt annually to combat snow and ice during the winter months. The City clears snow from approximately 110 centerline miles of street. For the past few years Dale Brothers has provided the City with a price per ton of \$82.50 delivered.

Staff has learned that the state (both Kansas and Missouri) Departments of Transportation are already acquiring salt for the 2020/21 winter season and that prices likely will be increasing. Staff received 3 quotes for salt delivered to Smithville. The low quote is from Pavlich with a cost of \$78.00 / ton.

Pavlich	\$78.00 / ton
Dale Brothers	\$90.00/ton
Kansas Salt	\$78.50/ton

Staff recommends purchase of salt from Pavlich in an amount of \$78.00/ton. We will immediately place an order for 300 tons (maximum we can store) and are requesting authority to purchase an additional 300 tons as needed to replenish supply this winter.

Comprehensive Plan: N/A

Economic Development Plan: N/A

Parks Master Plan: N/A

Strategic Plan: N/A

Capital Improvement Plan: N/A

Budget: Funds are available in the 2021 Street Division Operating Budget

Legislative History:

None

Suggested Action:

Motion to approve Resolution 820.

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

RESOLUTION 820

A RESOLUTION AUTHORIZING PURCHASE OF ROAD SALT FROM PAVLICH IN AN AMOUNT OF \$78 PER TON

WHEREAS, the City of Smithville maintains approximately 110 centerline miles of streets; and

WHEREAS, during the winter, inclement weather requires the City to use de-icing materials such as salt to assist in keeping streets safe; and

WHEREAS, quotes were received to supply salt for the City usage and Pavlich has submitted the lowest price being the most advantageous to the City.

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

THAT the purchase of salt is awarded to Pavlich for a unit price of \$78.00 per ton; and

THAT the City Administrator is authorized to approve the purchase of up to 600 tons of road salt as needed

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 18th of August 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk