



Board of Aldermen Request for Action

MEETING DATE: 12/19/2023

DEPARTMENT: Public Works

AGENDA ITEM: Bill No. 3021-23, authorizing and directing the Mayor to sign a supplemental agreement with MoDOT. 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No.3021-23, authorizing and directing the Mayor to execute a Transportation Alternatives Funds Program Supplemental Agreement with the Missouri Highways and Transportation Commission for improvements to Bridge Street from Church Street to First Street including infrastructure improvements encouraging safer routes for non-motorized users and improving the pedestrian environment. 2nd reading by title only.

SUMMARY:

In 2020 the City was awarded a Transportation Alternatives Program (TAP) grant for Streetscape Phase III improvements on Bridge Street from Church Street to First Street

By Ordinance 311-21, the City entered into an agreement with MODOT for \$488,000 in 2021.

On October 3, 2023 bids were opened for the project and exceed the budgeted funds.

On November 8, 2023 the City requested of the Active Transportation and Pedestrian Committee (ATPC) of the Mid-America Regional Council (MARC) to reduce the scope of the project to be in line with the budget. The ATPC recommended increasing the federal funding by \$1 million for a total federal participation of \$1,488,000 to complete the project.

The Supplemental Agreement includes the additional funding.

PREVIOUS ACTION:

- Ordinance 3111-21 authorizing Mayor to sign the original cost share agreement with MoDOT.
- Included in the 2022/2023 Capital Improvement Plan

POLICY ISSUE:

Continued service, infrastructure maintenance

FINANCIAL CONSIDERATIONS:

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

ATTACHMENTS:

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

- ☒ Contract
- ☐ Plans
- ☐ Minutes

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE
A TRANSPORTATION ALTERNATIVES FUNDS PROGRAM SUPPLEMENTAL
AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION FOR IMPROVEMENTS TO BRIDGE STREET FROM CHURCH
STREET TO FIRST STREET INCLUDING INFRASTRUCTURE IMPROVEMENTS
ENCOURAGING SAFER ROUTES FOR NON-MOTORIZED USERS AND
IMPROVING THE PEDESTRIAN ENVIRONMENT**

WHEREAS, on September 20th, 2021, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City") entered into a Transportation Enhancements Funds Agreement for the construction of Smithville Streetscape Phase III (hereinafter, " Project"); and

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

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

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

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

PASSED THIS 19th DAY OF DECEMBER, 2023

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 12/05/2023

Second Reading: 12/19/2023

CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 10/22 (MWH)

Modified: 11/23 (KFJ)

Clay County

City of Smithville

Project TAP 3302(434)

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: TAP – 3302(434)

Award Year: 2024

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ENHANCEMENTS FUNDS
SUPPLEMENTAL AGREEMENT**

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

WITNESSETH:

WHEREAS, on September 20th, 2021_, the Commission and the City previously entered into a Transportation Enhancements Funds Agreement as to public improvements designated as 2021-06-64001, for the construction of Smithville Streetscape Phase III, (hereinafter, "Original Agreement"); and

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

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

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

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

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share for this project will be 80 percent not to exceed \$1,488,400.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs.

Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

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

[Remainder of Page Intentionally Left Blank]

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

Executed by the City this _____ (date).

Executed by the Commission this _____ (date).

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SMITHVILLE

By _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title: _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No.: _____