



SMITHVILLE, MISSOURI
Board of Aldermen - Regular Session

7:00 p.m.

February 4, 2020

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AGENDA



**City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
February 4, 2020
7:00 pm - Council Chambers**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Mayor’s Proclamation**
Meritorious Service Award – Jasper Farr
- 4. Consent Agenda**
 - **Minutes**
 - January 21, 2020 Board of Alderman Work Session Minutes
 - January 21, 2020 Board of Alderman Regular Session Minutes

REPORTS FROM OFFICERS AND STANDING COMMITTEES

- 5. Committee Reports**
Fire Liaison
- 6. City Administrator’s Report**

ORDINANCES & RESOLUTIONS

- 7. Bill No 2853-20, Amending Various Sections of the Municipal Code - 2nd Reading**
An Ordinance amending and adopting various sections of the Code of Ordinances for the City of Smithville. 2nd reading by title only.

8. Bill No 2854-20, Agreement with MoDOT for Improvement to Route 92 - 1st and 2nd Readings

An Ordinance authorizing and directing the Mayor to execute an agreement with MoDOT for public improvements to Route 92. 1st and 2nd reading by title only.

9. Resolution 768, Amendment to the Schedule of Fees

A Resolution amending the Schedule of Fees to reflect the new Water and Wastewater Rates.

10. Resolution 769, Final Plat – Estates at the Ranch

A Resolution to approve the final plat for the Estates at the Ranch, land south and east of the intersection of 144th Street and Tillman Road.

OTHER MATTERS BEFORE THE BOARD

11. Public Comment

Pursuant to the public comment policy, a Public Comment Card must be submitted to the City Clerk prior to the meeting. When recognized, please state your name, address and topic before speaking. Each speaker is limited to three (3) minutes.

12. 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](#).

13. Adjourn

CONSENT AGENDA



City of Smithville

Meeting Date: February 4, 2020

Department: Administration

Agenda Item: Consent Agenda

Summary:

Voting to approve would approve the Board of Aldermen minutes.

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

- o Approve the January 21, 2020 Board of Alderman Work Session Minutes
- o Approve the January 21, 2020 Board of Alderman Regular Session Minutes

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:

Smithville Board of Aldermen

Board of Aldermen Minutes – January 21, 2019 Work Session

SMITHVILLE BOARD OF ALDERMAN WORK SESSION

January 21, 2020 6:00 p.m.

City Hall Council Chambers

1. Call to Order

Mayor Boley called the meeting to order at 6:00 p.m. Board members present: Marv Atkins, Steve Sarver, John Chevalier, Melissa Wilson, and Josh Hurlbert. Jeff Bloemker entered at 6:01 p.m.

Staff present: Cynthia Wagner, Chuck Soules, Chief Jason Lockridge, Nicole Williams and Linda Drummond.

2. Public Hearing for Sewer Rates

Mayor Boley opened the Public Hearing at 6:00 p.m.

No Public Testimony.

Mayor Boley closed the Public Hearing at 6:01 p.m.

3. Discuss Water and Sewer Rates

The Board voiced approval for the new proposed water and sewer rates.

Cynthia explained that the increase will take effect in March, reflected on utility bills mailed in April. Staff will bring a Resolution amending the Schedule of Fees to the Board for consideration at the February 4 meeting.

4. Adjourn

Alderwoman Wilson moved to adjourn the Work Session. Alderman Hurlbert seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:03 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

Board of Aldermen Minutes – January 21, 2020 Regular Session

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

January 21, 2020 7:00 p.m.
City Hall Council Chambers

1. Call to Order

Mayor Boley called the meeting to order at 7:00 p.m. A quorum of the Board was present: Steve Sarver, Marv Atkins, John Chevalier, Melissa Wilson, Jeff Bloemker and Josh Hurlbert. Staff present: Cynthia Wagner, Nickie Lee, Chuck Soules, Chief Jason Lockridge, and Linda Drummond.

2. Pledge of Allegiance lead by Cynthia Wagner

- a. Everyone then sang Happy Birthday to Cynthia.

3. Mayor Boley to Swear in Officer Brandon Taylor



4. Consent Agenda

- **Minutes**

- January 7, 2020 Board of Alderman Regular Session Minutes

No discussion.

Alderman Hurlbert moved to approve the consent agenda. Alderman Atkins seconded the motion.

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

5. Committee Reports

Alderman Sarver reported on the January 14 Planning and Zoning Commission meeting. They approved the Chapter 400 Zoning Code update on several Zoning Code changes necessary to comply with State Law.

They were also informed the city issued 51 single family residential home permits and 7 commercial permits in 2019.

6. City Administrator's Report

Cynthia gave an update on snow removal over the last several days. Friday's event started around 5:30 a.m. as a rain and sleet mix, with freezing on the roadways throughout the day. Treatment of the roads started with the hills and intersections, which were all treated by mid-morning. All of the roads were treated with salt and sand by 6:15 p.m. Friday. The Street Department then began blading the roads and continued through Saturday morning. Through the course of Friday to today, we have distributed approximately 100 tons of salt and sand. Friday and Saturday, we had six trucks and all Street Department staff working to clear the streets for a total of 65 staff hours. Additional snow fell on Monday, January 20. Street Department staff removed snow from some areas. This morning, as the snow started again, six trucks were out trying to hit the slick spots and check other areas. We understand that there have been some issues and concerns with the way the roads were treated. Staff has followed the procedure outlined in the City Snow and Ice Control Policy. She explained that there are areas that melt quicker than others and we do recognize there are concerns. Staff has had a follow-up meeting concerning the storm. In the future, we will provide additional social media information as we prep to go out to treat the roads to inform residents what we will be doing. She requested that if people have issues, they contact the Street Department directly at 816-532-2080 or on the City's website through the Report a Concern, so we can respond to them and be able to track the issues.

<https://smithvillemissouri.municipalcms.com/forms.aspx?fid=90&rid=16&catid=26>.

We had five Report a Concerns over the weekend and one phone call and have responded to all of those situations.

Cynthia explained that we do not have pretreatment capabilities. We do not have the equipment to spread the pretreatment liquid on the roads. At the beginning of this winter season we had 450 tons of salt and sand on hand, so far this winter we have used 240 tons. We put in a call on Monday for another order and were told they could get us one more truckload, but the remainder of salt and sand will go to MoDOT and KDOT.

Chuck Soules, Public Works Director, will be evaluating staffing, response to snow and ice removal and making recommendations. Staff will also be reviewing the Snow and Ice Control Policy seeing what we might need to change pertaining to Chuck's recommendations and the priorities of the Board.

Alderwoman Wilson suggested looking into additional storage, since we have several more miles of roads to maintain after taking on responsibility for previous state routes.

Cynthia said that will be one of the items we will be looking at. She explained that we purchased our sand and salt in the summer months when it is easier to get. She said we may investigate what it will cost to get pretreatment equipment.

The guard rails were installed on Amory Road today and we are hopeful we will be able to open it by the end of the week.

On Wednesday, January 15, Cynthia, Chuck, Jack Hendrix and Bob Lemley met with MoDOT representatives to discuss upcoming projects, including the proposed work at 169 Highway and 188th Street and safety improvements planned for Route 92. She explained we will have utility relocation work necessary for the 169 Highway project and will likely bring an authorization forward for approval of engineering work by HDR for that work in the coming weeks. Interlocal agreements with MoDOT are also anticipated to come for Board action in the coming months relating to both projects. She explained that MoDOT stressed that people should report issues and concerns for state roadways to MoDOT's Report a Concern: <https://www.modot.org/report-road-concern> so they can contact the people with their concerns.

Cynthia stated that staff attended the public meeting MoDOT held at the Good Shepherd Catholic Church on Wednesday, January 15. The meeting was well attended, and they received good information on the timing and construction of the additional lanes at 169 Highway and 188th Street. She said more information about the project could be found on MoDOT's website: <https://www.modot.org/route-169-188th-street>.

Cynthia and Nickie Lee, Assistant City Administrator, attended a Total Transportation Committee meeting at MARC. They were asked to present information on current planning efforts in Smithville. They focused on our Strategic Plan and our Comprehensive Plan update process. They were also able to hear the Total Transportation Committee's plan and financing review for the upcoming months. Chuck will be attending the meetings for this in the future.

The Missouri Municipal League (MML) West Gate division meeting is this Thursday, January 23 in Sugar Creek. Cynthia asked that anyone interested in attending please let Linda Drummond, City Clerk, know, so she can make reservations.

Alderman Chevalier stated he had concerns about the detours for the upcoming construction of the 169 Highway and 188th Street intersection and asked if a policy could be put in place for it.

Cynthia said that closer to the construction there will be conversations staff will be having with the Board for some options for a policy to address traffic routes. She explained that the detour route the State has outlined for the project is on State routes, so it takes people W Highway to C Highway down to 92 Highway. She said that locals will know a different way around it so we could look at putting an Ordinance in place prior to construction. The project is slated to bid in September of this year with construction to begin in the spring with a completion date of Memorial Day 2021. With this project, we will have to move a waterline. Staff will be bringing forward an Authorization for HDR Engineering to design the relocation of the waterline. We are hopeful to get it complete and include it as part of MoDOT's bid. The City will fund it, but it would be bid and overseen with the MoDOT project.

ORDINANCES & RESOLUTIONS

7. Bill No. 2852-20, Changes Pertaining to Public Use of Medical Marijuana - 2nd Reading

Alderman Sarver moved to approve Bill No. 2852-19, for approval of the recommended changes and additions to bring the current ordinances into alignment with the existing Constitutional Amendment and add four subsections to Chapter 205 that will address definitions, Public Use, Legal Possession and Production of a Medical Marijuana Card on Request. 2nd reading by title only. Alderman Chevalier seconded the motion.

No discussion.

Upon roll call vote:

Alderman Wilson – Aye, Alderman Sarver – Aye, Alderman Atkins – Aye,
Alderman Hurlbert – Aye, Alderman Chevalier – Aye, Alderman Bloemker – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No 2852-20 approved.

8. Bill No. 2853-20, Amending Various Section of the Municipal Code - 1st Reading

Alderman Hurlbert moved to approve Bill No. 2853-20, amending and adopting various sections of the Code of Ordinances for the City of Smithville. 1st reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hurlbert – Aye, Alderman Chevalier – Aye, Alderman Bloemker – Aye,
Alderman Wilson – Aye, Alderman Sarver – Aye, Alderman Atkins – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No 2853-20 approved first reading.

9. Resolution 764, Crime Stoppers TIPS Hotline Program

Alderman Wilson moved to approve Resolution 764, authorizing and directing the Mayor to execute a contract with the Kansas City Metropolitan Crime Commission to provide services to the City through participation in the TIPS Hotline Program. Alderman Sarver seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 764 approved.

10. Resolution 765, Amendment to the Compensation Plan

Alderman Bloemker moved to approve Resolution 765, for approval of an amendment to the Compensation Plan for the Job Description and Duties of the Parks and Recreation Director. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 765 approved.

11. Resolution 766, Leak Adjustment

Alderman Hurlbert moved to approve Resolution 766, for approval of a leak adjustment of \$73.51 for residential utility billing customer, David Parr for his December utility bill. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 766 approved.

12. Resolution 767, General Release and Settlement Agreement

Alderman Sarver moved to approve Resolution 767, authorizing the Mayor to sign a General Release and Settlement Agreement with Mitch and Laura McGuire relating to a water bill and release of connection to the city's utility system. Alderman Chevalier seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 767 approved.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

Shaun Jack, 802 East Summit Street, spoke to the Board concerning lack of snow removal for the area around the Senior Center on January 11, when he had it rented for a baby shower. Mr. Jack stated that he shoveled the parking lot and sidewalk, then borrowed salt from the Police Department to put down.

Smithville Board of Aldermen

Cynthia asked that he visit with her after the meeting.

14. New Business from the Floor

None

15. Adjourn

Alderman Hurlbert moved to adjourn. Alderman Sarver seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:22 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

CITY ADMINISTRATOR'S REPORT



City Administrator's Report

January 30, 2020

Meeting with NRAD Director

On Monday, Chief Lockridge and I met with Jason James, who began as Executive Director of NRAD on January 6. We had a good discussion of areas of joint concern.

Comprehensive Plan Update

Staff continues with weekly coordination calls with Future iQ and John Stover and Associates in developing the process for the Comprehensive Plan Update. Consultants are currently drafting a community survey for distribution in mid-February. The survey and results will serve as the basis, along with information gleaned from the January 13 kick-off meeting, for a deep dive into the focus group areas in late March. Specific dates during the week of March 23-27 for focus group meetings on each of the pillar areas are yet to be determined, but we will advise you as we have that information. We do know that a wrap up session for the week's work will occur on Thursday, March 26. Also during that week David will be meeting with Smithville High School students for their input. That process will be coordinated with school district staff.

Main Street Trail/Streetscape Update

Staff met late last week with engineers for both projects to discuss status and project timelines. Bids for the Main Street water line project were posted yesterday. Following bid award on that project, it is anticipated work would begin later this spring, with completion anticipated in July. Streetscape bids will be let in May, with work anticipated to begin following completion of the water line work.

NEPA review of the Main Street Trail continues. This project cannot be bid until that review is complete. There is some tree removal that will have to be accomplished before March 31 per federal environmental regulations protecting bat habitats. Staff will coordinate cutting down the affected trees, with removal anticipated to be part of the construction project.

Dog Park Update

Corps of Engineers staff confirm that review of plans submitted by Clay County for a dog park located on county property near the intersection of Litton Way and Old Jefferson Highway are underway and should be approved in the near future. As you will recall, the City will install a water line for the project.

Parks and Recreation Director Recruitment

Recruitment for the Parks and Recreation Director is underway. The position announcement was posted to the City's website last Wednesday, with additional recruitment sites notified of the opening as well. The position is open until February 21. We have received seven applications to date.

Main Street Kick Off Meeting

Remember the Main Street Town Hall is Monday, February 10 at the Smithville High School cafeteria.

AMENDING SECTIONS OF THE MUNICIPAL CODE



City of Smithville

Meeting Date: February 4, 2020

Department: Administration

Agenda Item: Bill No. 2853-20, Updating the City Code of Ordinances

Summary:

The ordinance would update the Code of Ordinances to be consistent with the current Missouri Statutes.

Purpose:

City staff and Counsel worked with General Code, the company that publishes the City's Code of Ordinances in order to update our Codes to be consistent with state statute. This process has not been done for more than 20 years and was long overdue.

General Code provided a "Editorial and Code Analysis" document regarding the "Recodification Project". Staff and General Code reviewed the Editorial and Code Analysis and indicated whether or not staff was comfortable with the changes proposed in certain areas. Counsel then reviewed the document completed by General Code including the review by staff and answered questions previously unanswered by staff and reviewed the thoughts of staff in working with General Code. Counsel and staff convened to review the Editorial and Code Analysis and made the necessary changes. The changes to the provisions in Chapter 400 pertaining to the zoning code required a public hearing before the Planning Commission, which was held January 14. The Commission recommended approval of all zoning code changes.

Attached is a memo from attorney Scott Sullivan outlining the changes recommended as a result of this review.

This update will also allow the us to bring the Municipal Code of Ordinances on the City website up to date.

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

Smithville Board of Aldermen

Legislative History:

N/A

Suggested Action:

A motion to approve Bill No. 2853-20 to update the City Code of Ordinances - Second Reading by Title Only.

Attachments: Plans Contract Staff Report

Ordinance Resolution Minutes Other: Memo from Scott
Sullivan and [Code](#)
[Revisions](#)

[Link to Proposed Code Revisions](#)

PROPOSED CODE ADOPTION ORDINANCE
for the CODE OF ORDINANCES OF THE
CITY OF SMITHVILLE, MISSOURI
October 2019

GENERAL CODE
www.generalcode.com
toll-free: 1-800-836-8834

BILL NO. 2853-20

ORD. NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF SMITHVILLE, COUNTY OF CLAY, STATE OF MISSOURI; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

Be it ordained by the Board of Aldermen of the City of Smithville, County of Clay, State of Missouri, as follows:

Section 1. Approval, Adoption and Enactment of Code.

Pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the "Code of Ordinances of the City of Smithville, County of Clay, State of Missouri," is hereby adopted and enacted as the "Code of Ordinances of the City of Smithville"; which shall supersede all other general and permanent ordinances of the City passed on or before October 15, 2019, to the extent provided in Section 3 hereof.

Section 2. When Code Provisions Effective.

All provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. Repeal of Legislation Not Contained in Code; Legislation Saved From Repeal; Matters Not Affected By Repeal.

- A. All ordinances of a general and permanent nature of the City adopted on final passage on or before October 15, 2019, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City 's indebtedness, or authorizing any contract or obligation assumed by the City.
 2. Ordinances levying taxes or making special assessments.
 3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses.
 4. Ordinances granting franchises or rights to any person, firm or corporation.

5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places.
 6. Ordinances authorizing or relating to particular public improvements.
 7. Ordinances respecting the conveyances or acceptance of real property or easements in real property.
 8. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same.
 9. Ordinances annexing property to the City.
 10. All zoning and subdivision ordinances not specifically repealed and not included herein.
 11. Ordinances establishing TIF districts or redevelopment districts.
 12. Ordinances relating to traffic schedules (e.g., stop signs, parking limits, etc.).
 13. All ordinances relating to personnel regulations (e.g., pensions, retirement, job descriptions and insurance, etc.).
 14. Ordinances authorizing the establishment of industrial development corporations.
 15. Ordinances establishing tax rates for the City.
 16. Ordinances relating to the City Policy Manual.
- B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.
- C. The repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. Amendments To Code.

Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Smithville" shall be understood and intended to include such additions and amendments.

Section 5. Violations and Penalties.

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the

failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- D. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- E. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 6. Applicability of General Penalty.

In case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. Filing of Copy of Code; Codes To Be Kept Up-To-Date.

A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. Altering or Tampering With Code; Violations and Penalties.

It shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Smithville to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. Severability.

It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section 10. Public Hearing for Changes to Chapter 400

It is a state law and city code requirement that any changes to the zoning code provisions in Chapter 400 first be presented to the Planning Commission for a recommendation, following a public hearing in front of that body. That hearing occurred on January 14, 2020, and the Commission recommended approval of the changes presented.

Section 11. Effective Date.

This ordinance and the Code adopted hereby shall become effective _____, 20__.

PASSED by the Board of Aldermen of the City of Smithville this ____ day of _____ 20__.

APPROVED by the Mayor of the City of Smithville this ____ day of _____ 20__.

Mayor of the City of Smithville

ATTEST:

City Clerk

Memo

To:	Smithville Board of Aldermen and City Administrator
From:	Scott Sullivan
Date:	November 15, 2019
Re:	Update of City Code

Thank you for the opportunity to participate in working with Staff and General Code to complete a major update of the City’s Code for the first time in over 20 years. Obviously there have been substantial changes along the way, but this is the first significant revisiting of the Code as a whole since the 1991 Code was adopted.

By this memo, I intend to provide an overview to you of the changes to the Code.

Generally, the current structure of the Code is maintained as is, but obviously there have been numerous updates to the Statutes amongst other changes, and this rewrite is intended to bring your Code up to date throughout.

For your information, the process went as follows:

1. General Code provided a “Editorial and Code Analysis” document regarding the “Recodification Project”.
2. Staff and General Code went over the Editorial and Code Analysis and indicated whether or not staff was comfortable with the changes proposed in certain areas.
3. Counsel then reviewed the document completed by General Code including the review by staff and answered questions previously unanswered by staff and reviewed the thoughts of staff in working with General Code.
4. Counsel and staff convened to review the Editorial and Code Analysis.
5. Conclusions were provided to General Code on the actions to take to update the Code.
6. General Code provided some updated questions and issues for the City’s review.
7. Counsel reviewed the additional considerations and met with staff to review.
8. Final responses were provided to General Code.
9. Lastly, General Code provided the final version of the Code.

CHAPTER 100 – GENERAL PROVISIONS

- I. Some items in Chapter 100 were moved a bit, but the general structure remains the same. The first chapter begins with several new sections to be discussed below. General Code suggested that we modify some language with regard to our penalty provisions given changes in Missouri Law regarding minor traffic violations and certain “ordinance violations”. Rather than adopting their proposed ordinance, which would require us to make changes if there were other revisions to the statute, we made a general revision to incorporate whatever the terms of the current or any future statutes that are relevant to be included in our ordinance. That way, the ordinance will always be current.
- A. **Details:** The City will adopt some sample code sections provided by General Code starting with Section 100.010 through 100.220. The new sections essentially adopt things that tend to start most codes, such as a general statement that the City is a body corporate, can own property, can dispose of property, adopts a City seal and describes that the City will have a code which can be amended or altered from time to time. It also provides definitions (only) that are fairly obvious but were not in the document before such as “Board of Aldermen”, “Mayor”, “Real Property”, “State in Writing”. These Sections also indicate that any of the code sections are “severable” meaning that if one section is declared unconstitutional, it does not the remaining sections. They also describe what is meant by a “Notice” and how notices can be delivered. They also indicate that it is intended to be gender neutral and has some other very generic provisions that are generally found in every code. Lastly, they contain the general penalty provision, which was previously in a different section, incorporating the changes that we wanted limiting our ability to collect fines, when limited by statute. The other sections, such as reimbursement of expenses for the Mayor and Aldermen were moved to Chapter 130. Frankly, the additions in Section 100 incorporate changes that would likely be found in every other code.

CHAPTER 105 – CITY OFFICIALS

- I. The only changes in Chapter 105 were to omit a reference to the City Treasurer and to reflect that the City Clerk is appointed.

CHAPTER 110 – MUNICIPAL COURT

- I. The only significant changes to Chapter 110 was to put in a provision that worked in conjunction with the transfer of the Municipal Court to Clay County alleviating the necessity of making some of the changes suggested by General Code.
- A. **Details:** Some cross references have been made to be consistent with statutes and to incorporate statutes. It allows the Municipal Judge to stop proceedings and transfer them to a different Court where appropriate. Normally this would relate to alcohol offenses and/or prior offenders. Please remember that the vast majority of the changes suggested were not relevant since we’ve already transferred the Court to Clay County, and adopted the needed Ordinances

CHAPTER 125 – EMERGENCY MANAGEMENT AGENCY

- I. Contains revisions from our previous Code, but the changes are minimal. There are the removal of some provisions which are otherwise covered by Chapter 44 of the Revised Statutes of Missouri regardless. We retain the authority of the City Administrator to appoint

the Director of the Emergency Management Agency, and it continues to grant us authority to enter into contract, utilize and obtain equipment in responses to natural disasters, which will allow us to received State or Federal funds. The provision also specifically grants us authority to enter into mutual aid agreements with other entities. Statutorily we would have authority for mutual aid agreements anyway, but this expressly incorporates those abilities into our ordinances.

CHAPTER 140 – FINANCE AND TAXATION

- I. In Chapter 140 regarding Finance and Taxation, the corrections/changes are simply cleanup to cross reference to the correct statutory sections or to change the date of the City’s fiscal year. It essentially is clean-up.
 - A. **Details:** The changes include inserting November 1 as the beginning of the City’s fiscal year, changes some statutory cross-references and revising Section 140.100 with regard to interest and penalties on delinquent taxes (2% per month, not to exceed 18% annually) and to incorporate a statute that discusses items such as when mailed items are “deemed” received, i.e.: when deposited in the U.S. Mail, the post date on the envelope is the date we “received” the payment.

CHAPTER 200 – POLICE DEPARTMENT

- I. There were only a couple changes in Chapter 200, the first being to change references from “Chief of Public Safety” to “Chief of Police” throughout the code. Also, it incorporates information/language from R.S.Mo. 70.820 granting peace officers authority to respond to emergency situations outside their boundaries. Again, it relates to mutual aide, and again this only references emergency situations. As a reminder, we want to make absolutely sure that we have our mutual aid agreements in place with all of our surrounding cities and counties as well as any other cities with whom we may need to work.

CHAPTER 205 - OFFENSES

- I. The changes again are merely to make our ordinances consistent with recent revisions to State Law. It does not effect, and in fact continues to include, the reference to conceal carry. It does broaden the unlawful use of the weapon to include discharging a firearm within 100 yards of an occupied schoolhouse and similar changes. It allows the open carry of firearms which was previously prohibited as an unlawful use of a weapon.
 - A. One other note on Section 205.1900, this Section is going to be modified to include statutory language regarding labeling of kegs, and its going to be moved to Chapter 600. As you recall, Chapter 600 is the Alcoholic Beverage Section which was rewritten and approved by the Board earlier this year.
 - B. The balance of the changes throughout Chapter 200 were nominal changes including modifying of the things such as modifying a definition to be consistent with the statutory definition, changing “misdemeanor” to read “ordinance violation” and items of that nature.
 - C. **Details:**
 - 1. Section 205.420 was modified to require drivers to obey reasonable signals or directions of a law enforcement officer. There were a couple of other

insignificant changes such as incorporating changes from statutes in the definition of “metal” or “scrap metal” to read “materials”.

2. Section 205.135 Requiring an arrest on a repeat domestic violence call, when an arrest earlier in the day was previously declined.
3. The revisions to Section 205.840 are made to incorporate statutory revisions, and includes one significant substantive change, in that it authorizes the open carry of guns at any time, rather than just allowing open carry for persons with CCW permits. Our current code prevented any open carry. We still have the authority to prevent open carry for someone who does not have a CCW permit, but a person with a CCW permit has a right to carry a weapon openly.
4. Section 205.1570 regulating gambling to some extent is preempted by statute and therefore parts of this sections (a) (3) through (5) were deleted.

CHAPTER 208 – BODY PIERCING AND TATTOOING ON MINORS — REGULATIONS

- I. With regard to regulations on body piercing, or tattooing on minors, the changes were made to incorporate new statutory definitions and referencing parental consent.

CHAPTER 215

- I. With regard to nuisances there have been some updates made to be consistent with statutory changes.

CHAPTER 245

- I. With regard to solid waste management, revisions were made to update definitions that were in our previous Chapter with statutory definitions of things such as “solid waste” and “yard waste”. Again, these changes are cleanup type of changes and not of great significance, but do make our ordinances consistent with State Statutes.

CHAPTER 300

- I. General Code proposed having the City adopt their entire single traffic code. This was not done, as the only real purpose of the having this completed would be to have our code match what General Code uses as its general sample. The problem with making wholesale changes of this nature is that many things would be left out inadvertently, particularly with regard to only locally relevant issues, and code sections get moved around for no reason other than the convenience of General Code. As such we did not adopt their entire sample but made the specific changes that needed to be made. For example, statutes have changed with regard to construction and work zones to add other terms.

CHAPTER 380 – VEHICLE EQUIPMENT

- I. Chapter 380 has a minor amendment to correct a reference to “when lighted lamps are required”.

CHAPTER 385 – LICENSES

- I. **Details:**

Smithville Board of Aldermen

- A. Section 385.080 is modified to be consistent with current law with regard to the display of license plate, transparent covers, and the like. would be adopted regarding the dimming of lights on a vehicle.
- B. Section 385.110 is updated to be consistent with state law regarding transfer of title upon sale of the vehicle.
- C. Sections 385.130 and 385.140 regarding removal of plates on the transfer of vehicle and sale by dealers. Again these changes are nominal and just to be consistent with current statute.

CHAPTER 400 to 425 – ZONING REGULATIONS AND SUBDIVISION REGULATIONS

- I. Under the zoning regulations, the changes again are changes to update our Code to match State Statutes and to clarify some of the punishment provisions. The changes in this Chapter are not dramatic.

- A. **Details:**

- 1. In Section 400.075, there is a change to be consistent with statute to broaden the definition of “dwelling, single-family” regarding group homes for handicapped persons. Frankly, this has been in the statutes for many years.
- 2. Section 400.270 has a minor change to the penalty section to be consistent with statute. A similar change will found in part of Section 400.485.
- 3. In Section 400.565(b) incorporated statutory language relating to public hearings and official notice applying equally to all zoning changes and amendments.
- 4. Section 400.570 also changes the penalty section.
- 5. Section 400.610 then incorporates limitations on the penalties adopted by the legislature a couple of years ago. It limits the penalties to less than the \$500.00 maximum authorized by statute limiting fines and imprisonment on a first offense.
- 6. Section 400.625 includes a reference to filing suit of the person is not pleased with the results of a Board of Adjustment hearing to be consistent with a revised statute, but this is not really a substantive change.
- 7. There are a couple of the minor revisions to Chapter 425 that are of little significance.

CHAPTER 500 to 530 – BUILDING CODE; RIGHTS OF WAY MANAGEMENT;

STREET, SIDEWALKS, AND MISCELLANEOUS PUBLIC PLACES AND INFRASTRUCTURE; AND MISCELLANEOUS CONSTRUCTION REGLATIONS

- I. The changes in these Chapters are the same type changes found in Chapter 400 et. seq.

- A. **Details:**

1. Sections 500.010 through 500.090 are all modified to cross-reference the General Penalty section.
2. Section 525.010 was deleted as it is now addressed in Section 400.570.

CHAPTER 600 – ALCOHOLIC BEVERAGES

- I. As referenced above, the changes to the Alcohol Code were previously adopted by the Board.

CHAPTER 610 – BUSINESS REGULATIONS

- I. The only changes to Chapter 16 were to make it consistent with statute to cap fees if capped by state statute.

CHAPTER 620

- I. Chapter 620 and 625 were both retained but moved and the penalty section in 625.010 was modified to cross-reference the General Penalty section.

CHAPTER 625

- I. The only change made in this Chapter is to again the definition of “misdemeanor” to be an “ordinance violation” and made a cross reference to the correct penalty provision ordinance.

CHAPTER 630

- I. Chapter 630 regarding resort licenses was already covered in Chapter 600 and so it will be deleted.

CHAPTER 635

- I. Chapter 635 regarding site seeing vehicles is being deleted as not being currently applicable.

CHAPTER 645

- I. Chapter 645 was simply moved into Finance and Taxation Chapter 140.

CHAPTER 650 – FOOD SERVICE ESTABLISHMENT

- I. This Section was modified only to make reference to the General Penalty provision.

CHAPTER 670 – ADULT BUSINESSES

- I. I wanted to highlight Chapter 670 because it related to adult businesses. The Board already adopted ordinance 3048-19 recently, so no additional changes were needed.

CHAPTER 675 – PAWN SHOPS

- I. Chapter 675.060 incorporated changes necessitated by statutory changes requiring additional information to be provided regarding the pledged property. This section essentially incorporates the statutory language and is replaced with a statutory section which require

additional information regarding pledged property and the term of upon broker's license has changed from 3 years to 2 years.

CHAPTER 703 – COMMERCIAL AND INDUSTRIAL WASTE

CHAPTER 705 – COMBINED WATERWORKS AND SEWERAGE SYSTEM

- I. There were revisions to penalty provisions only, limiting the penalties to our statutory authority.

CHAPTER 740

- I. This Chapter is simply being moved to Chapter 140 under Finance.

GENERAL

The most major of all Ordinances revisions were actually the ones previously completed by the Board—rewriting the Alcohol Ordinances and rewriting the Adult Business Ordinances.

SJS

AGREEMENT WITH MODOT FOR IMPROVEMENTS TO 92 HWY



City of Smithville

Meeting Date: February 4, 2020 **Department:** Public Works

Agenda Item: Bill No. 2854-20, An agreement with the MODOT for public improvements to Route 92. - Emergency Ordinance sponsored by Mayor Boley – 1st and 2nd Readings

Summary:
 The Missouri Highways and Transportation Commission (a.k.a. Missouri Department of Transportation, MODOT) has plans to make improvements to Route 92 in Clay County. The entire project will be approximately 9 miles long extending approximately from Liberty Road to Nation Road. The improvements include pavement improvements, addition of shoulders, lane widening, additional turn lanes, and sight distance and drainage improvements.

The City owns certain easements and rights-of way on the western end of the project. The agreement allows MODOT to use the City’s right-of-way to complete the improvements within the City limits. The agreement also outlines the responsibilities of both the City and MODOT with respect to this project.

Final plans are not yet completed but the City should not have any utilities to relocate. A west bound left turn lane at Tillman Road will be constructed. The project will be let in September 2020. The project will be completed in 6 phases to reduce the section of roadway closed at one time. The project is expected to be completed by the summer of 2022. The project is not expected to begin until the improvements at Highway169 and 188th Street are complete. This project is being paid for 100 percent by MODOT.

Because Mayor Boley will not be present at the February 18, 2020 meeting, he has suggested this Ordinance be considered on both first and second reading at the February 4 meeting.

Purpose:
Provide MODOT access to use City Right-of-Way for Public Improvements on Route 92.

Impact:

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

Smithville Board of Aldermen

Capital Improvement Plan:	N/A
Budget:	N/A
Legislative History:	
Suggested Action:	
Approve Bill No 2854-20 authorizing and directing the mayor to execute an agreement with the MODOT for public improvements to Route 92. 1 st and 2 nd readings.	
Attachments: <input checked="" type="checkbox"/> Plans <input type="checkbox"/> Contract <input type="checkbox"/> Staff Report	
<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input type="checkbox"/> Other:	

BILL NO. 2854-20

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PUBLIC IMPROVEMENTS TO ROUTE 92, IN THE CITY OF SMITHVILLE CONSISTING OF PAVEMENT IMPROVEMENTS, SHOULDER ADDITIONS, LANE WIDENING, TURN LANES, SIGHT DISTANT AND DRAINAGEMENT IMPROVEMENTS

WHEREAS, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City") desire public improvements to be completed on Route 92; and

WHEREAS, The Commission will complete the improvements consisting of pavement improvements, shoulder additions, lane widening, turn lane additions, sight distance and drainage improvements; and

WHEREAS, the City of Smithville agrees to grant the Commission the right to use the City's rights-of-way of public roads, streets, and alleys and any other property owned by the City necessary for the construction of the public improvements.

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 the Missouri Highways and Transportation Commission Municipal Agreement for public improvements to be completed on Route 92, 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 _____ DAY OF _____, 2020

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: / /
Second Reading: / /

Smithville Board of Aldermen



Strip Map No. 1 approx. Liberty Road to E. of DD Hwy



Strip Map No. 2 approx. Mt Olivet to the East



Strip Map No. 3 approx. Century Dr. to Five Corners Rd.



Strip Map No. 4 approx. N. Stark Ave. to Francis Rd.



Strip Map No. 5 approx. N. Stark Ave. to Francis Rd.

AMENDMENT TO THE SCHEDULE OF FEES



City of Smithville

Meeting Date: February 4, 2020

Department: Public Works (Utilities),
Finance

Agenda Item: Resolution 768 - Amend the Schedule of Fees

Summary:

The Schedule of Fees currently contains fees pertaining to water and wastewater rates and rate structure.

In the fall of 2018, the City contracted with through Raftelis Financial Consultants, LLC to conduct a utility rate study and provide recommendations on changes to rates and rate structure over the next five years (2019 through 2023). The City implemented the first year’s recommendation in June 2019.

The second year’s rate recommendations were presented to the Board at its Work Session on December 3, 2019. Following that presentation, a Public Hearing on wastewater rates was held at the Board’s Work Session on January 21, 2020 with no public comment.

Staff recommends an amendment to the Schedule of Fees to change the current water and wastewater rates and structure effective March 1, 2020 to reflect the recommendations of the 2019 rate study. These changes will impact the March utility bills that will be mailed no later than April 3, 2020.

Purpose:

The purpose of the Schedule of Fees is to set rates for services and establish available revenues for the budget.

Impact:

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

Budget:	The schedule of fees is essential for establishing available revenues for the budget and implement the recommendations of applicable community plans.
Legislative History: The schedule of fees was last updated for utility rates upon implementation of 2019 increases.	
Suggested Action: Motion to approve Resolution No. 768 to amend the Schedule of Fees	
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input checked="" type="checkbox"/> Staff Report <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input checked="" type="checkbox"/> Other: Schedule of Fees	

RESOLUTION 768

A RESOLUTION ADOPTING AMENDMENTS TO THE SCHEDULE OF FEES.

WHEREAS, the City of Smithville has adopted and set forth a comprehensive listing of fees hereby known as the Schedule of Fees;

WHEREAS, the Schedule of Fees currently contains fees pertaining to water and wastewater rates and rate structure;

WHEREAS, the City conducted a utility rate study to provide recommendations on rates and rate structure changes;

WHEREAS, the City held a Public Hearing on wastewater rates on January 21, 2020; and

WHEREAS, the Board of Aldermen of the City of Smithville desires to adopt the following changes to the existing Schedule of Fees which should be followed by the City:

Change existing Residential Water Rates

Water Meter Service Charge (¾" water meter) - \$10.65/month to \$10.68/month

Water Meter Service Charge (1") - \$10.65/month to \$10.68/month

Water Meter Service Charge (2") - \$47.63/month to \$50.45/month

Water Meter Service Charge (3") - \$94.28/month to \$99.00/month

Water Meter Service Charge (4") - \$145.65/month to \$154.45/month

Water Meter Service Charge (6") - \$289.81/month to \$307.41/month

Water Usage Rate - \$6.99/1,000 gallons to \$7.43/1,000 gallons

Change existing Commercial Water Rates

Water Meter Service Charge (¾" water meter) - \$10.65/month to \$10.68/month

Water Meter Service Charge (1") - \$15.92/month to \$16.80/month

Water Meter Service Charge (2") - \$47.63/month to \$50.45/month

Water Meter Service Charge (3") - \$94.28/month to \$99.00/month

Water Meter Service Charge (4") - \$145.65/month to \$154.45/month

Water Meter Service Charge (6") - \$289.81/month to \$307.41/month

Water Usage Rate - \$6.99/1,000 gallons to \$7.43/1,000 gallons

Change existing Residential Wastewater Rates

Wastewater Service Charge (¾" water meter) - \$12.87/month to \$13.00/month

Wastewater Service Charge (1") - \$12.87/month to \$13.00/month

Wastewater Service Charge (2") - \$57.81/month to \$62.86/month

Wastewater Service Charge (3") - \$116.09/month to \$133.50/month

Wastewater Service Charge (4") - \$177.46/month to \$193.24/month

Wastewater Service Charge (6") - \$353.42/month to \$384.97/month
Wastewater Usage Rate - \$3.77/1,000 gallons to \$4.85/1,000 gallons

Change existing Commercial Wastewater Rates

Wastewater Service Charge (¾" water meter) - \$12.87/month to \$13.00/month
Wastewater Service Charge (1") - \$19.10/month to \$20.67/month
Wastewater Service Charge (2") - \$57.81/month to \$62.86/month
Wastewater Service Charge (3") - \$116.09/month to \$133.50/month
Wastewater Service Charge (4") - \$177.46/month to \$193.24/month
Wastewater Service Charge (6") - \$353.42/month to \$384.97/month
Wastewater Usage Rate - \$3.77/1,000 gallons to \$4.85/1,000 gallons

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

THAT the existing policies and procedures as amended are the policies and procedures which should be followed effective March 1, 2020 by the City.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 4th day of February 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Schedule of Fees – Page 13 – Proposed Effective 3/1/2020

Utilities (con't)	
Residential Water Fees	
Water Meter Service Charge (¾" water meter)	\$10.68/month
Water Meter Service Charge (1" water meter)	\$10.68/month
Water Meter Service Charge (2" water meter)	\$50.45/month
Water Meter Service Charge (3" water meter)	\$99.00/month
Water Meter Service Charge (4" water meter)	\$154.45/month
Water Meter Service Charge (6" water meter)	\$307.41/month
Water Usage Rate	\$7.43/1,000 gallons
Wholesale Water Rate	\$4.76/1,000 gallons
Late Fee	10% of past due amount
Reconnection Fee	\$50.00
Consumption Data Log	\$100.00
Residential Wastewater Fees	
Wastewater Meter Service Charge (¾" water meter)	\$13.00/month
Wastewater Meter Service Charge (1" water meter)	\$13.00/month
Wastewater Meter Service Charge (2" water meter)	\$62.86/month
Wastewater Meter Service Charge (3" water meter)	\$133.50/month
Wastewater Meter Service Charge (4" water meter)	\$193.24/month
Wastewater Meter Service Charge (6" water meter)	\$384.97/month
Wastewater Usage Rate	\$4.85/1,000 gallons
Late Fee	10% of past due amount

*Proposed
Effective March 1, 2020*

Schedule of Fees – Page 14 – Proposed Effective 3/1/2020

Utilities (con't)

Commercial Water Fees

Water Meter Service Charge (¾" water meter)	\$10.68/month
Water Meter Service Charge (1" water meter)	\$16.80/month
Water Meter Service Charge (2" water meter)	\$50.45/month
Water Meter Service Charge (3" water meter)	\$99.00/month
Water Meter Service Charge (4" water meter)	\$154.45/month
Water Meter Service Charge (6" water meter)	\$307.41/month
Water Usage Rate	\$7.43/1,000 gallons
Late Fee	10% of past due amount
Reconnection Fee	\$50.00
Consumption Data Log	\$100.00

Commercial Wastewater Fees

Wastewater Meter Service Charge (¾" water meter)	\$13.00/month
Wastewater Meter Service Charge (1" water meter)	\$20.67/month
Wastewater Meter Service Charge (2" water meter)	\$62.86/month
Wastewater Meter Service Charge (3" water meter)	\$133.50/month
Wastewater Meter Service Charge (4" water meter)	\$193.24/month
Wastewater Meter Service Charge (6" water meter)	\$384.97/month
Wastewater Usage Rate	\$4.85/1,000 gallons
Late Fee	10% of past due amount

*Proposed
Effective March 1, 2020*

FINAL PLAT – ESTATES AT THE RANCH



City of Smithville

Meeting Date: February 4, 2020

Department: Development

Agenda Item: Resolution 769 Final Plat – Estates at the Ranch

Summary:

Approving this Resolution would authorize the Final Plat for Estates at the Ranch to be recorded for a 14-lot subdivision in accordance with Chapter 425 of the Code.

Purpose:

The Preliminary Plat for this subdivision was approved on August 7, 2018 by Resolution 623. In accordance with Section 425.285 of the Code, city staff and the City Engineers must review the final plat for substantial compliance with the approved preliminary plat. The City Engineer confirmed on January 27, 2020 that the Final plat matches the preliminary plat. The construction of the road was completed in the fall of 2019 and the required two-year maintenance bonds have been submitted to the city. The water, power and other utility lines were all installed and approved by the relevant utility companies and the plat is now ready to be recorded and for sales to occur. The Final Plat follows the preliminary plat and meets all of the code standards for approval.

If the Board approves this final plat, the developer will record the plat and begin sales of lots. At this time, nine of the lots are reserved for sale and construction on those homes can commence upon closing the sale of the lots.

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:

Resolution 623 approved the Preliminary Plat on August 7, 2018

Suggested Action:

A motion to Approve Resolution 769 – Final Plat for Estates at the Ranch.

- Attachments:** [Plans](#) Contract Staff Report
 Ordinance Resolution Minutes Other: Engineer’s approval letter

RESOLUTION 769

**A RESOLUTION APPROVING THE FINAL PLAT FOR
ESTATES AT THE RANCH**

WHEREAS, the Planning Commission recommended approval of the Preliminary Plat for this portion of the subdivision on July 12, 2018, and;

WHEREAS, the Board of Aldermen adopted the recommendation and Passed Resolution 623 approving the Preliminary Plat on August 7, 2018, and;

WHEREAS, the developer submitted a proposed Final Plat along with construction plans for public infrastructure, and;

WHEREAS, the developer completed construction of the approved plans for the public infrastructure, and;

WHEREAS, pursuant to Section 425.285 of the Code, the City Engineers reviewed the submittal for compliance with the Preliminary Plat and determined the proposed Final Plat complies with the approved Preliminary Plat and recommends approval.

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

THAT THE FINAL PLAT FOR ESTATES AT THE RANCH IS HEREBY APPROVED.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 4th day of February 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



January 27, 2020

Jack Hendrix, Community Development Director
City of Smithville
107 West Main
Smithville, MO 64089

**RE: Estates at the Ranch
Final Plat – 2nd Review
HDR #10019447**

Dear Mr. Hendrix,

HDR staff has reviewed the submittal for the above-referenced project. Based on this review, HDR recommends **approval** of this plat. Our recommendation for plat approval is based upon the applicant's adherence to currently adopted City Standards and Ordinances. If there are any questions please contact me via phone at (816) 347-1163 or email at Ron.Hardee@hdrinc.com.

Sincerely,
HDR Engineering, Inc.

A handwritten signature in blue ink that reads "Ronald B. Hardee".

Ronald B. Hardee, P.E., CFM
Senior Civil Engineer

hdrinc.com

10450 Holmes Road Suite 600 Kansas City, MO 64131-3471
(816) 360-2700

ESTATES AT THE RANCH

A SUBDIVISION IN SECTION 1-52-33
SMITHVILLE, CLAY COUNTY, MISSOURI

PROPERTY DESCRIPTION:
CONTAINING 2,701.574 SQUARE FEET OR 62.01 ACRES

ALL THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST, SMITHVILLE, CLAY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE S89°15'12"W, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 846.59 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREBY DESCRIBED; THENCE S00°04'14"W, A DISTANCE OF 212.54 FEET; THENCE S33°05'11"W, A DISTANCE OF 599.44 FEET; THENCE N89°13'47"W, A DISTANCE OF 528.81 FEET; THENCE N41°19'19"W, A DISTANCE OF 64.00 FEET; THENCE S00°19'19"W, A DISTANCE OF 66.00 FEET; THENCE S89°40'41"W, A DISTANCE OF 31.51 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE N09°09'09"W, ALONG SAID LINE, A DISTANCE OF 853.67 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE S89°15'12"W, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1087.27 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY NOTES:

1. THE READINGS SHOWN HEREOF ARE BASED UPON STATE PLANE UTILIZING METRIC CONTROL MEASUREMENT CL-78.
2. THIS SURVEY DOES NOT INDICATE ANY OF THE FOLLOWING WHICH WERE EITHER NOT REQUESTED OR FURNISHED BY THE CLIENT OR ARE NOT WITHIN THE SCOPE OF THE SERVICES PROVIDED BY A PROFESSIONAL SURVEYOR. THEREFORE, THIS SURVEYOR DOES NOT ACCEPT ANY LIABILITY SHOULD ANY OF THEM BE APPLICABLE TO THE SUBJECT REAL ESTATE, SURFACE CONDITIONS, BUILDING RESTRICTIONS, AND ZONING OR OTHER LAND USE REGULATIONS.
3. THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT PLUS OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.
4. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN PROPERTY SURVEY AS DEFINED BY THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.
5. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PANEL NUMBER JOB OF 350, MAP NUMBER 504-P-0086, EFFECTIVE DATE: AUGUST 3, 2015, THE SUBJECT PROPERTY IS IN ZONE X, AREAS ANTICIPATED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN AND PARTIALLY IN ZONE A AREAS WITHIN THE 1% ANNUAL CHANCE FLOOD AREA (100 YEAR FLOOD) WITH BASE FLOOD ELEVATIONS DETERMINED.

PLAT DEDICATION:
THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL BE HEREBY KNOWN AS:
"THE ESTATES AT THE RANCH"

EASEMENT DEDICATION:
AN EASEMENT IS HEREBY GRANTED TO THE CITY OF SMITHVILLE, MISSOURI, AND ITS ASSIGNS TO LOCATE, CONSTRUCT AND MAINTAIN OR TO MAINTAIN THE LOCAL GAS CONSTRUCTION AND MAINTENANCE OF POLES, WIRES, ANCHORS, CONDUITS AND/OR STRUCTURES FOR WATER, GAS, ELECTRICITY, TELEPHONE, CABLE TELEVISION OR ANY OTHER NECESSARY PUBLIC UTILITY OR SERVICE, ANY OF ALL OF THEM UNDER, OVER OR UNDER THESE AREAS OUTLINED OR DESCRIBED ON THIS PLAT AS UTILITY EASEMENTS (P.U.E.) OR WITHIN ANY OPEN SPACE, OR STREET, THEREAFTER DEDICATED TO PUBLIC USE OR PRIVATE ALLEY OR OR IN THIS PLAT. UTILITY EASEMENTS AS SHOWN HEREOF ARE AS FOLLOWS:
OPEN SPACE: 15-FOOT UTILITY EASEMENT FRONT AND 50-FOOT UTILITY EASEMENT REAR.

BUILDING LINES:
BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT, AND NO BUILDING OR PORTION THEREOF SHALL BE LOCATED OR BUILT BETWEEN THIS LINE AND THE LOT LINE NEAREST THEREOF. INTERIOR SIDE YARD SETBACKS ARE HEREBY SET AT 10 FEET. REAR YARD SETBACKS ARE HEREBY SET AT 20 FEET.

STREET DEDICATION:
STREETS SHOWN HEREOF AND NOT HERETOFORE DEDICATED FOR PUBLIC USE AS STREET RIGHT-OF-WAY AND UTILITY EASEMENT ARE HEREBY DEDICATED.

IN WITNESS WHEREOF:
OWNER: ROBERT SCHWAB AND BERENDA SCHWAB HAVE CAUSED THESE PROCEEDS TO BE SIGNED THIS ____ DAY OF ____.

ROBERT SCHWAB BERENDA SCHWAB
SEATS OF MISSOURI (SS))
COUNTY OF _____)

ON THE DAY AND YEAR LAST ABOVE WRITTEN, BEFORE ME APPEARED ROBERT SCHWAB AND BERENDA SCHWAB, BEING BY ME PERSONALLY KNOWN AND BY ME DULY SWORN DID SAY THAT THEY EXECUTED THIS INSTRUMENT AS THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREBY SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS ____ DAY OF ____.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

SMITHVILLE PLANNING AND ZONING COMMISSION:
THIS PLAT OF "THE ESTATES AT THE RANCH" SUBDIVISION HAS BEEN SUBMITTED TO AND APPROVED BY THE SMITHVILLE PLANNING AND ZONING COMMISSION ON THIS ____ DAY OF ____.

CHAIRMAN
CITY OF SMITHVILLE, MISSOURI:
THIS PLAT APPROVED BY THE BOARD OF ALDERMEN OF SMITHVILLE, MISSOURI, THIS ____ DAY OF ____.

MAYOR

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREOF DESCRIBED WHICH MEET OR EXCEED THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS PROMULGATED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS, AND THAT THE RESULTS OF SAID SURVEY AND INSTRUMENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

Robert C. Fournier, Notary Public, 02/26/2018
Robert C. Fournier, Chairman, 02/26/2018

IF THE SURVEYOR'S SEAL IS SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSIGNED TO CONTAIN UNAUTHORIZED ALTERATIONS. THIS CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY.

REVISION - 02/26/2018 - MODIFY LOT LINES AND EASEMENT - R.C.F.
REVISION - 02/26/2018 - MODIFY LOT LINES AND EASEMENT - R.C.F.
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CLAY COUNTY, MISSOURI, 2018-02-26 10:23:44 AM 9/25/2018 3:00 PM CST

R.L. Buford & Associates, LLC
LAND SURVEYORS - MISSOURI LICENSE NO. 0000000000
R.L. BUFORD & ASSOCIATES, LLC, 1100 CHASE
SMITHVILLE, MISSOURI 65750-1400
TEL: 660-448-1488 FAX: 660-448-1489
P.O. BOX 1488, SMITHVILLE, MO 65750 (660) 448-1488

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