



SMITHVILLE, MISSOURI

Board of Aldermen - Regular Session

7:00 p.m.

March 24, 2020

NOTICE: Due to the COVID-19 pandemic this meeting will be held via teleconference. Mayor Boley and limited City staff will be at City Hall for the meeting. Aldermen and City Administrator will attend via the Zoom meeting app. 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.

<https://www.facebook.com/SmithvilleMissouri/>

Attendance in person by members of the public will not be permitted.

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AGENDA



City of Smithville, Missouri

Board of Aldermen – Regular Session Agenda

March 24, 2020

7:00 pm – ****Via Zoom Meeting****

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1. Call to Order
2. Pledge of Allegiance
3. Consent Agenda
 - Minutes
 - March 3, 2020 Board of Alderman Work Session Minutes
 - March 3, 2020 Board of Alderman Regular Session Minutes
 - Finance Report
 - Financial Report for February 2020

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports
 - Planning and Zoning Commission
5. City Administrator’s Report

ORDINANCES & RESOLUTIONS

- 6. Bill No. 2855-20, Conceptual Plan Zoning District Amendment – Eagle Ridge - Emergency Ordinance Sponsored by Mayor Boley - 1st & 2nd Reading**
An Ordinance to amend the approved conceptual plan for the Eagle Ridge subdivision at 617 S. Commercial, plan to raise the density from 108 to 130 dwelling units. 1st and 2nd reading by title only.
- 7. Bill No. 2856-20, Declaration of Emergency -Emergency Ordinance Sponsored by Mayor Boley – 1st & 2nd Reading**
An Ordinance providing for policies and procedures during health and safety emergencies within the City of Smithville and granting certain authority to the Mayor and the City Administrator. 1st and 2nd readings by title only.
- 8. Bill No. 2857-20, Enacting in New Sections 205.155 and 205.201 – Emergency Ordinance Sponsored by Mayor Boley – 1st & 2nd Reading**
An Ordinance enacting in new sections 205.155 and 205.201 to enforce orders of the board of health and emergency proclamations and to promote the enforcement of ordinances. 1st and 2nd readings by title only.
- 9. Resolution 776, Authorization of Payments**
A Resolution to authorize and direct the Mayor to approve the payments to Ace Pipe Cleaning in an estimated amount of \$9200.00 for cleaning debris out of the wet well of the influent pump station and to Sunbelt Rentals in an amount of \$6645.90 for bypass pumping.
- 10. Resolution 777, Eagle Ridge Preliminary Plat Amendment**
A Resolution to amend the preliminary plat of Eagle Ridge subdivision to adjust the lot size and shape of two lots (16, 17) as a result of construction and density changes.

OTHER MATTERS BEFORE THE BOARD

- 11. New Business From The Floor**
Pursuant to the order of business policy, members of the Board of Aldermen may request a new business item appear on a future meeting agenda.
- 12. Adjourn**

CONSENT AGENDA



City of Smithville

Meeting Date: March 24, 2020

Department: Administration

Agenda Item: Consent Agenda

Summary:

Voting to approve would approve the Board of Aldermen minutes and Financial Report.

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 March 3, 2020 Board of Alderman Work Session Minutes
- o Approve the March 3, 2020 Board of Alderman Regular Session Minutes

Financial Report

- o Finance Report for February 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:	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 Report](#)

Board of Aldermen Minutes – March 3, 2020 Work Session

**SMITHVILLE BOARD OF ALDERMAN
WORK SESSION**

March 3, 2020 6:30 p.m.
City Hall Council Chambers

1. Call to Order

Mayor Boley called the meeting to order at 6:30 p.m. Board members present: John Chevalier, Marv Atkins, Steve Sarver, Melissa Wilson, Jeff Bloemker and Josh Hurlbert. Staff present: Cynthia Wagner, Nickie Lee, Chuck Soules, Chief Jason Lockridge, Dan Toleikis and Linda Drummond.

2. Public Comment

Alicia Armstrong, 105 Highland Drive, spoke to the Board concerning her issues with her sewer line. She stated her sewer had backed up close to her back door and was causing an awful stench. She had a plumber come and her line was blocked. The plumber discovered her sewer line had other sewer lines tied into it and were contributing to her problem. She has only lived in the home since June of last year and none of this was disclosed from the previous owner. She asked that the Board consider helping her resolve the issue.

Cynthia explained that staff is looking into this situation. She said that we continue to evaluate the situation, but it is not an inexpensive fix. We understand the impact to the homeowner, but the issue is with the service line and that is the homeowner's responsibility. Cynthia said that staff will continue to look into situation very seriously and hopefully be able to come up with a solution. She also explained that there are multiple service lines connected to the main line so there are multiple services affected and we are not certain the extent of the situation.

3. FY20 3-Month Budget Update

Dan Toleikis, Finance Director, gave a recap of the FY20 first quarter budget.

FY20 Projections are not updated yet

- *projections are updated at 6-month mark*

FY20 Budget Figures include amendments

- *Amendment #1 approved January 7, 2020*

Expenditures include 7 of the 27 fiscal year payrolls

- *this means approximately 26% of wage-related expenses have already been paid*

Dan explained that the January 2020 budget update in the March 3 Regular Meeting packet had a lot more detailed information for the Board to review.

Dan presented the budget update for the City's major funds.

General Fund

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$4,545,530	\$1,658,253.56
	36.48%

FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
\$5,424,590	\$1,129,424.09
	20.82%

\$885,030 FOR 1-TIME EXPENSES
 COMPREHENSIVE PLAN UPDATE
 CITY HALL IMPROVEMENTS
 AMORY ROAD REHABILITATION
 PARK IMPROVEMENTS

\$4,539,560 FOR OPERATIONS
 ELECTED OFFICIALS, ADMINISTRATION, POLICE,
 DEVELOPMENT, FINANCE, PARKS & RECREATION

Property Tax Revenue

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$867,400	\$811,351.85
	93.53%

	FY19 PROPERTY TAX	FY18 PROPERTY TAX
<i>THROUGH 1/31</i>	\$763,073.23	\$734,485.90
<i>FY TOTAL</i>	\$855,454.56	\$815,998.09
<i>1/31 AS % OF TOTAL</i>	89.20%	90.01%

PROJECTION

\$867,400	\$901,500
	103.93%
	+ \$34,100

IF THE \$811,351.85 COLLECTED THROUGH JANUARY 31ST REPRESENTS 90% OF WHAT WE WILL COLLECT FOR THE YEAR THEN WE CAN PROJECT THAT WE WILL COLLECT ABOUT \$901,500 WHICH IS \$34,100 OVER BUDGET

Smithville Board of Aldermen

Sales Tax Revenue

FY20 BUDGETED REVENUE	FY20 SALES TAX DISTRIBUTION	FY19 SALES TAX DISTRIBUTION	FY18 SALES TAX DISTRIBUTION
<i>NOVEMBER</i>	\$64,848.71	\$51,541.67	\$52,599.11
<i>DECEMBER</i>	\$119,262.88	\$110,352.01	\$142,456.94
<i>JANUARY</i>	\$95,742.77	\$87,252.07	\$73,426.27
\$1,083,250	\$279,854.36	\$254,712.96	\$268,482.32
	25.83%		

CURRENT PROJECTIONS INDICATE A FISCAL YEAR COLLECTION OF \$1,133,100
WHICH IS \$49,850 OVER BUDGET

NOTE: THE \$119,262.88 RECEIVED BY US IN DECEMBER 2019
REPRESENTS THE STATE'S NOVEMBER 1ST TAX DISTRIBUTION
WHICH BREAKS DOWN AS:
\$15,891.98 FOR NOVEMBER 2019
\$54,651.11 FOR OCTOBER 2019
\$47,115.28 FOR SEPTEMBER 2019
\$941.64 FOR OCTOBER 2018 THROUGH JULY 2019
\$662.87 FOR PRIOR TO OCTOBER 2018

Use Tax Revenue

FY20 BUDGETED REVENUE	FY20 USE TAX DISTRIBUTION	FY19 USE TAX DISTRIBUTION	FY18 USE TAX DISTRIBUTION
<i>NOVEMBER</i>	\$18,676.37	\$18,050.45	\$13,681.87
<i>DECEMBER</i>	\$27,355.84	\$20,740.47	\$20,455.87
<i>JANUARY</i>	\$24,370.10	\$26,215.85	\$17,900.37
\$343,280	\$70,402.31	\$65,006.77	\$52,038.11
	20.51%		

CURRENT PROJECTIONS INDICATE A FISCAL YEAR COLLECTION OF \$323,000
WHICH IS \$20,280 UNDER BUDGET

Capital Projects Fund

FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
\$1,882,370	\$374,781.37
	19.91%

RTP GRANT REIMBURSEMENT

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$238,120	\$0.00
	0.00%

SOUTH COMMERCIAL SIDEWALKS
MAIN STREET TRAIL
DOWNTOWN STREETSCAPE EAST PHASE

Capital Improvement Sales Tax Fund

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$475,080	\$126,476.53
	26.62%

FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
\$798,910	\$0.00
	0.00%

\$242,630 FOR DOWNTOWN STREETSCAPE EAST PHASE \$556,280 TRANSFER TO DEBT SERVICE FUND

Debt Service Fund

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$556,280	\$0.00
	0.00%

FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
\$325,020	\$0.00
	0.00%



DEBT SERVICE PAYMENTS ARE DUE 3/1 AND 9/1

Transportation Sales Tax Fund

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$475,080	\$127,731.67
	26.89%

FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
\$380,000	\$22,845.42
	6.01%



\$200,000 FOR DOWNTOWN
STREETSCAPE EAST PHASE

\$60,000 FOR ENGINEERING FEES (ROUNDBOUT)
\$120,000 FOR PUBLIC WORKS OPERATIONS (STREETS)

Combined Water and Wastewater System Fund

	FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$3,535,250 SALES & PENALTIES \$631,710 IMPACT FEES	\$4,381,400	\$1,032,185.30
\$214,440 CONNECTION, STORMWATER, AND LEASE REVENUE		23.56%

	FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
	\$6,690,170	\$822,744.97
		12.30%

\$3,181,030 FOR 1-TIME EXPENSES
 WASTEWATER MASTER PLAN
 SEWER SLIPLINE PROGRAM
 RAW WATER PUMP STATION
 MAIN STREET WATERLINE
 144TH STREET PUMP STATION
 HAWTHORNE SEWER PROJECT

\$3,509,140 FOR PUBLIC WORKS OPERATIONS (UTILITIES)

Water and Wastewater Sales Revenue

FY20 BUDGETED REVENUE	FY20 YTD REVENUE		FY19 WATER SALES	FY18 WATER SALES
\$3,490,250	\$871,167.49	<i>THROUGH 1/31</i>	\$799,542.12	\$770,671.07
	24.96%	<i>FY TOTAL</i>	\$3,435,824.75	\$3,431,336.31
		<i>1/31 AS % OF TOTAL</i>	23.27%	22.46%

PROJECTION

\$3,490,250	\$3,787,680
	108.52%
	+ \$294,430

IF THE \$871,167.49 COLLECTED THROUGH JANUARY 31ST REPRESENTS 23% OF WHAT WE WILL COLLECT FOR THE YEAR THEN WE CAN PROJECT THAT WE WILL COLLECT ABOUT \$3,787,680 WHICH IS \$294,430 OVER BUDGET

Sanitation Fund

FY20 BUDGETED REVENUE	FY20 YTD REVENUE
\$840,360	\$202,934.85
	24.15%

FY20 BUDGETED EXPENDITURES	FY20 YTD EXPENDITURES
\$835,290	\$276,048.75
	33.05%

Dan explained that the 33.05% for the expenditures of the Sanitation Fund was due to already paying \$10,000 to MARC for the Household Hazardous Waste contract. It also included a double payment to WCA, so it reflects payment of four months instead of three.

Alderman Chevalier asked how that happened?

Dan explained that we receive the invoice from WCA on the 25th of the month for the next month's service. We pay WCA and then City sends out the utility bills on the 3rd of the month to collect the revenue to re-coop the expense. While he was out of the off there was an oversite and the bill was paid twice. He explained that when paying the bills, you have to pull the vendors up to see if they have been paid and the person covering for him did not do the due diligence and check the vendor history before paying the bill. He explained that we just didn't to cut a check for the February bill.

4. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:57 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

Board of Aldermen Minutes – March 3, 2020 Regular Session

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

March 3, 2020 7:00 p.m.
City Hall Council Chambers

1. Call to Order

Mayor Boley called the meeting to order at 7:02 p.m. A quorum of the Board was present: John Chevalier, Steve Sarver, Marv Atkins, Melissa Wilson, Jeff Bloemker and Josh Hurlbert. Staff present: Cynthia Wagner, Chuck Soules, Nickie Lee, Chief Jason Lockridge, and Linda Drummond.

2. Pledge of Allegiance lead by Matt

3. Mayor’s Proclamation – Meritorious Service Award to Jasper Farr



Figure 1 - Mayor Boley's Proclamation to Jasper Farr



Figure City's

2 - Chief Lockridge presented Jasper Farr with the second Meritorious Service Award

4. Oath of Office – New Officer – Melissa Knowles



Figure 3- Mayor Boley swears in Officer Knowles

5. Consent Agenda

- **Minutes**
 - February 4, 2020 Board of Alderman Regular Session Minutes
- **Finance Report**
 - Financial Report for December 2019
 - Finance Report for January 2020

No discussion.

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

Ayes – 6, Noes – 0, motion carries. The Mayor declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

6. Committee Reports

Alderman Sarver reported on the February 11, 2020 Planning and Zoning Commission meeting. They reviewed the survey questions for the Comprehensive Plan and made some recommended changes.

Alderwoman Wilson reported on the February 27, 2020 Parks and Recreation Committee meeting. They discussed the Comprehensive Plan and decided their next meeting will be part of those meetings. They discussed putting the Parks and Recreation Master Plan on hold until we see the outcome of the Comprehensive Plan. They also discussed the enrollment numbers being up for the season in our recreation programs.

7. City Administrator's Report

Cynthia reported the enrollment count for the recreation program participation was in the packet. Soccer registration closed on Sunday, February 23, 2020. 138 kids are registered - 15 more than last spring. Soccer clinic registrations closed a week early because we hit max enrollment of 40 kids. This is the first time we have hit max enrollment for our soccer clinic.

Baseball, softball, and t-ball registrations are open until March 22, 2020.

Cynthia reported there are new signs on the front and back of the building. Beginning next week, the Development Services entrance will be in the back of the building. The new sign will help direct people to the new entrance. There will also be two parking places dedicated for customers only. Cynthia explained that Brandi now has the capability to take payments which will make it more convenient for customers. A soft opening was held today, and we actually had one customer use that entrance.

Cynthia explained next Monday, March 9, we will be closing East Main Street until Friday, March 13, to remove trees. It will be closed from 9:00 a.m. to 3:00 p.m. each day. Staff will fell the trees and then they will be removed during the trail

project. A detour route will be put in place and will be shared on social media later this week.

The Street Department has begun pothole repair. It was announced on social media and we have received several responses.

Cynthia reminded the Board the survey for the Comprehensive Plan was still available. She said that we have received 313 responses to date, quite a few of the survey responses came from the school. She encouraged the Board to reach out to their friends and neighbors and share the survey and encourage them to pre-register and attend the Task Force sessions.

Cynthia reminded the Board of the sessions and dates.

Recreation and Connectivity Task Force

Monday, March 23 2:00 Mid Continent Public Library

Small Town Feel and Sense of Community Task Force

Tuesday, March 24 2:00 Mid Continent Public Library

Business and Economic Development Task Force

Tuesday, March 24, 6:00 City Hall

Housing and Neighborhood Options Task Force

Wednesday, March 25 2:00 Mid Continent Public Library

All Task Force Meeting/Wrap Up of the Week

Thursday, March 26 6:30 Smithville High School Cafeteria

Cynthia explained that Mayor Boley has identified the following changes to the meeting dates:

No meeting March 17 (spring break week)

March 31 meeting moved to Monday, March 30 (to allow attendance at candidate forum on March 31)

April 7 meeting moved to Monday, April 6 (April 7 is Election Day)

ORDINANCES & RESOLUTIONS

8. Resolution 770, Approve Payment to HB Construction

Alderman Bloemker moved to approve Resolution 770, authorizing the City Administrator to approve payment to HB Construction in an amount of \$26,279.70 for repair work completed to the City's water distribution and storm sewer system. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 770 approved.

9. Resolution 771, Award Bid No. 20-04, Main Street Water Line

Alderwoman Wilson moved to approve Resolution 771, awarding Bid No. 20-04, Main Street Water Line, to Menke Excavating, LLC for an amount not to exceed

\$698,161.43 for the Main Street water line improvement project. Alderman Sarver seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 771 approved.

10. Resolution 772, Authorization No. 90, 188th Street Water Lines at 169 Hwy

Alderman Hurlbert moved to approve Resolution 772, authorizing the Mayor to execute Authorization No. 90 with HDR, Inc. for engineering services for the relocation design of the water lines at 188th Street and 169 Hwy. Alderwoman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 772 approved.

11. Resolution 773, Liquor License for Aroma Bistro

Alderman Bloemker moved to approve Resolution 773, approving a liquor license for Adriana Vandeputte doing business as Aroma Bistro, located at 14121 Earthworks Drive. Alderman Chevalier seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 773 approved.

12. Resolution 774, Tower Maintenance Contract with McGuire Iron, Inc.

Alderman Hurlbert moved to approve Resolution 774, authorizing the Mayor to execute an agreement with McGuire Iron, Inc. for the maintenance on the Southwest Water Tower and cancel the original agreement dated November 21, 2017. Alderwoman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 774 approved.

13. Resolution 775, Liquor License for Jaestar, Inc.

Alderman Bloemker moved to approve Resolution 775, approving a liquor license for Jason Crees doing business as Jaestar, Inc., located at 111 N. Bridge Street. Alderman Chevalier seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 775 approved.

OTHER MATTERS BEFORE THE BOARD

14. Public Comment

Glen Owen, 804 E. Summit Street, spoke to the Board concerning 104 N. Bridge Street. He stated they have had drainage issues when it rains since the Streetscape was done. He said they have owned the building for 50 years and had never had an issue before. He asked for the City to check into getting the storm drain reconnected.

Shaun Jack, 802 E. Summit Street, spoke to the Board concerning communication. He reminded the Board about the issue with snow removal at the Senior Center. He stated he had received his refund check but expected a call also from the City.

15. Appointment

Legacy Fund Committee

Mayor Boley nominated Angela Gillen.

By roll call vote:

- Alderman Bloemker - Aye
- Alderman Chevalier - Aye
- Alderman Hurlbert – Aye
- Alderman Atkins - Aye
- Alderman Sarver - Aye
- Alderwoman Wilson – Aye

Ayes – 6, Noes – 0, motion carries. The Mayor declared Angela Gillen a member of the Legacy Fund Committee. She will be replacing Bob Foster.

16. New Business from the Floor

Alderman Chevalier asked for more information concerning 104 N. Bridge Street.

Mayor Boley reminded the Board the next meeting will be March 30, unless an emergency issue comes up.

17. Adjourn

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:23 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

Financial Report – February 2020

FY20 BUDGET - FINANCIAL UPDATE

1/31/20

REVENUES, BY FUND	FY19 Actual	FY20 Budget	FY20 YTD	FY20 Projection	
GENERAL FUND	5,584,696.61	4,545,530.00	1,950,051.64	4,545,530.00	42.90%
CAPITAL PROJECTS FUND	4,182,447.81	238,120.00	-	238,120.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	451,246.42	475,080.00	163,941.06	475,080.00	34.51%
DEBT SERVICE FUND	127,417.32	556,280.00	-	556,280.00	0.00%
TRANSPORTATION SALES TAX FUND	531,228.30	475,080.00	165,587.39	475,080.00	34.85%
COMBINED WATER & WASTEWATER SYSTEMS FUND	3,916,329.60	4,381,400.00	1,351,513.87	4,381,400.00	30.85%
SANITATION FUND	780,003.87	840,360.00	272,411.17	840,360.00	32.42%
	15,573,369.93	11,511,850.00	3,903,505.13	11,511,850.00	33.91%

EXPENDITURES, BY FUND	FY19 Actual	FY20 Budget	FY20 YTD	FY20 Projection	
GENERAL FUND	4,789,346.43	5,424,590.00	1,707,826.35	5,424,590.00	31.48%
CAPITAL PROJECTS FUND	4,230,808.48	1,882,370.00	376,500.12	1,882,370.00	20.00%
CAPITAL IMPROVEMENT SALES TAX FUND	127,417.32	798,910.00	-	798,910.00	0.00%
DEBT SERVICE FUND	127,417.32	325,020.00	223,755.00	325,020.00	68.84%
TRANSPORTATION SALES TAX FUND	603,018.57	380,000.00	62,780.02	380,000.00	16.52%
COMBINED WATER & WASTEWATER SYSTEMS FUND	9,080,584.11	6,690,170.00	1,169,592.14	6,690,170.00	17.48%
SANITATION FUND	786,350.04	835,290.00	276,048.75	835,290.00	33.05%
	19,744,942.27	16,336,350.00	3,816,502.38	16,336,350.00	23.36%

[Full Financial Report](#)

CITY ADMINISTRATOR'S REPORT



City Administrator's Report

March 24, 2020

Update on the City's Coronavirus Response

Administration will provide an update on the City's response to COVID-19.

CONCEPTUAL PLAN ZONING DISTRICT AMENDMENT – EAGLE RIDGE



City of Smithville

Meeting Date: March 24, 2020

Department: Development

Agenda Item: Bill No. 2855-20, Conceptual Plan Zoning Amendment – Eagle Ridge - Emergency Ordinance Sponsored by Mayor Boley

Summary:

Approving this item will amend the approved conceptual plan to raise the density from 108 to 130 dwelling units.

Purpose:

The applicant submitted an application to amend the Conceptual Plan Overlay in order to change the northeastern 22 single-family lots into 2-family lots. The stated purpose was to counteract a substantial increase in unforeseen costs that raised the lot costs nearly twice the original estimate and would have increased the overall product cost to nearly \$300,000, from the original \$260,000.

The Planning Commission held its' public hearing on the matter following public notice and notice to owners within 185'. At the hearing, there were 5 citizens present and expressed concern that the cost change shouldn't change the density, even more traffic, and concerns about property values.

After closing the public hearing, the Commission discussed the potential impacts and the specific findings necessary for a change. Discussion included points that it was important to begin to provide housing at prices that our teachers, fire department and police department front line employees could afford to live in our town. The vote was called, and the recommendation was to approve the change 6-0.

Mayor Boley has sponsored the bill as an Emergency with two readings. Due to the current restrictions on meeting size, city staff contacted individuals who spoke during the public hearing at the Planning Commission meeting for their comments, which will be read into the record during the Board Meeting.

Impact:

Comprehensive Plan:	Substantially complies
Economic Development Plan:	n/a
Parks Master Plan:	Provides additional Park Improvement Funds
Strategic Plan:	Complies
Capital Improvement Plan:	n/a
Budget:	n/a

Legislative History: This development was originally approved in October 2018
Suggested Action: A motion to read Bill No. 2855-20 Conceptual Plan Zoning Amendment – Eagle Ridge subdivision for First Reading by Title Only. If passed, then a Motion for Second Reading by Title Only.
Attachments: <input type="checkbox"/> Plans <input type="checkbox"/> Contract <input checked="" type="checkbox"/> Staff Report <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Minutes <input checked="" type="checkbox"/> Other: Findings of Fact

**FINDING OF FACTS AND
CONCLUSIONS OF LAW**

Applicant: Carlos Lepe

Land Use Proposed: R-1P, R-2P, B-1P

Zoning: R-1P, R-2P, B-1P

Property Location: Approximately 617 S. Commercial

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 March 10, 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 surrounding area is a mix of R-1 single family, R-3 Multi-family, B-3 General Business for the hospital complex, and the primary school district campus.
2. *Consistency with the City's Comprehensive Plan and ordinances.*
The existing Comprehensive Plan was approved on October 6, 2005 and calls for this area to be a low density residential in nature. Low density residential contain a maximum of 3 units per gross acre. On a 39-acre parcel, that is 117 units. The applicant originally was approved for 108 units – 46 single family detached units and 62 units on 31 lots of two-family units and a small area for commercial along Commercial. Due to cost overruns and a desire to make the dwelling units more affordable, applicant sought to add 22 dwelling units by changing 22 lots from single-family to two-family units. The increase to a total of 130 units substantially complies with the Comprehensive plan density requirements.
3. *Adequacy of public utilities and other needed public services.*
Adequate utilities are on site, or capable of extension at the developers' cost.
4. *Suitability of the uses to which the property has been restricted under its existing zoning.*
The current use is similar with a small density change. It is surrounded with developed land, and agricultural is not consistent with the existing development.
5. *Length of time the property has remained vacant as zoned.*

The property was zoned to its' existing district classification in 2018. Prior to that change, the original Agricultural zoning was in place since the land was annexed into the City limits decades prior.

6. *Compatibility of the proposed district classification with nearby properties.*
With the modifications to the density of units, the proposed district is essentially the same as the existing adjacent uses to the north and east, and compatible with the school and hospital uses adjacent to the property. The commercial area adjacent to the existing ATT business and the apartments is also compatible.
7. *The extent to which the zoning amendment may detrimentally affect nearby property.*
No detrimental effects are known as the submission intentionally placed its' single family dwelling units adjacent to the existing newer single family to the east, and two family lots placed adjacent to the back of the School buildings and adjacent to the ATT building and the commercial area.
8. *Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.*
With no detrimental effects known, no great loss is expected.
9. That in rendering this Finding of Fact, testimony at the public hearing on March 10, 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 amendment of the Conceptual Plan Overlay densities from 46 single-family and 62 two-family units to 24 single family and 106 two-family units is governed by Section 400.560 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 Amending the Conceptual Plan Overlay density to a total of 130 units.

BILL NO. 2855-20

ORDINANCE NO. XXXX-20

AN ORDINANCE AMENDING THE CONCEPTUAL OVERLAY PLAN FOR EAGLE RIDGE SUBDIVISION IN THE CITY OF SMITHVILLE, MISSOURI.

WHEREAS, The City of Smithville received an application for amending the Conceptual Plan for the Eagle Ridge subdivision at 617 S. Commercial on February 7, 2020; and

WHEREAS, Public Notice was published in the Courier Tribune and letters to property owners within 185' were sent on February 20th, not less than 15 days prior to the Public Hearing conducted before the Planning Commission on March 10, 2020; and

WHEREAS, the Planning Commission presents its' findings to the Board of Aldermen and recommend approval of the Conceptual Plan Amendment; 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 Conceptual Plan Overlay of the lands legally described hereby are changed as follows:

All That Part Of The South Half Of The Northwest Quarter Of Section 26, Township 53 North, Range 33 West, Smithville, Clay County, Missouri Being Described As Follows: Beginning At The Southeast Corner Of Said Northwest Quarter; Thence N89°20'25"W, Along The South Line Of Said Northwest Quarter, A Distance Of 1165.97 Feet; Thence N08°56'44"W, A Distance Of 135.84 Feet; Thence N89°03'27"W, A Distance Of 125.49 Feet To A Point On The Easterly Right Of Way Line Of Commercial Avenue; Thence N08°56'33"W, Along Said Right Of Way Line, A Distance Of 603.69 Feet To The Southwest Corner Of A Tract Of Land Deeded To Southwestern Bell Telephone Company In Book 870 At Page 186; Thence S89°22'14"E, Along The South Line Of Said Tract, A Distance Of 200.51 Feet To The Southeast Corner Of Said Tract; Thence N08°56'33"W, Along The East Line Of Said Tract, A Distance Of 200.12 Feet To The Northeast Corner Of Said Tract; Thence N89°22'14"W, Along The North Line Of Said Tract, A Distance Of 200.51 Feet To A Point On The Easterly Right Of Way Of Said Commercial Avenue; Thence N08°56'33"W, Along Said Right Of Way Line, A Distance Of 73.57 Feet; Thence Northerly, Continuing Along Said Line, Along A Curve To The Right Being Tangent To The Last Described Course, Having A Radius Of 900.00 Feet, An Arc Distance Of 192.35 Feet; Thence N03°18'11"E, Continuing Along Said Right Of Way Line, A Distance Of 116.63 Feet To A Point On The North Line Of The South Half Of Said Northwest Quarter; Thence S89°33'43"E, Along Said North Line, A Distance Of 1348.20 Feet To A Point On The West Line Of Kindred Heights 7th Addition Plat 1, A

Subdivision In Smithville, Clay County, Missouri; Thence S22°55'20"E, Along Said Line, A Distance Of 47.46 Feet; Thence S28°00'06"E, Continuing Along Said Line, A Distance Of 211.20 Feet; Thence S17°41'11"W, Continuing Along Said Line, A Distance Of 474.72 Feet; Thence Southeasterly, Continuing Along Said Line, Along A Curve To The Right Having An Initial Tangent Bearing Of S74°33'17"E, A Radius Of 300.00 Feet, An Arc Distance Of 18.11 Feet To A Point On The Westerly Right Of Way Of Walker Street; Thence S18°54'13"W, Along Said Line, A Distance Of 50.00 Feet; Thence S19°55'07"W, Continuing Along The West Line Of Said Kindred Heights 7th Addition Plat 1, A Distance Of 189.18 Feet To The Southwest Corner Thereof; Thence S69°19'04"E, Along The South Line Of Said Kindred Heights 7th Addition Plat 1, A Distance Of 180.49 Feet; Thence S20°40'56"W, Continuing Along Said Line, A Distance Of 35.21 Feet; Thence S65°48'28"E, Continuing Along Said Line, A Distance Of 42.41 Feet To A Point On The East Line Of Said Northwest Quarter; Thence S00°20'51"W, Along Said Line, A Distance Of 287.23 Feet To The Point Of Beginning.

is hereby amended by changing Lots 1-22 as depicted on the attached Exhibit A from R-1P to R-2P.

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 24th DAY OF MARCH 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 03/24/2020

Second Reading 03/24/2020



STAFF REPORT
March 10, 2020
Rezoning of Parcel Id # 05-905-00-02-013.00

Application for a Conceptual Plan Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: SE corner Hospital and Commercial
Owner: ER Development, LLC
Current Zoning: R-1P, R-2P and B-1P
Proposed Zoning: Adjusting boundary between R-1 and R-2 locations and increasing density

Public Notice Dates:

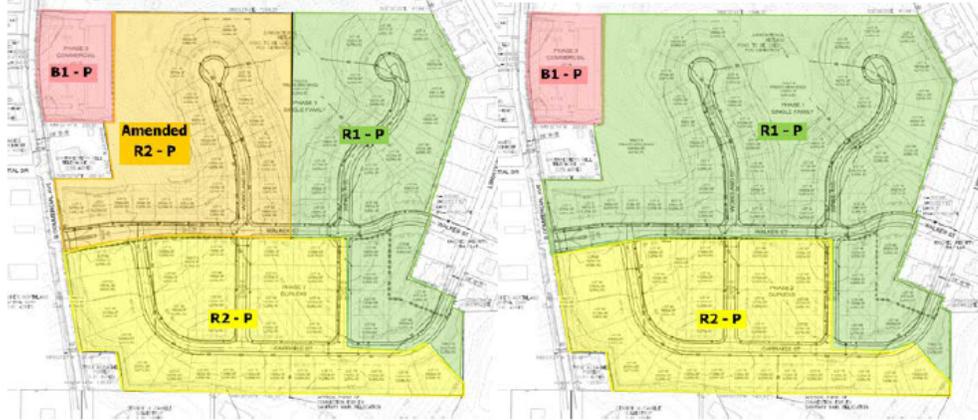
1st Publication in Newspaper: February 20, 2020
Letters to Property Owners w/in 185': February 21, 2020

GENERAL DESCRIPTION:

The applicant applied proposing to rezone approximately 39 acres +/- from A-1 to multiple uses, including R-1 and R-2 as well as B-1 in 2018. That plan was approved on October 2, 2018 by the Board of Aldermen. Following that approval and during construction, the project ran into substantial cost overruns that will nearly double the lot costs in the phase under construction from \$35,000 to \$68,000. The original lot cost was planned in order to create home prices in the \$230,000 to \$280,000 range. The cost overruns would increase those prices \$263,000 to \$313,000, which is well beyond the intended market.

The developers seek to amend the boundaries between the R-1 and R-2 lots in the development to include lots 1-22 into the R-2 district. This change would spread the higher costs amongst 22 more units and allow the overall lot cost to be reduced to \$45,000.00, which will in turn adjust the sale prices to

\$245,000 to \$295,000. The area involved is shown below as amended R-2P with the original submission on the right:



The two-family villas are proposed to be placed on 53 lots instead of 31 lots. The single family lots would reduce from 46 lots to 24 lots but maintain the buffer from the single-family lots to the east. The proposed density would change from 108 units to 130 units.

The proposed change in the Conceptual plan allows for single family residential lots to remain as a buffer for the existing single-family subdivision to the east. The added 22 R-2 lots are adjacent to the hospital property across Commercial, as well as both the ATT switching station and the B-1 parcel.

EXISTING ZONING:

The existing zoning is R-1P, R-2P and B-1P.

CHARACTER OF THE NEIGHBORHOOD 400.560.C.1

The surrounding area is a mix of R-1 single family, R-3 Multi-family, B-3 General Business for the hospital complex, and the primary school district campus. (*Unchanged from original*)

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 a low density residential in nature. Low density residential is defined as 3 dwelling units per gross acre of land and medium density is described as 4-12 units per gross acre of land. It is important to note that "[w]hen an owner requests a rezoning, the Recommended Land Use Plan is

one of the primary bases for the staff's recommendation and the Planning and Zoning Commission's and Board of Aldermen's decisions, along with other recommendations, principles and guidelines in the Comprehensive Plan." (Comp Plan pg. 14).

On a 39-acre parcel, low density is a maximum of 117 units. The existing approved zoning density on the site is for 108 dwelling units. The proposed change seeks to increase density to 130 units for a density of 3.33 units per acre. For comparison, a 3-acre parcel would allow a maximum of 9 units as low density and the applicant seeks to place 10 units on three acres. The 2005 Comprehensive Plan map shows the property in yellow, or low density.



The applicant proposes exceeding the 2005 plan by 10% in order to meet the affordable units' portion of its' original zoning discussion on price points. The 2019 Strategic Plan indicated a tolerance for increased density in appropriate areas. The Comprehensive Plan update process is underway. Staff is of the opinion that the Commission and Board may consider the addition of 13 dwelling units beyond the Comp Plan limit of 117 at its' discretion. The strict adherence to the Comp Plan limit or slight variance from that limit is a decision that the Planning Commission and, ultimately, the Board of Aldermen must evaluate and decide.

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

Streets and Sidewalks:

Street extensions of the Liberty Rd. area to Commercial, along with all necessary sidewalks are available in some areas but would be included in the proposed subdivision. The development also includes a small sidewalk/trail area to connect to the school district's baseball fields at the southeast corner of the development. *(Unchanged from original)*

Water, Sewer and Storm water

The city has water and sewer bisecting the property already. A storm study has been conducted that incorporates most existing features of the property, and any such impacts will be handled in the normal subdivision process, but the existing systems are more than adequate. *(Unchanged from original)*

All other utilities

Future Development will be conditioned upon installation of all other needed utilities at the cost of the development. *(Unchanged from original)*

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

The current use is similar, with density changes. The density proposal is to address the potential sale prices to make the development more marketable for the intended target audience. It is surrounded with developed land of residential, institutional and commercial use.

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

The property was zoned to the existing district classification in 2018. Prior to that change, the original zoning was in place since its annexation several decades prior.

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

The proposed district is essentially the same as the existing adjacent uses to the north and east, and compatible with the school and hospital uses adjacent to the property. The commercial area adjacent to the existing ATT business and the apartments is also compatible. *(Unchanged from original)*

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

No detrimental effects are known as the submission intentionally placed single family adjacent to the existing newer single family to the east, and two

family lots placed adjacent to the back of the school buildings. (*Unchanged from original*)

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 known, no great loss is expected.
(*Unchanged from original*)

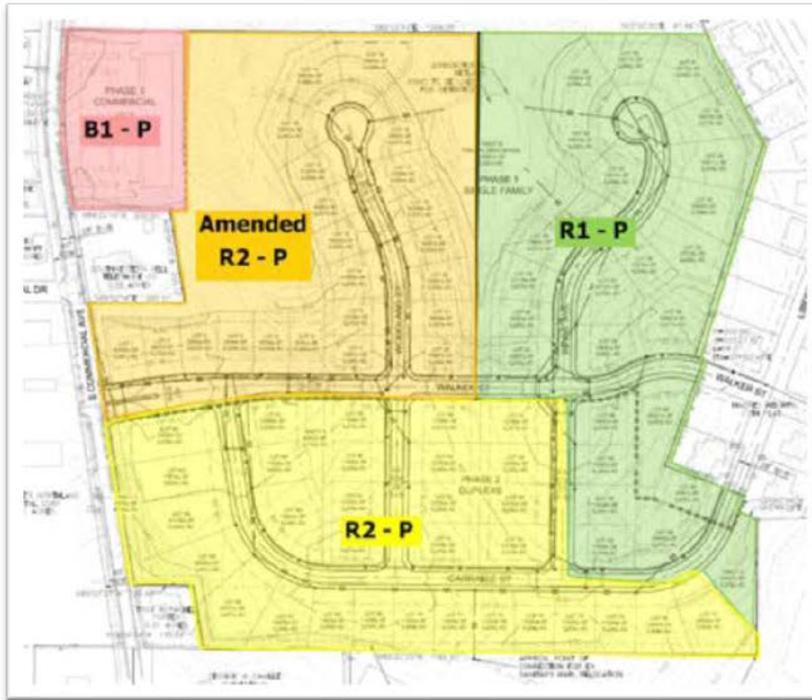
STAFF RECOMMENDATION:

Staff recommends that the Commission and Board evaluate the 2005 Comprehensive Plan recommendations on density in light of the 2019 Strategic Plan and determine if the intent of the Comprehensive Plan could be met by this variation from the maximum density as shown on the Future Land Use Map.

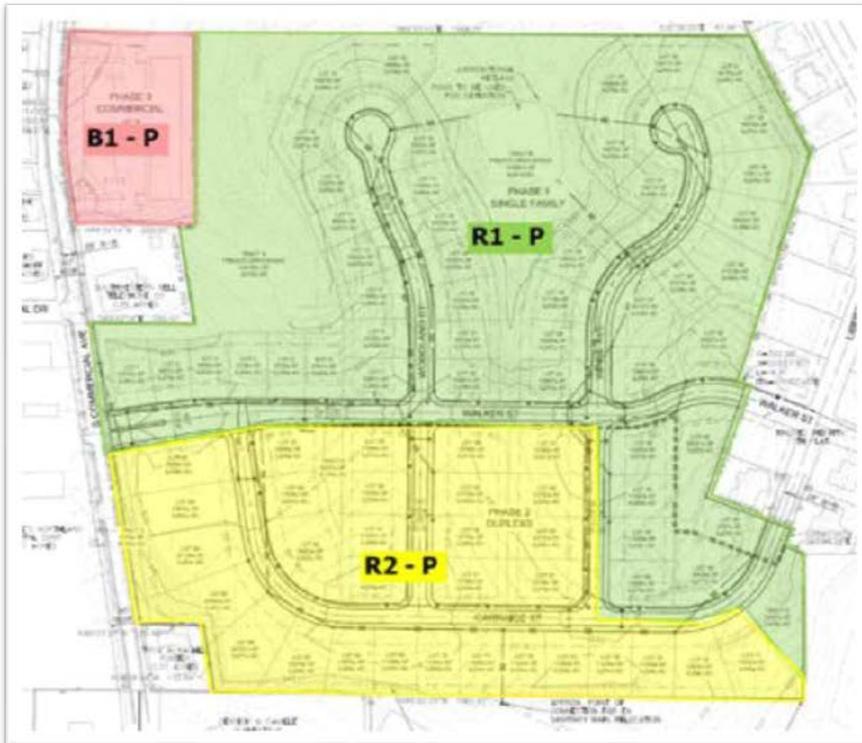
Respectfully Submitted,

Zoning Administrator

Proposed



Existing



EMERGENCY DECLARATION



City of Smithville

Meeting Date: March 24, 2020

Department: Administration

Agenda Item: Bill No. 2856-20, Policy and Procedure for emergency Preparedness and Emergencies in Smithville Missouri

Summary:

Adding Section 126 to the Municipal Code to define emergency preparedness and response authority, and accompanying proclamation specific to COVID-19.

Purpose:

This ordinance and proclamation will allow the city to enact emergency procedures as necessary in response to the COVID-19 pandemic. The ordinance recommends adding Section 126 to the Municipal Code outlining the powers and responsibilities of city officials in the event of a variety of disasters, including pandemic and allowing the proclamation of a State of Emergency.

Mayor Boley has sponsored the bill as an Emergency to be approved by two readings at the March 24 Board Meeting.

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:

Suggested Action:

A motion to read Bill No. 2856-20 A Policy and Procedure for Emergency Preparedness and Emergencies in Smithville Missouri. If passes, then a Motion for Second Reading by Title Only.

- Attachments:** Plans Contract Staff Report
- Ordinance Resolution Minutes Other: Proclamation

BILL NO. 2856-20

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A POLICY AND PROCEDURE FOR
EMERGENCY PREPAREDNESS AND
EMERGENCIES IN SMITHVILLE MISSOURI.**

Whereas, the Country is experiencing a pandemic event which is a rapidly developing situation related to COVID-19. Governments at all levels are reviewing their policies and procedures relating to their ability to respond as needed within their respective Jurisdictions.

Whereas, Clay County has declared an emergency as a result of COVID-19.

Whereas, the City currently has adopted and implemented §125.010 et seq. of the Smithville Ordinances a Smithville Emergency Management Organization pursuant to Chapter 44, R.S.Mo.

Whereas the Director of Emergency Management Organization has the authority pursuant to §125.050 of the Smithville Ordinances to:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.*
- 2. Appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operation teams, units or personnel who may serve without compensation.*

Whereas, pursuant to §125.040(B) the Director of Emergency Management Organization is subject to the direction and control of the City Administrator or Board of Aldermen.

Whereas, the City believes that the authority of the Director of Emergency Management Organization is insufficient to meet the needs of the City and its residents which may arise as a result of disasters, public emergencies, civil emergencies and utility emergencies.

Whereas, the City has authority pursuant to §79.110 R.S.MO to take the actions necessary and expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS: New Chapter 126 which shall

include Sections 126.010 through Section 126.120 of the Municipal Ordinances of the City of Smithville Missouri are enacted which shall read as follows:

Section 126.010. THIS CHAPTER SHALL BE KNOWN AS EMERGENCY PREPAREDNESS AND RESPONSE AUTHORITY

Section 126.020: Purpose and declaration of policy.

This chapter is enacted to set out and clarify the authority of the City and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority and to be a supplement to Chapter 125 of the City Ordinances

Section 126.030: Definitions.

When used in this Chapter the following words shall have the definitions set forth below:

Civil emergency. As used in this section, shall include, but not be limited to, any condition of unrest, riot, civil disobedience, affray, unlawful assembly, hostile or military or paramilitary action, war, terrorism, or sabotage, epidemic or any event which results in mass casualties which may be beyond normal capacity.

Disaster: As used in this ordinance a disaster, whether natural or manmade, shall include, but not be limited to, flood, fire, cyclone, tornado, earthquake, severe high or low temperatures, water contamination or pollution, land contamination or pollution, air pollution, blizzard, landslide, mudslide, hurricane, building or structural collapse, high water table, pandemic disease, epidemic, riot, blight, drought, civil emergency, utility emergency, severe energy shortages, snow, ice, windstorm, hazardous substance spills or releases, chemical spills or releases, petroleum spills or releases, biological matter spills or releases, radiation releases or exposures, infestation, explosions, sabotage, mass transportation accidents or public health emergencies. This definition should not be applied rigidly to exclude situations not enumerated.

Public emergency: As used in this ordinance a public emergency means the imminent threat or occurrence of a disaster, civil emergency or utility emergency affecting the City and its residents and inhabitants where the Mayor determines that the exercise or discharge of emergency or disaster powers is necessary to save lives, protect property, protect the public health and safety, or to lessen or to avert the threat of a catastrophe or calamity within the city.

Utility emergency. As used in this section, shall include, but not be limited to, conditions which endanger or threaten to endanger the safety, potability, availability, transmission, distribution, treatment, or storage of water, natural gas, gas, fuel, electricity, communication, garbage, or sewage.

Section 126.040 - Mayor's power during emergency.

A. All other City ordinances to the contrary notwithstanding, when the Mayor determines in the Mayor's sole discretion that a state of public emergency exists within the City, the Mayor may by proclamation declare a state of emergency and exercise emergency powers, including but not limited to all of the following:

1. The power to direct emergency response activities by City personnel including but not limited to the police department, and by such emergency services personnel as the Mayor may designate or appoint.
 2. The power to execute contracts for the emergency construction or repair of public improvements, when the delay of advertising and public bidding might cause serious loss or injury to the City.
 3. The power to purchase or lease goods and services that the Mayor deems necessary to the City's emergency response or for the repair of City facilities, or both, and to acquire and distribute, with or without compensation, supplies, materials, and facilities.
 4. The power to lease or lend real property, or structures, or both, that the Mayor deems necessary for the continued operation of City government.
 5. The power to promulgate rules and orders to implement and clarify the Mayoral proclamation exercising emergency power.
 6. The power to delegate any or all these duties and to provide for sub-delegation.
 7. The Mayor shall be authorized to appoint any commissioned law enforcement officer in this State as a temporarily commissioned officer of this City.
 8. The power to transfer, appropriate, or lend between funds as may be necessary in the circumstances.
- B. The Mayor is authorized to issue a "hazardous travel advisory" which shall prohibit all travel on streets within the City limits of the City except in accordance with the exceptions provided herein. Such prohibition may be limited to a defined geographical area if the affected area is less than the entire City.
1. Such prohibition shall be issued only after consultation with the City Administrator, Police Chief and Director of Public Works and upon the following findings:
 - a. Severe weather events (other natural or manmade disasters) are occurring or has occurred inside the City limits; and
 - b. Such events have caused the streets to be in a condition where ordinary care while driving is not enough to prevent the occurrence of an accident; and
 - c. Vehicles on the road will interfere with emergency operations of the City.
 2. No person in the City shall drive on any public street or road within the area defined by the Mayor as subject to the advisory after issuance of the "hazardous travel advisory" until the same has been lifted.
 3. The Mayor shall inform the public of the issuance, or retraction, of the order by submitting the order to the media for publication or broadcast.
 4. This prohibition shall not apply to:
 - a. Law enforcement agencies;
 - b. Fire suppression agencies;
 - c. Employees of the City, County or MoDOT, or other public utility providers involved in repair or cleanup of the emergency, or any subcontractors involved in the cleanup of the emergency;
 - d. Health care professionals; and

- e. Any person who is facing exigent circumstances in which a reasonable person would infer that driving is an absolute necessity.

Section 126.050 - Statutory procedures suspended in event of emergency.

In the event of an emergency, the Mayor is authorized to procure all services, supplies, equipment or materials necessary to continue the effective operation of the emergency response without regard to normal procedures or formalities normally prescribed by ordinance; provided, that if the Board of Aldermen is meeting at the time, the Mayor shall act pursuant to the orders and directions imposed on that body. In the event of an emergency, the Mayor, by proclamation, may waive any time-consuming formalities or procedures required by the provisions of City Ordinances pertaining to the advertisement of bids for the execution of contracts and for the performance of public work contracts relevant to the public emergency.

Section 126.060. - Emergency procurement.

Notwithstanding any provision of this Code to the contrary, the Mayor, upon declaration of a state of emergency by proclamation as provided in Section 126.040, may authorize the Department Heads or their designees to procure by purchase or lease, such goods and services as are deemed necessary for the City's emergency response effort. This emergency procurement of goods or services may be made in the open market without filing a requisition or estimate and without advertisement for immediate delivery or furnishing. A full written account of all emergency procurement made during this emergency, together with a requisition for the required materials, supplies, equipment, or services, shall be submitted to or provided by the City Administrator within 30 days after their procurement, and shall be open to public inspection pursuant to §610.010 et Seq. R.S.Mo. The City Administrator shall, within three months of the conclusion of the emergency, formally communicate these emergency expenditures in a full written account to the Board of Aldermen.

Section 126.070. - Effective date and termination of emergency powers.

Proclamations, rules, and orders issued pursuant to Section 126.040 shall be effective upon issuance and shall remain in effect for a period of up to 30 days or until terminated by the Mayor or Board of Aldermen, whichever comes first. This period may be extended by the Mayor only upon approval of the Board of Aldermen. Upon the expiration of the local state of emergency, those persons acting pursuant to Section 126.040 shall cease to exercise emergency powers.

Section 126.080. - Penalty for violation of emergency proclamation, rule, or order.

The violation of a proclamation of emergency, a subsequent proclamation exercising emergency powers, a rule, or order, which proclamation, rule or order is issued pursuant to Section 126.040, or the violation of any order or directive given by a peace officer or designated emergency services personnel pursuant to authority resulting from Section 126.040 shall be an ordinance violation.

Section 126.090 -- Water Emergencies

- A. The Mayor is authorized to declare a water use emergency under any of the following conditions:

1. An equipment failure, large fire, or water main break which has caused, or unless water conservation measures are taken, will cause inadequate water pressures and flows for fire protection and public health, or
2. Water system pumping compared to demand is inadequate to maintain sufficient water reserves to meet expected demands for fire protection and public health.

The Mayor's declaration may include all, or any portion of the City.

- B. Persons affected by declaration. When the Mayor has declared a water emergency, the provisions of this section shall apply to all persons using water, regardless of whether such person shall have a contract for water service with any water company or private well.
- C. Uses and withdrawal of water prohibited. When the Mayor has declared a water emergency, the use and withdrawal of water by any person for the following purposes is hereby prohibited:
 1. Watering yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
 2. Washing mobile equipment. The washing of automobiles, trucks, trailers, trailer houses, railroad cars, or any other types of mobile equipment.
 3. Clean outdoor surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
 4. Cleaning buildings. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.
 5. Cleaning equipment and machinery. The washing and cleaning of any business or industrial equipment and machinery.
 6. Ornamental fountains. The operation of any ornamental fountain or other structure making a similar use of water.
 7. Swimming pools. Swimming and wading pools not employing a filter and recirculating system.
- E. Enforcement.
 1. Police officers enforce. Every police officer of the City shall in connection with his duties imposed by law diligently enforce the provisions of this ordinance.
 2. Discontinuance of service. The City shall have the authority to enforce the provisions of this ordinance by the discontinuance of water service in the event of violation hereof or shall, upon the request of the Mayor, or any police officer, discontinue water service to any building whose occupants are violating the provisions of this ordinance.

Section 126.100 -- Public Health Emergencies. If the basis for declaring an emergency is due to a public health crisis, such as a pandemic, then the Mayor shall be authorized to exercise the following powers:

- A. To declare individuals, but not areas, quarantined as provided in Missouri statutes. To limit the number of people who may be permitted to gather in public places.
- B. To limit certain public services determined to be non-critical in order to stop the spread of disease.

Section 126.110 Mayor unavailable. In the event the Mayor is unavailable, the Mayor Pro-Tem of the Board of Aldermen shall have the authorities listed in chapter 126. If both the Mayor and President of the Board of Aldermen are unavailable, the City Administrator shall have the authorities listed in chapter 126. If neither the Mayor, the Mayor Pro-Tem of the Board of Aldermen or the City Administrator, longest tenured member of the Board of Aldermen who is available shall have the authorities listed in chapter 126.

Section 126.120 Penalties. Any person violating any provision of this Chapter shall upon conviction be punished as set out in Section 100.220.

PASSED THIS ____ DAY OF _____ 2020.

DAMIEN BOLEY Mayor

ATTEST

LINDA DRUMMOND
City Clerk

First Reading: ___/___/2020
Second Reading ___/___/2020

APPROVED THIS ____ DAY OF _____, 2020.

DAMIEN BOLEY Mayor

First Reading: ___/___/2020
Second Reading ___/___/2020

APPROVED THIS ____ DAY OF _____, 2020.

DAMIEN BOLEY Mayor

PROCLAMATION OF A STATE OF EMERGENCY AND ORDER

WHEREAS, pursuant to the provisions of Ordinance No. _____ passed this _____ day of March, 2020, the undersigned, Mayor of the City of Smithville, Missouri (the "**City**"), the Board of Aldermen granted and authorized the Mayor to issue a proclamation declaring a state of emergency (the "**Proclamation**") to allow the City of Smithville to take measures to reduce the possibility of exposure to COVID-19, to prevent the introduction of COVID-19 into the City, and to secure and promote the health and safety of Smithville residents; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, a gathering of individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the City wishes to employ all means available under the law to protect public life, health, safety and property to limit the development, contraction and spread of COVID-19 creating this emergency; and

WHEREAS, as of March 23, 2020, numerous cases of COVID-19 illness, including a fatality and evidence of community transmission, have been identified in jurisdictions near Smithville; and

WHEREAS, in order to protect the residents of the City, the undersigned hereby issues this Proclamation declaring a state of emergency inasmuch as Ordinance No. _____ authorizes the Mayor to take all necessary action to protect the residents of the Smithville.

NOW, THEREFORE, IT IS SO ORDERED:

Section 1. For purposes of this Proclamation and Order, the term "Group Event" means any gathering of 10 or more people at any public park, restaurant, tavern, bar, professional, social, cultural, entertainment, or other special event where people are not separated by physical space of at least six feet.

Section 2. That due to unique characteristics and risks associated with transmission dynamics, the likely spread of the disease based on factors of social distancing, the clinical severity of COVID-19, the lack of vaccine or antivirals as treatment options, the crowd density, the inability to ensure social distancing and to prevent close contact among Group Event attendees, all Group Events are prohibited from taking place in the City of Smithville, Missouri, during the duration of the Proclamation, unless Group Event organizers can demonstrate to the satisfaction of the

City Administrator and designated City Staff that sufficient mitigation plans for infectious diseases are in place.

Section 3. In addition to the above prohibitions, any activity prohibited by the Clay County Health Department are prohibited in the City of Smithville.

Section 4. That the City Administrator is directed, in concert with or acting through City Staff, to immediately make and adopt rules and regulations for the evaluation of approval of sufficient mitigation plans for infectious disease Group Events.

Section 5. This Order and prohibition shall not apply to:

- a. Law enforcement agencies.
- b. Fire suppression agencies.
- c. Employees of the City, County or State, or other public utility providers involved in providing essential services to the City and residents of the City; and
- d. Health care professionals.

Authenticated as Adopted this ____ day of March, 2020.

Damien Boley
Mayor

Filed with me, the City Clerk of the City of Smithville, Missouri, this _____ day of March, 2020, by Mayor Damien Boley, whose signature I hereby attest.

Linda Drummond, *City Clerk*

**ENFORCE ORDERS OF THE BOARD OF HEALTH & EMERGENCY
PROCLAMATIONS**



City of Smithville

Meeting Date: March 24, 2020

Department: Administration

Agenda Item: Bill No. 2857-20, Ordinance enacting new sections to enforce orders of the Board of Health and Emergency Proclamations and to promote the enforcement of ordinances.

Summary:

Ordinance enacting in new sections 205.155 and 205.201 to enforce orders of the Board of Health and Emergency Proclamations and to promote the enforcement of ordinances.

Purpose:

This ordinance and proclamation will allow the Smithville Police Department to enforce the Clay County Public Health Center's "Stay At Home" order. This addition to the Municipal Code would allow the Police Department to issue ordinance violations if necessary. There is not an existing ordinance which would allow for enforcement of the Health Center's orders or the Mayor's Emergency Proclamations.

Mayor Boley has sponsored the bill as an Emergency to be approved by two readings at the March 24 Board Meeting.

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:

Suggested Action:

A motion to read Bill No. 2857-20, an Ordinance enacting new sections to enforce orders of the Board of Health and Emergency Proclamations and to promote the enforcement of ordinances. If passes, then a Motion for Second Reading by Title Only.

Attachments: Plans Contract Staff Report
 Ordinance Resolution Minutes Other:

BILL NO. 2857-20

ORDINANCE NO. _____

ORDINANCE ENACTING IN NEW SECTIONS 205.155 AND 205.201 TO ENFORCE ORDERS OF THE BOARD OF HEALTH AND EMERGENCY PROCLAMATIONS AND TO PROMOTE THE ENFORCEMENT OF ORDINANCES.

Whereas, the Country is experiencing a pandemic event which is a rapidly developing situation related to COVID-19. Governments at all levels are reviewing their policies and procedures relating to their ability to respond as needed within their respective Jurisdictions.

Whereas, the Clay and Platte County Boards of Health have declared emergencies as a result of COVID-19 and have entered Orders related thereto.

Whereas, the City has authority pursuant to §79.110 R.S.MO to take the actions necessary and expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof.

Whereas, the City deems it imperative to promote the enforcement of Ordinances, Emergency Proclamations and Orders of the Board of Health and hereby believes the adoption following to be in the best interest of the City and its citizens for the health safety and welfare of all:

*Section 205.155 **Obeying Lawful Order***

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer.

*Section 205.201 **Board of Health and Emergency Proclamation— Failure To Obey Order.***

For every failure, refusal or neglect by any person to comply with any order from the applicable County Board of Health (as used in this section "Board") and/or Emergency Proclamation of the Mayor or if any person shall in anywise disobey, disregard or interfere with the enforcement of the orders of the Board and/or Emergency Proclamation, such person shall be guilty of an ordinance violation and shall be punished as provided in Section 100.220.

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

Effective immediately, the new Sections set forth below are enacted: Section 205.155 and Section 205.201 and the new Sections shall read as follows:

Smithville Board of Aldermen

Section 205.155 Obeying Lawful Order

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer.

Section 205.201 Board of Health and Emergency Proclamation— Failure To Obey Order.

For every failure, refusal or neglect by any person to comply with any order from the applicable County Board of Health (as used in this section “Board”) and/or Emergency Proclamation of the Mayor or if any person shall in anywise disobey, disregard or interfere with the enforcement of the orders of the Board and/or Emergency Proclamation, such person shall be guilty of an ordinance violation and shall be punished as provided in Section 100.220.

PASSED THIS ____ DAY OF _____ 2020.

DAMIEN BOLEY Mayor

ATTEST

LINDA DRUMMOND
City Clerk

First Reading: ___/___/2020
Second Reading ___/___/2020

APPROVED THIS ____ DAY OF _____, 2020.

DAMIEN BOLEY Mayor

AUTHORIZATION FOR PAYMENT



City of Smithville

Meeting Date: March 24, 2020

Department: Public Works

Agenda Item: Resolution 776, Authorize and direct the Mayor to approve payment to Ace Pipe Cleaning in an estimated amount of \$9200.00 for cleaning debris out of the wet well of the influent pump station and to Sunbelt Rentals in an amount of \$6645.90 for bypass pumping.

Summary:

Voting to approve would acknowledge certain work that was completed by the contractor and authorize the Mayor to approve payment.

Purpose:

In April of 2018, the City awarded Bid #18-06, Base Bid A, for the Influent Pump Station, Excess Flow Holding Tank, and Interceptor Sewer to Foley Company (Enerfab). In an amount of \$4,586,493.00.

This Project included installing a gravity line to replace the South Force Main into the Wastewater Plant. The influent is collected at the influent pump station and pumped into the headworks of the plant. The pump station was placed into service in September of 2019. In October of 2019 staff noted the pumps were clogging from miscellaneous debris coming into the plant. The pumps were pulled, cleaned and adjustments were made to the operating speed. The clogging issue has been a continual problem. There are 4 pumps in the wet well which have been plugging up within a little more than a week's time.

To figure out what is occurring, we will pull all the pumps and do a thorough cleaning of the wet well. The gravity line, that discharges into the wet well, was temporarily placed on bypass, discharging directly to plant.

Staff is working with HDR Engineering and Mid-West Pump (pump manufacturer) to find the cause and a solution to this problem. There are potentially four outcomes:

- Thoroughly removing/ cleaning the debris will resolve the issue
- May require different pumps
- May need to reroute influent lines
- May need to install a bar screen

The Purchasing Policy outlines the spending authority of the City Administrator at \$7,500. In this circumstance three of four pumps were plugged and not working. If the last/fourth pump shuts down, wastewater would begin backing up, potentially causing property damage.

Smithville Board of Aldermen

To this end, authorization of an expense for an estimated amount of \$9200.00 to Ace Pipe Cleaning and \$6645.90 to Sunbelt Rentals is included in the attached resolution. This expenditure was necessary for the continuous operation of the wastewater collection/treatment systems. The FY20 budget includes expending all the remaining funds of the 2018 COP. There is currently anticipated to be \$50,323.18 of funds remaining in the COP. Expending \$15,845.90 on this emergency purchase will leave approximately \$34,477.28 in remaining COP funds.

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:	While not budgeted, funds are available in the project contingency budget.

Legislative History:

N/A

Suggested Action:

Motion to approve the Resolution 776.

Attachments: Plans Contract Finance Report
 Ordinance Resolution Minutes Other:

RESOLUTION 776

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE PAYMENT TO ACE PIPE CLEANING AND SUNBELT RENTALS IN AN AMOUNT OF \$15,845.90 FOR WET WELL CLEANING AND BYPASS PUMPING AND AUTHORIZE THE EXPENDITURES TO BE PAID FROM PROJECT #18-06 FUNDS

WHEREAS, the City Administrator's purchasing authority is \$7,500: and

WHEREAS, debris was accumulating in the influent pump station causing the pumps to become plugged up and inoperable; and

WHEREAS, it was necessary to bypass the flow to the influent pump station and thoroughly cleanout the debris causing the pumps to shut down; and,

WHEREAS, the bypass pumping was completed by Sunbelt Rentals for an amount of \$6645.90 and cleaning of the wet well was completed by Ace Pipe Cleaning for an estimated amount of \$9200.00, for a combined total amount of \$15,845.90.

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

AUTHORIZE AND DIRECT THE MAYOR TO APPROVE PAYMENT TO ACE PIPE CLEANING FOR AN ESTIMATED AMOUNT OF \$9200.00 AND SUNBELT RENTALS IN AN AMOUNT OF \$6645.90 AND AUTHORIZE THESE EXPENDITURES TO BE PAID FROM THE COMBINED WATER & WASTEWATER SYSTEMS FUND.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 24th day of March 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Debris clogging pipe



EAGLE RIDGE PRELIMINARY PLAT AMENDMENT



City of Smithville

Meeting Date: March 24, 2020

Department: Development

Agenda Item: Resolution 777 – Eagle Ridge Preliminary Plat Amendment

Summary:

Approving the Resolution will authorize the developer to adjust the lot size and shape of two lots (16, 17) as a result of construction changes and the density change in Bill 2855-20.

Purpose:

The applicant submitted a request for amending the Conceptual Plan and preliminary plat of Eagle Ridge subdivision to the Planning Commission as a result of significant cost overruns that impacted the price point by nearly \$40,000.00 per unit. The plat adjustment would adjust the rear lot lines of lots 16 and 17, as well as adjust the boundary between the two lots. If approved, this line adjustment will allow the developer to submit a Final Plat for Board approval that complies with this preliminary plat. The matter was presented to the Planning Commission at a properly noticed public hearing on March 10, 2020. Following the hearing, the Commission was able to discuss the matter.

The Commission, after the public hearings and discussion, voted to recommend approval of this preliminary plat amendment. The plat recommendation is conditioned upon approval of the Conceptual Plan Amendment on this agenda as Bill No. 2855-20. Should that bill not pass second reading, this Resolution must be removed from the agenda.

Impact:

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

Legislative History:

The Conceptual Plan Amendment is on this agenda for first and second reading.

Suggested Action:

A Motion to Approve Resolution 777, Preliminary Plat for Eagle Ridge subdivision.

- Attachments:**
- Plans
 - Contract
 - Staff Report
 - Ordinance
 - Resolution
 - Minutes
 - Other:

RESOLUTION 777

A RESOLUTION APPROVING AN AMENDED PRELIMINARY PLAT FOR EAGLE RIDGE SUBDIVISION

WHEREAS, The Planning Commission, at its properly noticed regular session on March 10, 2020, recommended approval of the Amendment to the Preliminary Plat for Eagle Ridge Subdivision, which will now consist of 130 units on 24 1-family and 53 2-family lots, as well as one commercial lot; and,

WHEREAS, the proposed Preliminary plat complies with 425.275 of the Code of Ordinances; and

WHEREAS, the Plat will include land to connect to the school district, as well as Parkland dedication fees to be collected when a Final Plat or Plats are submitted for recording.

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

THAT the Amended Preliminary Plat of Eagle Ridge is **HEREBY APPROVED**.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 24th day of March 2020.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



STAFF REPORT
March 10, 2020
Preliminary Platting of Parcel Id # 05-905-00-02-013.00

Application for a Preliminary Plat Approval

Code Sections:
425.275 Preliminary Plat Amendment Approval

Property Information:

Address: SE corner Hospital Dr. and Commercial
Owner: ER Development LLC
Current Zoning: R-1, R-2, B-1 Conceptual Overlay
Public Notice Dates: February 20, 27 and March 5
185' Notices: February 21, 2020

GENERAL DESCRIPTION:

The property is currently under construction for the first phase of a 77 lot residential subdivision (and one Commercial lot) with both R-1 and R-2 uses. The development was zoned for such uses in order to create 46 single family lots and 31 two-family townhome lots with the plan to reduce the overall cost of the eventual homes into the \$230,000-\$280,000 range. During construction of the first phase of the development, the developer reported various costs of construction that were significantly beyond the anticipated budget costs due to rock and a change to the storm detention basin. As a result, they are seeking both a change to the conceptual zoning and will also need to adjust Lots 16 and 17 to take into account the adjusted storm basin in the rear of both lots and potential zoning changes.

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

The Planning Commission shall consider the following criteria in making a recommendation on the preliminary plat:

- a. The plat conforms to these regulations and the applicable provisions of the Zoning Ordinance and other land use regulations. **Yes.**
- b. The plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan. **Yes.**
- c. The development shall be laid out in such a way as to result in:
 1. Good natural surface drainage to a storm sewer or a natural watercourse. ***The layout takes advantage of the existing ponds and drainage ways.***
 2. A minimum amount of grading on both cut or fill and preservation of good trees and other desirable natural growth. *Yes, the layout reduces the cut and fill requirements by making the commercial area accessible from Commercial St. and preserving the hill and trees on the steepest slopes. Due to encountering rock, several adjustments were necessary to try to reduce the overall construction costs, which also changed the drainage basin to the rear of the two lots in question.*
 3. A good grade relationship with the abutting streets, preferably somewhat above the street. **Yes.**
 4. Adequate lot width for the type or size of dwellings contemplated, including adequate side yards for light, air, access and privacy. **Yes.**
 5. Adequate lot depth for outdoor living space. **Yes.**
 6. Generally regular lot shapes, avoiding acute angles. **Yes.**
 7. Adequate building lots that avoid excessive grading, footings or foundation walls. **Yes.**
- d. The plat contains lot and land subdivision layout that is consistent with good land planning and site engineering design principles. **Yes.**
- e. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles. **Yes.**
- f. The plat is served or will be served at the time of development with all necessary public utilities and facilities, including, but not limited to, water, sewer, gas, electric and telephone service, schools, parks, recreation and open space and libraries in the form of a development agreement. **Yes. There are no**

Comprehensive Plan required amenities, but the subdivision will be required to provide fees in lieu of dedication in accordance with chapter 425.

- g. The plat shall comply with the stormwater regulations of the City and all applicable storm drainage and floodplain regulations to ensure the public health and safety of future residents of the subdivision and upstream and downstream properties and residents. The Commission shall expressly find that the amount of off-site stormwater runoff after development will be no greater than the amount of off-site stormwater runoff before development. ***Yes. During current construction, issues were found that required a change to the east storm basin. Those changes were addressed through the engineering review of the amended construction plans. As a result of that review, the lot lines should be adjusted slightly. The stormwater volume and quality standards are met with the detention basin changes.***
- h. Each lot in the plat of a residential development has adequate and safe access to/from a local street. ***Yes.***
- i. The plat is located in an area of the City that is appropriate for current development activity; it will not contribute to sprawl nor to the need for inefficient extensions and expansions of public facilities, utilities and services. ***Yes.***
- j. If located in an area proposed for annexation to the City, the area has been annexed prior to, or will be annexed simultaneously with plat approval. ***n/a***
- k. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed, to effectuate the purposes of these regulations and the standards and requirements incorporated herein. ***Yes, including parks fees. If the conceptual plan amendment is approved, the park fees would increase to \$77,439.52.***
- l. All applicable submission requirements have been satisfied in a timely manner. ***Yes.***
- m. The applicant agrees, in the form of a development agreement, to provide additional improvements, which may include any necessary upgrades to adjacent or nearby existing roads and other facilities to current standards and shall include dedication of

adequate rights-of-way to meet the needs of the City's transportation plans.

STAFF RECOMMENDATION:

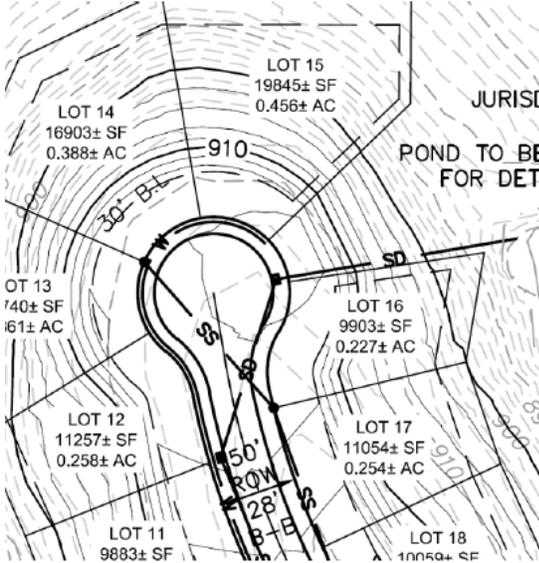
Staff recommends APPROVAL of the proposed Amended Preliminary Plat.

Respectfully Submitted,

Director of Development

Preliminary Plat Amendment
Lots 16 and 17

Existing layout of 16 and 17.



Proposed layout of 16 and 17

