



# **SMITHVILLE, MISSOURI**

## **Board of Aldermen - Regular Session**

*(Revised 12/11/2020)*

**7:00 p.m.**

**December 15, 2020**

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AGENDA



**City of Smithville, Missouri  
Board of Aldermen – Regular Session Agenda  
December 15, 2020**

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

**NOTICE: \*Due to the Health Officer’s orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city’s FaceBook page through FaceBook Live.**

**For Public Comment, please email your request to the City Clerk at [ldrummond@smithvillemo.org](mailto:ldrummond@smithvillemo.org) prior to the meeting to be invited via Zoom.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Consent Agenda**
  - **Minutes**
    - December 1, 2020 Board of Alderman Work Session Minutes
    - December 1, 2020 Board of Alderman Regular Session Minutes
  - **Financial Report**
    - Approve the October 2020 Finance Report

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

- 4. Committee Reports**
- 5. City Administrator’s Report**

**ORDINANCES & RESOLUTIONS**

- 6. Bill No. 2878-20, Annexation – Lakeside Crossing Lot 14 – 2<sup>nd</sup> Reading**

## Smithville Board of Aldermen

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An Ordinance to approve the annexation of Lot 14 in Lakeside Crossing. 2<sup>nd</sup> reading by title only.

**7. Bill No. 2879-20, Annexation – Lakeside Crossing Lot 26 – 2<sup>nd</sup> Reading**

An Ordinance to approve the annexation of Lot 26 in Lakeside Crossing. 2<sup>nd</sup> reading by title only.

**8. Bill No. 2880-20, Annexation – Lakeside Crossing Lot 40 – 2<sup>nd</sup> Reading**

An Ordinance to approve the annexation of Lot 40 in Lakeside Crossing. 2<sup>nd</sup> reading by title only.

**9. Bill No. 2881-20, FY21 Budget Amendment No. 1 – 2<sup>nd</sup> Reading**

An Ordinance to amend the FY21 operating budget to add \$3,765,000 to the expenditure budget to provide funds for unfinished 2020 projects. 2<sup>nd</sup> reading by title only.

**10. Bill No. 2882-20, Initial Zoning 18523 County Line Road -1<sup>st</sup> Reading**

An Ordinance setting the initial zoning for Landmark Farms, 18523 County Line Road, recently annexed into the City Limits, to A-R. The initial zoning is set by the City. 1<sup>st</sup> reading by title only.

**11. Resolution 862, Appointment of CID Board of Directors**

A Resolution consenting to the appointment of Directors for the governance of the Smithville Commons Community Improvement District.

**12. Resolution 863, MOU with Northland Assistance Center**

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

**13. Resolution 864, Change Order for East Main Street Trail Project**

A Resolution approving a change order to the East Main Street Trail Project 20-07 for railing and additional curb and gutter in an amount of \$21,000.

### OTHER MATTERS BEFORE THE BOARD

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**14. Public Comment**

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

**15. 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](#).

**16. Adjourn**

**CONSENT AGENDA**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Administration

**AGENDA ITEM:** Consent Agenda

**RECOMMENDED ACTION:**

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

**Minutes**

- Approve the December 1, 2020 Board of Alderman Work Session Minutes
- Approve the December 1, 2020 Board of Alderman Regular Session Minutes

**Financial Report**

- Approve the October 2020 Finance Report

**SUMMARY:**

Voting to approve would approve the Board of Alderman minutes and financial reports

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- |   |   |
|---|---|
| <input type="checkbox"/> Ordinance                          | <input type="checkbox"/> Contract           |
| <input type="checkbox"/> Resolution                         | <input type="checkbox"/> Plans              |
| <input type="checkbox"/> Staff Report                       | <input checked="" type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: financial report |   |

# Smithville Board of Aldermen

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Board of Aldermen Minutes – December 1, 2020 Work Session

## SMITHVILLE BOARD OF ALDERMAN WORK SESSION

December 1, 2020 6:30 p.m.  
City Hall Council Chambers

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

**The meeting was streamed live on the city's FaceBook page.**

### 1. Call to Order

Mayor Boley, present at City Hall, called the meeting to order at 6:30 p.m.  
A quorum of the Board was present via Zoom meeting: Steve Sarver, Marv Atkins, John Chevalier, Dan Ulledahl, Melissa Wilson and Jeff Bloemker.

Staff present at City Hall: Stephen Larson and Jack Hendrix.  
Staff present via Zoom: Cynthia Wagner, Nickie Lee, Chuck Soules, Captain Tony Roetman, Matt Denton and Linda Drummond.

### 2. Discussion of Water and Sewer Rate Increase

Stephen Larson, Finance Director, gave a brief background. In November 2018, Raftelis Financial Consultants, LLC presented a utility rate study, which included a five-year plan for recommended water and sewer structure changes and rate increases. The change in structure and first increase were approved by the Board on March 3, 2019 and were effective with the June 2019 utility bills (which were mailed in early July 2019).

Going forward the Board has asserted that it would like to move forward with implementing the third increase of the rate study. That would be effective March 21 and those utility bills would be in the mail in early April 2021. Stephen indicated that tonight staff is looking for direction from the Board to continue with the recommended rates from the rate study presented by Raftelis.

Stephen explained that the proposed calendar for this implementation process follows the Missouri Statute which requires a Public Hearing prior to increasing sewer rates. It also requires that we have a notification of the Public Hearing to be published in a newspaper at least 30 days prior to that Public Hearing.

The Proposed Calendar

Date	Action
December 1, 2020	Board of Aldermen Work Session discussing rates proposal
December 11, 2020	Deadline to send Notice of Public Hearing to Courier-Tribune
December 17, 2021	Notice of Public Hearing published in Courier-Tribune

January 3, 2021	Proposed rate information provided in newsletter with December utility bills
January 7-17, 2021	Proposed rate information provided via social media
January 19, 2021	Public Hearing at Board of Aldermen Meeting
February 2, 2021	Resolution to Amend the Schedule of Fees at Board of Aldermen Meeting
March 1, 2021	Implementation of new rates
April 3, 2021	First utility bill produced under new rate structure

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If the Board wishes to continue to pursue this, we would have the notice of Public Hearing published in the newspaper December 17 and then early in January 2021 staff would provide the new proposed rate information in newsletters mailed in utility bills the first of January. Staff will also provide the information on social media. Residents would be able to comment regarding increases at the January 19 Public Hearing. In February, staff will bring forward a Resolution to amend the Schedule of Fees to reflect the new rates. If the Board approves the Resolution and directs staff to move forward March 1 those rates would be implemented and April will be the first utility bill with the new rate structure on it.

Stephen explained that also in the packet are the utility rate histories and what the new rates would be for various service charges and water usage rates as well as the effects on the residential utility bills and some of the large commercial customers.

Alderwoman Wilson stated that she thinks we need to move forward with this due to the needs and repairs that will occur over the next several years.

Alderman Chevalier stated that he agreed we need to keep moving forward. He asked for discussion on sewer chargers for new residents moving into a home that do not have the history needed for winter averaging. He explained that he has had residents contact him with concerns on it and would like to see if there would be a better system for it.

Cynthia indicated that staff has had several requests and concerns expressed by citizens on that subject. She and Stephen have had conversations about it and anticipate bringing it to a Work Session after the first of the year for discussion with the Board. Staff is looking into best practices and what other communities are doing.

Cynthia thanked Stephen for his presentation she noted that this was new to him and praised him for presenting the study that is mid-study and mid-implementation. Cynthia noted that throughout the budget process the Utility Fund will be one to take a lot of scrutiny and review over the coming months to make sure that we've got the funds available to do the projects that we have outlined.

## Smithville Board of Aldermen

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Staff has had several conversations with Piper Jaffray, financial advisors, with regard to financial planning and would anticipate as we move into expenditures and FY21 that we will be looking at refinancing or issuing a new COP later this spring to help with cash flow. Cynthia indicated that she would bring additional information forward to the Board possibly in the January-February time frame as well.

Mayor Boley stated that Smithville is not the only community with this winter average issue for new homeowners and it does merit discussing.

Mayor Boley asked the Board if they agreed to move forward with the process for the increase of the water and sewer rates?

The Board was all in agreement.

Stephen stated he would get the public hearing noticed posted in the newspaper.

### **3. Adjourn**

Alderwoman Wilson moved to adjourn. Alderman Ulledahl seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:37 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

Board of Aldermen Minutes – December 1, 2020 Regular Session

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

December 1, 2020 7:00 p.m.  
City Hall Council Chambers

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

**Mayor, Aldermen and staff attended via Zoom meeting. The meeting was streamed live on the city's FaceBook page. Attendance in person by members of the public was not permitted.**

**1. Call to Order**

Mayor Boley, present at City Hall, called the meeting to order at 7:00 p.m. A quorum of the Board was present via Zoom meeting: Steve Sarver, Marv Atkins, John Chevalier, Dan Ulledahl, Melissa Wilson and Jeff Bloemker.

Staff present at City Hall: Stephen Larson and Jack Hendrix.  
Staff present via Zoom: Cynthia Wagner, Nickie Lee, Chuck Soules, Captain Tony Roetman, Matt Denton and Linda Drummond.

**2. Pledge of Allegiance lead by Mayor Boley**

**3. Consent Agenda**

**• Minutes**

- November 17, 2020 Board of Alderman Work Session Minutes
- November 17, 2020 Board of Alderman Regular Session Minutes

No discussion.

Alderswoman Wilson moved to approve the consent agenda. Alderman Chevalier seconded the motion.

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

**4. Public Hearing – Annexation of Lakeside Crossing Lots 14, 26 and 40**

Mayor Boley opened the Public Hearing at 7:02 p.m.

No Public Testimony.

**Adjourn Public Hearing for Annexation of Lakeside Crossing Lots 14, 26 and 40**

Mayor Boley closed the Public Hearing at 7:02 p.m.

### REPORTS FROM OFFICERS AND STANDING COMMITTEES

#### 5. City Administrator's Report

Cynthia acknowledged Nickie Lee's resignation she said we are sorry to lose her. She has taken a position as Finance Director for the City of Prairie Village, Kansas. This job will put her closer to home. Nickie's last day will be December 23. The position has been posted and the first review of applications will be on December 18. We have already had a number of inquiries about the position.

Staff members from Land Works, a Kansas City area consulting firm that is working with Future iQ on the Parks and Recreation Master Plan, spent the better part of today with Matt and Brittanie touring our Parks and Recreation facilities. Matt is excited to work with them. They already have a number of ideas about opportunities for our Parks and Recreation system. We anticipate that in the next couple weeks they will be developing some ideas and information for review by the Parks and Recreation Committee at their December 17 meeting. The Parks and Recreation Committee will serve as the steering committee for the Parks and Recreation Master Plan. They will probably meet on a monthly basis for the project. We anticipate having some draft ideas and concepts for public review, discussion and input in February or March.

The construction work on North Bridge where we installed the waterline has left the road in rough shape. Staff had anticipated that the contractor would complete repairs last week but with the rain and the short week due to the holiday they were not able to complete the repairs. This week temperatures are making it difficult for getting the asphalt down. Chuck has been in conversation with the contractors who have guaranteed that work will be completed by the end of next week.

Filing for the Board of Aldermen seats that will be open next year begins Tuesday, December 15. Linda has, in the past, had the candidates come back to her office to fill out the paperwork. This year because of the size of her office and due to COVID we will have a space set up in the lobby that will have six feet of separation between her and people who are filing. We will have things staged so we can keep spacing between customers that are coming in to pay bills as well as those filing.

At the December 15 work session, we have scheduled to have a discussion of the FY20 year-end and discussion on the update of stormwater priorities. When the FY21 budget was prepared we did not identify projects for Parks and Recreation and stormwater sales tax funds. Chuck continues working with the engineers on the Streetscape project. Staff anticipates the stormwater project fund to go for the repairs to the North Bridge Street area. Staff may have information to bring forward to the Board at that time. Staff would like to begin the Work Session with a public meeting and review of the design of the Bridgeport roundabout to get Board and public feedback on that project. Cynthia proposed starting the Work Session on December 15 at 5:30

The Board all agreed.

**ORDINANCES & RESOLUTIONS**

**6. Bill No. 2877-20, Annexation – 18523 County Line Road, Phase II – 2<sup>nd</sup> Reading**

Alderman Bloemker moved to approve Bill No. 2877-20, annexing 18523 County Line Road, Phase II, two lots of a ten-lot subdivision to be called Landmark Farms. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote via teleconference:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2877-20 approved.

**7. Bill No. 2878-20, Annexation – Lakeside Crossing Lot 14 – 1<sup>st</sup> Reading**

Alderman Bloemker moved to approve Bill No. 2878-20, annexing of Lot 14 in Lakeside Crossing. 1<sup>st</sup> reading by title only. Alderman Ulledahl seconded the motion.

No discussion.

Upon roll call vote via teleconference:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2878-20 approved first reading.

**8. Bill No. 2879-20, Annexation – Lakeside Crossing Lot 26 – 1<sup>st</sup> Reading**

Alderman Bloemker moved to approve Bill No. 2879-20, annexing of Lot 26 in Lakeside Crossing. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote via teleconference:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2879-20 approved first reading.

**9. Bill No. 2880-20, Annexation – Lakeside Crossing Lot 40 – 1<sup>st</sup> Reading**

Alderman Bloemker moved to approve Bill No. 2880-20, annexing of Lot 40 in Lakeside Crossing. 1<sup>st</sup> reading by title only. Alderman Sarver seconded the motion.

No discussion.

Upon roll call vote via teleconference:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2880-20 approved first reading.

**10. Bill No. 2881-20, FY21 Budget Amendment No. 1 – 1<sup>st</sup> Reading**

Alderman Bloemker moved to approve Bill No. 2881-20, to amend the FY21 operating budget to add \$3,765,000 to the expenditure budget to provide funds for unfinished 2020 projects. 1<sup>st</sup> reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote via teleconference:

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2881-20 approved first reading.

**11. Resolution 855, Voluntary Annexation Policy**

Alderman Bloemker moved to approve Resolution 855, adopting and adding a Voluntary Annexation Policy to the City's Policy Manual. Alderwoman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 855 approved.

**12. Resolution 856, Surplus City Policy**

Alderwoman Wilson moved to approve Resolution 856, declaring the old Second Creek Bridge as surplus. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 856 approved.

**13. Resolutions 857-860, CARES Act Funding**

Approve Resolutions related to CARES Act Funding

**A. Resolution 857, Public Water District No. 9 CARES Funding**

Alderman Chevalier moved to approve Resolution 857, approving reimbursement of funds to Public Water Supply District No. 9 in an

amount totaling \$4,545.20 through the CARES Act Fund. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 857 approved.

**B. Resolution 858, School District CARES Funding**

Alderman Chevalier moved to approve Resolution 858, approving reimbursement of funds to the Smithville School District for COVID related expenditures and equipment in an amount totaling \$132,637.13 through the CARES Act Fund. Alderman Bloemker seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 858 approved.

**C. Resolution 859, Fire District CARES Funding**

Alderman Chevalier moved to approve Resolution 859, approving reimbursement of funds to the Smithville Area Fire Protection District totaling \$4,747.17 for COVID-19 related expenses through the CARES Act Fund. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 859 approved.

**D. Resolution 860, October and November CARES Expenditures**

Alderman Chevalier moved to approve Resolution 860, approving eligible expenditures incurred between October 1, 2020 and November 30, 2020 totaling \$106,118.17 in the CARES Act Stimulus Fund. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 860 approved.

**14. Resolution 861, Fireworks Display Approval**

Alderman Bloemker moved to approve Resolution 861, approving a Fireworks Display at White Iron Ridge Event Center on January 2, 2021. Alderman Chevalier seconded the motion.

Alderman Chevalier asked if this was for an event and if there are going to be more events where they will want to have fireworks?

Cynthia said it was for a wedding event and staff has met with the owners of White Iron Ridge to discuss their anticipated frequency of things like this. They said from time to time they may have special request for some things like this. They have close to a hundred events scheduled for 2021 and relatively few will have any type of mass celebrations or events like this. They said there may only be a half dozen firework celebrations.

Mayor Boley asked if this would be a professional fireworks display?

Cynthia said this is not a professional grade display these are the type of fireworks anyone would be able to set off and it will not be set off by a professional. Cynthia explained that if they wanted something like that that would need to be reviewed by the Fire Department and staff has discussed that process with the owners.

Alderman Chevalier asked if we might consider a blanket permit that they can get every year? That way they would be able to let their customers know they could provide that service.

Cynthia explained that staff had that conversation with the owners to find out if that was their desire and at this point they do not have enough requests and are not offering that like an a-la-cart item for a menu of services. She said if they get to a point where that would be something that they want to look at staff will reach back out to the Board for direction.

Alderwoman Wilson said she thinks we should be careful doing a blanket agreement she believes it should stay case-by-case.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 861 approved.

**OTHER MATTERS BEFORE THE BOARD**

**15. Public Comment**

None

**16. New Business from the Floor**

None

**17. Adjourn.**

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

Ayes – 6, Noes – 0, motion carries via teleconference. Mayor Boley declared the regular session adjourned at 7:20 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

Finance Report – October 2020

**FY20 BUDGET - FINANCIAL UPDATE**

10/30/20

REVENUES, BY FUND	FY19 Actual	FY20 Budget	FY20 YTD	FY20 Projection	
GENERAL FUND	5,563,826.38	4,545,530.00	4,725,176.86	4,530,060.00	103.95%
CAPITAL PROJECTS FUND	4,182,447.81	238,120.00	-	228,120.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	451,246.42	475,080.00	579,720.69	509,760.00	122.03%
DEBT SERVICE FUND	127,417.32	556,280.00	556,280.00	556,280.00	100.00%
TRANSPORTATION SALES TAX FUND	496,431.90	475,080.00	582,358.98	509,760.00	122.58%
COMBINED WATER & WASTEWATER SYSTEMS FUND	4,064,279.60	4,381,400.00	4,460,383.48	4,436,550.00	101.80%
SANITATION FUND	780,003.87	840,360.00	831,293.48	826,780.00	98.92%
	<b>15,665,653.30</b>	<b>11,511,850.00</b>	<b>11,735,213.49</b>	<b>11,597,310.00</b>	101.94%

EXPENDITURES, BY FUND	FY19 Actual	FY20 Budget	FY20 YTD	FY20 Projection	
GENERAL FUND	5,054,194.93	5,464,590.00	4,909,573.90	5,189,550.00	89.84%
CAPITAL PROJECTS FUND	4,230,808.48	1,882,370.00	699,506.47	1,882,370.00	37.16%
CAPITAL IMPROVEMENT SALES TAX FUND	127,417.32	798,910.00	556,280.00	798,910.00	69.63%
DEBT SERVICE FUND	127,417.32	325,020.00	325,017.50	325,020.00	100.00%
TRANSPORTATION SALES TAX FUND	557,722.17	419,000.00	175,690.18	379,880.00	41.93%
COMBINED WATER & WASTEWATER SYSTEMS FUND	2,575,747.48	6,690,170.00	5,434,892.12	6,917,000.00	81.24%
SANITATION FUND	786,350.04	835,290.00	813,356.26	825,890.00	97.37%
	<b>13,459,657.74</b>	<b>16,415,350.00</b>	<b>12,914,316.43</b>	<b>16,318,620.00</b>	78.67%

[Full Finance Report](#)

CITY ADMINISTRATOR'S REPORT



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## City Administrator's Report

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December 10, 2020

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### Streetscape Status

Plans are complete for the streetscape project. The project includes new sidewalks, curb and gutter, bulb outs, bike sharrows, street lighting, landscaping, mill and overlay and storm sewer improvements on Main Street from Commercial to Liberty. The project will also mill and overlay Main St from Liberty to Helvey Park Dr and on Liberty from Main to Meadow.

In September, the City added the reconstruction of the alley between Main and Church streets west of Bridge Street to the scope of the project. The survey is complete and final plans for this segment should be complete in next couple weeks. The current estimate for the alley is approximately \$100,000. Right-of-Way descriptions are being developed for the two properties that extend into the alley way.

Staff is recommending that the funding for the alley reconstruction come from the stormwater budget allocation in FY21 of the recently approved Parks and Recreation and Stormwater Sales Tax.

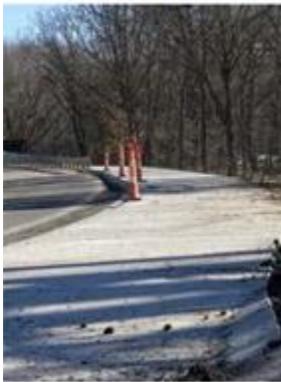
Pending final plans and specification development, this project should go to bid in late December or early January with an award by the Board in February.

### Trail Progress

The project saw quite a bit completed this week with the weather cooperating. Approximately 85% of the trail has been placed. Weather permitting, the remaining trail surface areas should be completed by the end of the year. The parking lot next to the playground has curb and gutter and most of the base asphalt completed. The entire entrance and parking lot would have been completed but the paver broke down. A good deal of miscellaneous/final items remain for full project completion (including

installation of the drinking fountain, bike fix-it station, solar bench, fencing by the bridge, seeding, installation of the pedestrian rapid flashing beacon, some curb and gutter, etc.)

The project plan includes a galvanized chain link fence along the retaining walls on either end of the bridge. The fencing bid price is \$34,000. The bridge has a wrought iron railing. Staff has requested the contractor provide the cost for two options, a black coated chain link fence and a wrought iron railing, to better match the current bridge railing. If the pricing is received prior to the Board meeting, staff may ask the Board for their consideration of a cost increase to upgrade the railing / fencing to be more consistent with the bridge.



### **Business License Application Review**

Attached is a memo from Development Director Jack Hendrix outlining changes we will implement regarding review of business license applications. Please do not hesitate to contact Jack or me with questions you may have about the current process or the changes which will be implemented.

### **City Hall Schedule**

City Hall will be closed on Thursday, December 24 and Thursday, December 31 to allow additional time for employees to celebrate the holidays with family.

**Date:** 12/15/2020  
**Prepared By:** Jack Hendrix  
**Subject:** Business License Application Review Issues

Smithville has long required an Occupation/Business License for persons or entities doing business within the city limits. There are three general types of these licenses: Commercial Business with its premises inside the City limits; Commercial Business that performs work in the city limits, but is located elsewhere (contractors, non-permanent vendors etc.); and home occupations. With recent growth in our community, the requirements in our code concerning occupancy/zoning approvals have begun to reveal various problems. Our code requires the applicant provide an occupancy statement from Planning and Zoning that "the intended location of the business is in conformance with the zoning requirements of the City of Smithville".

<https://ecode360.com/28676585>

In addition to these zoning requirements, the City previously coordinated with the Smithville Area Fire Protection District to ensure that all Fire Code requirements were met as well. The District's staff turnover and turmoil of several years ago caused that process to cease. Recent conversations between the Fire Chief and city staff have identified a desire by both parties to again work together to coordinate all new business approvals for businesses opening locations inside our city limits.

Most of these issues are implementable by simply adjusting our applications and identifying specific procedures for staff to follow prior to issuing a license. The two main changes are to 1) have a specific application that requires descriptions of the business activities to be performed, and the specific location of that business in order to verify that the proposed business is appropriate for the proposed location; and 2) require a joint Fire Department and zoning/building department inspection to insure the Fire Code and other safety requirements have been met. This second process would be similar to the process required by the Health Department for businesses that have a Food Service license. For example, any new restaurant, bar or other food service establishment must have an approved health department inspection prior to opening. In fact, that inspection process is ongoing and in no event less than annually reviewed.

Staffing adjustments over the last couple of years have us in a position to increase our diligence related to reviewing new business applications. It is our intent to initiate this review immediately. We wanted to ensure the Board is aware of this enhanced review.

Should Board Members have any questions or concerns regarding this process, please do not hesitate to contact me or Cynthia.

**ANNEXATION – LAKESIDE CROSSING LOT 14**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2878-20, Annexation 15726 North Chestnut Street – 2nd Reading

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**RECOMMENDED ACTION:**

A motion to approve Bill No. 2878-20 to annex 15726 North Chestnut Street for second reading by title only.

**SUMMARY:**

Approving this ordinance would annex this property into the city limits. The property is surrounded by the City of Smithville and is fully developed, and all city services are available to serve the property immediately.

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

**PREVIOUS ACTION:**

Most of the surrounding lots in the subdivision were annexed in 2004, with additional voluntary annexations in 2008 and 2020.

A public hearing was advertised in the paper more than seven days in advance of the hearing (November 19) and less than 60 days have elapsed since the application was submitted (October 13) in compliance with §71.012 RSMo.

**POLICY ISSUE:**

Annexation

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**BILL NO. 2878-20**

**ORDINANCE NO. XXXX-20**

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

**WHEREAS**, on the 13<sup>th</sup> day of October 2020, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

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

**WHEREAS**, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 1<sup>st</sup> day of December 2020; and

**WHEREAS**, notice of said public hearing was given by publication of notice hereof on the 19<sup>th</sup> day of November 2020 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

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

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

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

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

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

Lot 14, Lakeside Crossing 1<sup>st</sup> Plat

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

**Smithville Board of Aldermen**

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

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

PASSED THIS \_\_\_\_ DAY OF DECEMBER 2020.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST

\_\_\_\_\_  
Linda Drummond  
City Clerk

First Reading:        12/01/2020

Second Reading       / /



**Voluntary Annexation  
Staff Report**  
November 18, 2020  
Annexation of Parcel Id #05-908-00-03-001.00  
**Bill No. 2878-20**

Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation  
Property Information: Address: 15726 North Chestnut Street  
Owner: Michael and April Duncan  
Notice Date: November 19, 2020

**GENERAL DESCRIPTION:**

The applicant seeks to annex Lot 14 of Lakeside Crossing into the city.

**COMPLIANCE WITH COMPREHENSIVE PLAN**

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

**CONTIGUOUS AND COMPACT**

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

**ABILITY TO PROVIDE SERVICES**

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

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

\_\_\_\_\_  
Zoning Administrator

**ANNEXATION – LAKESIDE CROSSING LOT 26**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2879-20, Annexation 15701 North Wabash Street – 2nd Reading

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**RECOMMENDED ACTION:**

A motion to approve Bill No. 2879-20 to annex 15701 North Wabash Street for second reading by title only.

**SUMMARY:**

Approving this ordinance would annex this property into the city limits. The property is surrounded by the City of Smithville and is fully developed, and all city services are available to serve the property immediately.

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

**PREVIOUS ACTION:**

The majority of the surrounding lots in the subdivision were annexed in 2004, with additional voluntary annexations in 2008 and 2020.

A public hearing was held on December 1, 2020 and was advertised in the paper more than seven days in advance of the hearing (November 19) and less than 60 days have elapsed since the application was submitted (October 13) in compliance with §71.012 RSMo.

**POLICY ISSUE:**

Annexation

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- Ordinance
- Resolution
- Staff Report
- Other:

- Contract
- Plans
- Minutes

**BILL NO. 2879-20**

**ORDINANCE NO. XXXX-20**

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

**WHEREAS**, on the 10<sup>th</sup> day of November 2020, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

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

**WHEREAS**, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 1st Day of December 2020; and

**WHEREAS**, notice of said public hearing was given by publication of notice hereof on the 19<sup>th</sup> day of November 2020 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

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

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

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

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

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

Lot 26, Lakeside Crossing 1<sup>st</sup> Plat

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

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

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

PASSED THIS \_\_\_\_ DAY OF DECEMBER 2020.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST

\_\_\_\_\_  
Linda Drummond  
City Clerk

First Reading:        12/01/2020

Second Reading       / /



**Voluntary Annexation  
Staff Report**  
November 18, 2020  
Annexation of Parcel Id #05-908-00-03-013.00  
**Bill No. 2879-20**

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Application for Voluntary Annexation of Land to the City

Code Sections:	State Law Section 71-012 Annexation	
Property Information:	Address:	15701 North Wabash Street
	Owner:	Jack and Jill Green
Notice Date:		November 19, 2020

**GENERAL DESCRIPTION:**

The applicant seeks to annex Lot 26 of Lakeside Crossing into the city.

**COMPLIANCE WITH COMPREHENSIVE PLAN**

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

**CONTIGUOUS AND COMPACT**

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

**ABILITY TO PROVIDE SERVICES**

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

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

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Zoning Administrator

**ANNEXATION - LAKESIDE CROSSING LOT 40**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2880-20, Annexation 15808 North Chestnut Street – 2nd Reading

**RECOMMENDED ACTION:**

A motion to approve Bill No. 2880-20 to annex 15808 North Chestnut Street for second reading by title only.

**SUMMARY:**

Approving this ordinance would annex this property into the city limits. The property is surrounded by the City of Smithville and is fully developed, and all city services are available to serve the property immediately.

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

**PREVIOUS ACTION:**

The majority of the surrounding lots in the subdivision were annexed in 2004, with additional voluntary annexations in 2008 and 2020.

A public hearing was held on December 1, 2020 and was advertised in the paper more than seven days in advance of the hearing (November 19) and less than 60 days have elapsed since the application was submitted (October 13) in compliance with §71.012 RSMo.

**POLICY ISSUE:**

Annexation

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**BILL NO. 2880-20**

**ORDINANCE NO. XXXX-20**

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

**WHEREAS**, on the 27th day of October 2020, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

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

**WHEREAS**, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 1<sup>st</sup> Day of December 2020; and

**WHEREAS**, notice of said public hearing was given by publication of notice hereof on the 19<sup>th</sup> day of November 2020 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

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

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

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

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

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

Lot 40, Lakeside Crossing 1<sup>st</sup> Plat

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

**Smithville Board of Aldermen**

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

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

PASSED THIS \_\_\_\_ DAY OF DECEMBER 2020.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST

\_\_\_\_\_  
Linda Drummond  
City Clerk

First Reading:        12/01/2020

Second Reading       / /



**Voluntary Annexation  
Staff Report**  
June 10, 2020  
Annexation of Parcel Id # 05-908-00-04-002.00  
**Bill No. 2880-20**

Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation  
Property Information: Address: 15808 North Chestnut Street  
Owner: Pamela and Ronald Eason  
Notice Date: November 19, 2020

GENERAL DESCRIPTION:

The applicant seeks to annex Lot 40 of Lakeside Crossing into the city.

COMPLIANCE WITH COMPREHENSIVE PLAN

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

CONTIGUOUS AND COMPACT

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

ABILITY TO PROVIDE SERVICES

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

\_\_\_\_\_  
Zoning Administrator

**FY21 BUDGET AMENDMENT NO. 1**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Finance, Public Works  
(Streets and Utilities)

**AGENDA ITEM:** Bill No. 2881-20, Budget Amendment #1 – Second Reading

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**RECOMMENDED ACTION:**

Motion to approve Bill No. 2881-20 for Second Reading by Title only.

**SUMMARY:**

This action adds budget authority for items budgeted in FY20, with work not yet complete at year end, October 31, 2020. As FY20 year-end is finalized, a second amendment may be required to adjust for changes to project costs.

The recommended adjustments are as follow:

- Add \$125,000 to the General Fund Budget
  - \$20,000 for the final payment to Future iQ for completion of the Comprehensive Plan.
  - \$105,000 for construction of the Streetscape Phase 2 project.
- Add \$1,198,000 to the Combined Water and Wastewater Systems Fund
  - \$6,000 for completion of the Wastewater Master Plan.
  - \$78,000 for construction and engineering costs for the Main Street Waterline project.
  - \$848,000 for construction and engineering costs for the Forest Oaks Sewer and 144<sup>th</sup> Street Pump Station project.
  - \$24,000 for completion of the 188<sup>th</sup> Street Waterline Relocation project engineering.
  - \$21,000 for engineering of the Highland Drive Sewer Improvements.
  - \$221,000 for engineering costs associated with the Raw Water Pump Station, Valve Box and Zebra Mussel mitigation projects at Smithville Lake.
- Add \$268,000 to the Transportation Sales Tax Fund
  - \$99,000 for design of the Bridgeport Roundabout.
  - \$169,000 for construction and design of the Streetscape Phase 2 project.
- Add \$1,381,000 to the Capital Projects Fund
  - \$1,074,000 for the Route DD walking trail (Main Street Trail) project.

- \$27,000 for contract additions for the CFS contract for the Main Street Trail.
- \$280,000 for Streetscape Phase 2.
  
- Add \$243,000 to the Capital Improvement Sales Tax Fund for the Streetscape Phase 2 project.
  
- Add \$550,000 to the CARES Stimulus Fund for unexpended funds through October 31, 2020.

**PREVIOUS ACTION:**

Items were included in the FY20 Budget. The FY21 Budget, which began November 1, was adopted earlier this fall.

**POLICY ISSUE:**

Provides funding for Board directives, initiatives and policies.

**FINANCIAL CONSIDERATIONS:**

Amend FY21 Expenditure Budget to reflect unexpended funds budgeted in FY20.

**ATTACHMENTS:**

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

**BILL NO. 2881-20**

**ORDINANCE NO. XXXX-20**

**AN ORDINANCE AMENDING THE FY21 OPERATING BUDGET TO ADD  
\$3,765,000 TO THE EXPENDITURE BUDGET.**

**WHEREAS**, pursuant to Ordinance 3074-20, passed on October 20, 2020, the City approved the fiscal year ending October 31, 2021 Budget; and

**WHEREAS**, not included in the approved fiscal year 2021 Budget are expenditures to complete various projects initiated in FY20 but not yet complete; and

**WHEREAS**, amendment to the General Fund, Combined Water and Wastewater Systems Fund, Transportation Sales Tax Fund, Capital Projects Fund, Capital Improvement Sales Tax Fund and CARES Stimulus Fund are all required at this time;

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

**THAT** the fiscal year ending October 31, 2021 Budget is hereby amended to add:

- \$125,000 in expenditures in the General Fund;
- \$1,198,000 in expenditures in the Combined Water and Wastewater System Fund;
- \$268,000 in expenditures in the Transportation Sales Tax Fund;
- \$1,381,000 in expenditures in the Capital Projects Fund;
- \$243,000 in expenditures in the Capital Improvement Sales Tax Fund; and
- \$550,000 in expenditures in the CARES Stimulus Fund.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 15<sup>th</sup> day of December 2020.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

First Reading: 12/1/2020

Second Reading:

**INITIAL ZONING – 18523 COUNTY LINE ROAD**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2882-20 Zoning 18523 County Line Road

**RECOMMENDED ACTION:**

A motion to approve Bill No. 2882-20 for First Reading, Title Only to establish zoning on 18523 County Line Road.

**SUMMARY:**

Newly annexed property must be zoned in accordance with the City zoning ordinance.

This parcel was annexed into the city in order to allow a subdivision of one parcel that lies in two separate counties into 10 lots. Since some of the lots are smaller than 10 acres, the A-R district is required instead of A-1.

**PREVIOUS ACTION:**

Property annexed by Ordinance 3078-20 and 3079-20 on November 17, 2020 and December 1, 2020 respectively.

**POLICY ISSUE:**

Annexation Policy, Comprehensive Development Plan Policy

**FINANCIAL CONSIDERATIONS:**

No direct financial impacts to the City budget but will include city property taxes on this land in 2021.

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance               | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution                         | <input type="checkbox"/> Plans    |
| <input checked="" type="checkbox"/> Staff Report            | <input type="checkbox"/> Minutes  |
| <input checked="" type="checkbox"/> Other: Findings of Fact |                                   |

***FINDING OF FACTS AND  
CONCLUSIONS OF LAW***

Applicant: Landmark Farms, LLC

Land Use Proposed: A-R

Zoning: County Agricultural

Property Location: 18523 County Line Rd.

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 December 8, 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 single agricultural in character in both Clay and Platte Counties.
2. Consistency with the City's Comprehensive Plan and ordinances.  
The existing Comprehensive Plan was approved on November 10, 2020 during the pendency of this application. Significant development is not expected in the plan, and Low-density housing is called for in the North part of the city. It complies with the plan.
3. Adequacy of public utilities and other needed public services.  
The land has water and other utilities along the west line (County Line Rd.) and water is available along the north side of 188<sup>th</sup> St.
4. Suitability of the uses to which the property has been restricted under its existing zoning.  
The current use is agricultural formerly outside the city limits, and the proposed district matches the current use district.
5. Length of time the property has remained vacant as zoned.  
The property was in the unincorporated county but had never previously annexed. This property would be developed into 10 lots.
6. Compatibility of the proposed district classification with nearby properties.  
The proposed district matches the adjacent existing uses.
7. The extent to which the zoning amendment may detrimentally affect nearby property.  
No detriment is anticipated.

8. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.  
No loss to landowners is expected.
9. That in rendering this Finding of Fact, testimony at the public hearing on December 8, 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 Zoning of this property from County Single Family Residential to A-R is governed by Section 400.620 of the zoning ordinance of Smithville, Missouri.
- B. The proposed zoning is compatible with the factors set out in Section 400.560(C) of the zoning ordinance.
- C. The Planning and Zoning Commission of the City of Smithville, Missouri recommends approval of zoning the property to A-R.

**BILL NO. 2882-20**

**ORDINANCE NO. XXXX-20**

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

**WHEREAS**, The City of Smithville received an application for annexation on September 24, 2020 for property located at 18523 County Line Rd.; and

**WHEREAS**, after the property was annexed in two separate hearings, the City is now required to designate the initial zoning of newly annexed property, so a Public Hearing was conducted before the Planning Commission on December 8, 2020; and

**WHEREAS**, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as A-R.

**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 board vote, the zoning classification(s) or district(s) of the lands legally described hereby are changed as follows:

The property legally described as:

All That Part Of The West Half Of The Southwest Fractional Quarter Of Section 3, Township 53 North, Range 33 West, In Clay And Platte County, Missouri, Being Described As Follows: Beginning At The Northwest Corner Of The Southwest Fractional Quarter Of Said Section 3 In Platte County, Missouri; Thence S89°31'16"E, Along The North Line Of Said Fractional Quarter Section, A Distance Of 278.71 Feet To The Northeast Corner Of Said Southwest Fractional Quarter; Thence S00°44'29"E, Along The East Line Of Said Southwest Fractional Quarter, A Distance Of 49.45 Feet To The Northwest Corner Of The Southwest Fraction Quarter Of Said Section 3 In Clay County; Thence S89°52'56"E, Along The North Line Of Said Southwest Fractional Quarter, A Distance Of 997.32 Feet To The Northeast Corner Of The West Half Of Said Southwest Fractional Quarter Of Section 3; Thence S00°37'37"W, Along The East Line Of Said West Half, A Distance Of 2652.92 Feet To The Southeast Corner Of The West Half Of Said Fractional Quarter; Thence N89°13'12"W, Along The South Line Of Said Fractional Quarter, A Distance Of 949.26 Feet To The Southwest Corner Of The Southwest Quarter Of Fractional Section 3 In Clay County; Thence N00°24'52"W, Along The Platte County And Clay County Line, A Distance Of 49.41 Feet To The Southeast Corner Of The Southwest Quarter Of Fractional Section 3 In Platte County; Thence N89°14'01'w, Along The South Line Of Said Southwest Fractional Quarter, A Distance Of 308.24 Feet To The Southwest Corner Of The Southwest Quarter Of

Fractional Section 3 In Platte County; Thence N00°13'11"E, Along The West Line Of Said Fraction Quarter, A Distance Of 2640.16 Feet To The Point Of Beginning.

is hereby set as A-R.

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

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

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading:                    12/15/2020

Second Reading                /        /

Exhibit A

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



**STAFF REPORT**

December 8, 2020

Initial zoning of Clay County Parcel Id # 05202000100300 and  
Platte County Parcel # 11-2.0-03-000-000-002.000

---

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 18523 County Line Rd.  
Owner: Landmark Farms, LLC  
Current Zoning: New annexation  
Proposed Zoning: A-R

Public Notice Dates:

1<sup>st</sup> Publication in Newspaper: November 19, 2020  
Letters to Property Owners w/in 185': November 20, 2020

GENERAL DESCRIPTION:

The applicant recently annexed this 77+/- acre tract of agricultural land into the City Limits. The applicant intends to seek an agricultural subdivision of lots, some of which will be less than 10 acres and the initial zoning needs to be set by the City. The tract is agricultural in nature, and the applicant seeks to have it zoned A-R to allow for 10 single family A-R homes. The area is agricultural.

EXISTING ZONING:

The existing zoning predates the annexation into the city limits.

CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is agricultural in Clay and Platte Counties.

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

The existing Comprehensive Plan was approved on November 10, 2020, after this application was submitted, but it calls for this area to be agricultural (green) with the area identified with the red boundary in Platte County. It is in compliance with the plan.



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

The area has existing farm houses adjacent to the property so water is available, along with all other utilities and public services.

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

The current use is agricultural formerly outside the city limits.

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

The property has been a farm in the county.

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

The proposed district is the same as the existing adjacent uses.

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

No detrimental effects are known.

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.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed district based upon the change meets the Comprehensive Plan recommendations.

Respectfully Submitted,

---

Zoning Administrator

**APPOINTMENT OF CID BOARD OF DIRECTORS**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 862 – Assignment of CID Board of Director Successors

---

**RECOMMENDED ACTION:**

Motion to approve Resolution 862.

**SUMMARY:**

The Smithville Commons Redevelopment Area Tax Increment Financing (TIF) district and Community Improvement District (CID) were approved in August 2017 as an economic development incentive to develop Smithville Commons. The CID is a separate legal entity that imposes a 1% additional sales and use tax imposed on sales within the district which will be reimbursed to the developer for authorized expenses.

This Resolution provides for the appointment of successor directors to the Board of Directors of the Smithville Commons Community Improvement District (CID) in accordance with the CID Act and the CID Petition approved by the City on August 1, 2017. CIDs are required to identify individuals to serve on an oversight board for the district. The responsibilities of the board include submittal of an annual budget and oversight of expenses. The developer often appoints several members and the City also appoints a member. The City's appointee will be the Assistant City Administrator.

**PREVIOUS ACTION:**

Bill No. 2839-19, CID Cooperative Agreement, approved by the Board of Aldermen July 16, 2019.

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

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

**RESOLUTION 862**

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY SMITHVILLE, MISSOURI, CONSENTING TO THE APPOINTMENT OF DIRECTORS FOR THE GOVERNANCE OF THE SMITHVILLE COMMONS COMMUNITY IMPROVEMENT DISTRICT.**

**WHEREAS**, on August 1, 2017, the Board of Aldermen, after a public hearing, adopted Ordinance No. 2974-17 (the "Ordinance"), which approved a petition for and established the Smithville Commons Community Improvement District (the "District") pursuant to Sections 67.1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"); and

**WHEREAS**, the Petition for Establishment of the Smithville Commons Community Improvement District (the "Petition") provides that the District shall be governed by a board of directors consisting of five (5) members; and

**WHEREAS**, pursuant to Section 5(e) of the Petition and Section 4 of the Ordinance, successor directors of the District shall be appointed by the Mayor with the consent of the Board of Aldermen; and

**WHEREAS**, the Mayor now desires to appoint, and the Board of Aldermen now desires to consent to the appointment of, individuals to serve as directors of the District as provided in the Petition.

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

**SECTION 1:** That the following individuals are hereby appointed by the Mayor to serve as directors of the District for the respective terms specified below:

Dante Cosentino – Director, 4 years

Adam Lyngar – Director, 4 years

The person then performing the duties of Assistant City Administrator –  
Director, 4 years

**SECTION 2:** That the Board of Aldermen hereby consents to the Mayor's appointment of the foregoing individuals to serve as directors of the District.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 15<sup>th</sup> day of December 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**MOU WITH NORTHLAND ASSISTANCE CENTER**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 863 – MOU with The Northland Assistance Center for Administration of CARES Utility and Housing Assistance Grants

---

**RECOMMENDED ACTION:**

Motion to approve Resolution 863.

**SUMMARY:**

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

A grant program for individuals to reimburse the costs to residents for utilities and housing assistance due to COVID-19 is an authorized expenditure in the CARES Act. On August 18, the Board of Aldermen authorized the first round of the CARES Utility and Housing Assistance Grant program for Smithville residents. The proposed funding amount for the second round of grants is \$50,000, plus a 5% administrative fee.

On August 18, 2020, the Board of Aldermen approved an MOU with NAC for the first round of utility and housing assistance grants. Those funds have now been expended and NAC staff indicates continuing need in the Smithville community.

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

The attached MOU outlines the responsibilities of the City and The Northland Assistance Center in administering the program which will expend up to \$50,000 in total grant funds to individuals in Smithville. Funds would be paid directly from The Northland Assistance Center to the landlord, mortgage holder, or utility provider. Utilities include gas, electric, water, wastewater, trash, and internet bills. Recipients are eligible to receive both housing and utility assistance, but may only receive assistance once every six months. Requests for assistance will be verified through the Mid America Assistance Center database to ensure applicants are not receiving duplicate payments for that

service. To receive assistance residents must call The Northland Assistance Center, identify themselves as Smithville residents, set up an appointment and provide the documents outlined in the MOU. The City will receive a monthly report summarizing the types of assistance provided to residents

**PREVIOUS ACTION:**

Resolution 819, MOU with Northland Assistance Center for utility and housing assistance grants, approved August 18, 2020.

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

Complies with the CARES funds budget.

**ATTACHMENTS:**

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

**RESOLUTION 863**

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

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

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

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

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

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

**WHEREAS**, on August 18, 2020, the Board of Aldermen authorized a Memorandum of Understanding for a \$25,000 grant program; and

**WHEREAS**, those funds have been expended, but needs remain, and

**WHEREAS**, the City now desires to enter into a second Memorandum of Understanding for services (the "Agreement") with The Northland Assistance Center for said services in an amount of \$50,000.

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

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

Section 2. Further Authority. The City shall, and the mayor, city clerk, city officials and employees of the City are hereby authorized and directed to take such further action,

and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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

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

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

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 15<sup>th</sup> day of December 2020.

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST:

\_\_\_\_\_  
Linda Drummond, City Clerk

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

THIS MEMORANDUM OF UNDERSTANDING (this "**MOU**") is dated as of December 15, 2020 ("**Effective Date**"), by and between the **CITY OF SMITHVILLE**, a fourth-class city and municipal corporation duly organized and existing under the laws of the State of Missouri (the "**City**") and **THE NORTHLAND ASSISTANCE CENTER**, a Missouri nonprofit corporation ("**NAC**").

RECITALS

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

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

- 1. The City commits to making up to Fifty Thousand Dollars (\$50,000.00) in grants to qualifying Smithville individuals and families.
- 2. NAC shall review and approve applications from Smithville residents for assistance with housing or utilities (including internet). All applicants will be required to provide proof of residency, picture identification for all household members over 18 years of age, social security cards for all household members, proof of income, when appropriate, and a letter from the landlord or mortgage company and/or a copy of the utility

bill(s).

3. NAC will be responsible for the disbursement of funds directly to the purveyor.
4. NAC will enter all clients into the Mid-America Assistance Center (MAAC) database and will provide reports to the Board of Aldermen on a monthly basis.
5. In consideration of the services of NAC, the City shall pay NAC an amount equivalent to five percent (5%) of the amount of grant funds that are disbursed to Smithville individuals or families.
6. NAC shall comply with all federal, state and local laws, rules, regulations and guidelines in carrying out the services described herein.
7. The recitals set forth above are true and correct and are incorporated herein by reference and made a part of this MOU.
8. The persons executing this MOU on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this MOU on behalf of said party, (iii) by so executing this MOU, such party is formally bound to the provisions of this MOU, and (iv) the entering into this MOU does not violate any provision of any other agreement to which said party is bound.
9. This Memorandum of Understanding is effective December 15, 2020 and until grant funds are exhausted.

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

Agreed to this 15th day of December 2020.

CITY SMITHVILLE

THE NORTHLAND ASSISTANCE CENTER

\_\_\_\_\_  
Damien Boley  
Mayor

\_\_\_\_\_  
Rita Pearce  
Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**CHANGE ORDER FOR EAST MAIN STREET TRAIL PROJECT**



**Board of Alderman  
Request for Action**

**MEETING DATE:** 12/15/2020

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Resolution 864 - Change order to the East Main Street Trail Project 20-07 for Railing and additional Curb and Gutter in an amount of \$21,000

---

**RECOMMENDED ACTION:**

Approve Resolution 864 - Change order to the East Main Street Trail Project 20-07 for Railing and additional Curb and Gutter in an amount of \$21,000

**SUMMARY:** The Trail project from Downtown to the Lake is making good progress with about 85% of the Trail completed. There is still a lot of work that remains including completing the portions of the Trail that need to be placed by hand, grading and backfill, the parking area by the playground, installation of the amenities (drinking fountain, bike fix it station, solar bench), installation of the rapid flashing pedestrian beacon, repair of a few driveways, seeding, and installation of fencing / railing. The plans call out for galvanized chain link fencing to be installed on the top of the retaining walls on the east and west side of the bridge. The railing on the bridge is a black Montage (wrought iron look) product. See attached photos and brochure. Staff requested that the contractor provide the city with the cost to have a black coated chain link fence and the Montage product to better match the existing bridge railing. The difference in price from the galvanized chain link bid price is:

Black coated chain link – additional \$4,400

Montage Plus Railing - additional \$9,000

Staff is recommending installation of the Montage Railing System.

As you approach the bridge from the west heading east, curb and gutter has been installed and the Trail is behind the curb and gutter section. As one crosses the bridge going east, the Trail drops below and away from the road. There is guard rail leaving the bridge for approximately 50 feet. Vehicles are still traveling along the road curvature and there is no curb to keep vehicle on the pavement and the shoulder is minimal (2 foot wide). With the Trail being below the road in this area, staff is recommending that we add 374 feet of curb and gutter. This recommended change would add \$12,000 to the contract.

**PREVIOUS ACTION:**

On July 21, 2020 the Board approved Resolution 800 Awarding the East Main Street Trail bid to Amino Brothers Construction

**POLICY ISSUE: Infrastructure**

**FINANCIAL CONSIDERATIONS:**

Sales Tax revenues performed better than the 2020 budget projections, providing additional fund balance in the Capital Improvement Sales Tax Fund to provide funds for additional cost.

**ATTACHMENTS:**

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

**RESOLUTION 864**

**A RESOLUTION APPROVING A CHANGE ORDER TO THE EAST MAIN STREET TRAIL PROJECT 20-07 FOR RAILING AND ADDITIONAL CURB AND GUTTER IN AN AMOUNT OF \$21,000**

**WHEREAS**, on July 21,2020 the Board approved Resolution 800 awarding the East Main Street Trail to Amino Brothers Construction; and

**WHEREAS**, staff is recommending that additional curb and gutter be installed for safety and changing the galvanized chain link fencing to a Montage Rail product; and

**WHEREAS**, the additional cost for the curb and gutter is \$12,000 and for the railing is \$9,000 for a total additional cost of \$21,000.

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

**THAT** the Change Order for the additional curb and gutter and including the Montage Railing System in an amount of \$21,000 is approved.

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

\_\_\_\_\_  
Damien Boley, Mayor

ATTEST:

\_\_\_\_\_  
Linda Drummond, City Clerk



Chain link fence on Bridge Street



Existing Montage Railing on DD Bridge



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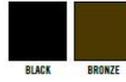
- Improved Panel Strength & Durability
- Increased Safety & Security for Children & Pets



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- MONTAGE PLUS™ ARCHED GATES
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**COLOR OPTIONS**



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PICKETS	RAILS	POSTS
¾"sq. x 18 ga.	1½" x 1½" x 14 ga.	2½" x 16 ga.



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- Acrylic Topcoat
- Epoxy Primer
- Zinc Phosphate
- Galvanic Zinc



Ameristar's world headquarters, manufacturing & coil processing facilities in Tulsa, Oklahoma, USA.



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Part #2079 | Revised 02/2014



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