



City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
November 2, 2021
7:00 pm – *Via Videoconference*****

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

For Public Comment, please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be invited via Zoom.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Consent Agenda**
 - **Minutes**
 - October 19, 2021, Board of Alderman Work Session Minutes
 - October 19, 2021, Board of Alderman Regular Session Minutes

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. **Committee Reports**
 - Economic Development and Parks and Recreation
5. **City Administrator's Report**

ORDINANCES & RESOLUTIONS

6. **Bill No. 2923-21, Initial Zoning Lot 8, Lakeside Crossing – 2nd Reading**

An Ordinance setting the initial zoning for Lot 8, Lakeside Crossing. 2nd reading by title only.
7. **Resolution 993, Agreement with Missouri Department of Conservation**

A Resolution authorizing and directing the Mayor to enter into an agreement with the Missouri Department of Conservation to implement the Missouri Department of Conservation Community Assistance Program which will provide general management plans for the fishery resources of Helvey Park Lake and Lake Remote.
8. **Resolution 994, Surplus Property**

A Resolution authorizing and directing the City purchasing agent to dispose of certain equipment in its possession as surplus and no longer of value.

9. Resolution 995, Change Order for Streetscape Phase II

A Resolution approving the change order for Streetscape Phase II, authorizing Menke Excavating, LLC to clean and add rip-rap to the drainage ditch on the north side of Main Street adjacent to Heritage Park in the amount of \$16,050.

OTHER MATTERS BEFORE THE BOARD

10. Public Comment

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

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89894230085>

Meeting ID: 898 9423 0085

Passcode: 223519





Board of Alderman Request for Action

MEETING DATE: 11/2/2021

DEPARTMENT: Administration

AGENDA ITEM: Consent Agenda

REQUESTED BOARD 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**
 - October 19, 2021 Board of Alderman Work Session Minutes
 - October 19, 2021 Board of Alderman Regular Session Minutes

SUMMARY:

Voting to approve would approve the Board of Alderman minutes.

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 type="checkbox"/> Other: | |

SMITHVILLE BOARD OF ALDERMAN

WORK SESSION

October 19, 2021, 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 via Zoom, called the meeting to order at 6:30 p.m. A quorum of the Board was present via Zoom meeting: Steve Sarver, Kelly Kobylski, Dan Ulledahl, John Chevalier, Dan Hartman and Marv Atkins.

Staff present via Zoom: Cynthia Wagner, Anna Mitchell, Chief Jason Lockridge, Matt Denton, Stephen Larson, Jack Hendrix and Linda Drummond.

2. Discussion of Regulations for Fireworks

Cynthia noted that Anna had prepared the report and has information to provide. Cynthia explained that this topic is a result of some discussion earlier this year and questions with regards to our ordinance. Anna has reached out to other communities to determine what their ordinances provide, and that information is included the packet.

Anna said staff reached out to eighteen area communities. Currently Smithville's ordinance restricts bottle rockets and nothing else. Of those municipalities that responded, four do not allow any fireworks, four (including Smithville) restrict bottle rockets, seven restrict bottle rockets and other types of fireworks and four have no restrictions on fireworks.

Anna explained that when she reached out to officials, usually within the police department, she talked to them mainly about enforcement. In several of the conversations she had with city officials they explained that they have X Y and Z in place but because of staffing or because there are other emergent or police matters happening, they are not really able respond to the calls regarding fireworks. It is also difficult to issue citations in those cases because they would have to physically see the person shoot the fireworks. In those cases, only a warning is given and that creates frustration on several different levels, the person with the fireworks, the neighbors who called it in, as well as the police officer.

Past Boards have approved restrictions, including time, length, limiting the days around July 4 and the bottle rockets.

Anna also supplied information on how many complaints that have actually been called in the past several years. This year, officers responded to 19 fireworks complaints during the months of June and July. In 2020, there were 18 complaints. In 2019, there were 21 complaints and in 2018, there were 31 complaints.

Anna explained that staff is looking for a discussion from the Board as well as direction on how they would like for staff to proceed.

Alderman Sarver ask if anybody knew why we restricted bottle rockets?

Alderman Atkins asked what brought the conversation up asking about more restrictions?

Alderman Sarver explained that it was because a lot of people in his neighborhood asked him to check into why Smithville allows people to shoot almost professional grade fireworks in small neighborhoods. He said that truly a lot of fireworks that are shot in his neighborhood are almost professional fireworks. He asked why the City prohibits bottle rockets when there is not much difference in the professional fireworks being shot over people's houses in the neighborhoods.

Chief Lockridge explained that he did not know why bottle rockets were originally restricted, but it has been in effect since he started working for the City in late 1996. He suspected that it was related to the push to ban them in the late 1980's and through the 1990's in regard to concerns over wood shake shingles.

Mayor Boley noted that was what he remembered from Kansas City in the 1980's and 1990's there was a lot of restrictions due to wood shake shingles.

Alderman Sarver said that the reason for the restriction of bottle rockets was a safety issue. Basically, it is unsafe to shoot bottle rockets in a neighborhood because they could cause a fire. He noted that he still does not understand the difference between shooting bottle rockets and what is being shot off today which is almost the same as professional grade fireworks. He explained that residents are coming to him asking this same question and why we allow them in neighborhoods where houses are twenty feet apart. Alderman Sarver also noted that our ordinance states that fireworks are to be shot off in your own yard and he thought that might be the reason that bottle rockets were banned because it is impossible to keep it in your own yard. He said that obviously every other aerial is the same once they are shot into the air they do not stay on your property. Alderman Sarver noted that out of the eighteen cities that were polled they either banned bottle rockets or aerial or you have to have at least three acres. He said that makes sense because if you have at least three acres you are able to shoot an aerial and it would more than likely come down on your

property. Twelve of the cities polled allowed no aerial fireworks, no sky lanterns and no bottle rockets because of the danger. He explained that he researched eleven cities on the Kansas side and nine of those cities do not allow them either. The Kansas cities he researched were DeSoto, Leavenworth, Lawrence, Lenexa, Merriam, Mission, Mission Hills, Olathe, Overland Park, Prairie Village and Shawnee.

Mayor Boley asked Cynthia since she lives in DeSoto if the ordinance stops anyone from shooting aerial fireworks?

Cynthia said that it does not.

Alderman Sarver said he did not think that was the issue, just like if a car is speeding down the highway or not wearing their seat belt and a police officer is not there to see them you cannot enforce those either. He explained that the idea is if you tell someone they are breaking the law some people will not do it. He is not saying that an ordinance banning aerial fireworks will eliminate all people from shooting them off, but it will deter some people.

Mayor Boley asked Alderman Sarver if he is recommending the ordinance bottle rocket language be changed to aerial?

Alderman Sarver said yes change the language to aerial fireworks. He noted that some people have asked that fireworks be banned completely but he told them that probably would not happen. He explained that a lot of the concerns people have is the debris that lands on their houses and in the gutters from the aerial fireworks. He thinks that banning the aerial fireworks would make most people happy. Alderman Sarver noted that out of the twenty-three cities polled only nine have not banned aerial and Smithville is one of them. This is a complaint that he hears every year, and the aerial fireworks get bigger and that adds to the complaints. It is becoming more of a safety issue, with the debris, the pollution and the noise for the veterans with PTSD and the animals.

Mayor Boley noted that the Board had received a few letters from veterans a couple of years ago that brought up those same concerns. He agreed that some of the firework displays were pretty extensive and are being shot off in the streets which is also illegal.

Chief Lockridge explained that the way the ordinance is written you are only allowed to discharge fireworks on your own property or property where you have permission from the owner.

Mayor Boley noted that the street sweeper is scheduled to clean up after the Fourth of July. He said that he does not disagree with Alderman Sarver.

Alderman Sarver said that Smithville is one of the few cities that have not banned the aerial fireworks. He noted that with the growth of Smithville, this will need to be done at some point.

Alderman Kobylski explained that she lives in the Hills of Shannon, and they really enjoy their fireworks. They do a very good job of cleaning up the debris and mess. She noted that the Hills of Shannon would be a hard neighborhood to agree with the ban of aerial fireworks.

Alderman Sarver said that his neighborhood was the same only they do not clean it up.

Alderman Kobylski said that her neighborhood is very respectful that most of the streets are cleaned up. They also have not had the complaints about debris in gutters and on roofs. They have gotten some complaints about dog issues.

Alderman Hartman asked if we had gotten any feedback on this issue from Fire Chief Cline on what types of calls they have gotten during that time and types of injuries that have happened due to fireworks?

Mayor Boley said that we could definitely ask.

Alderman Ulledahl noted he had questions along the same lines as Alderman Hartman with the Fire and Ambulance districts. During the time period of the first through the sixth of July what types of calls they get for medical issues and fire issues directly related to fireworks for both injury and property damage?

Alderman Sarver explained that he is not asking that the City outlaw fireworks. The issue is that there are fireworks being shot off in neighborhoods and there are people that do not like fireworks and do not want them shot over their homes.

Mayor Boley asked if it was Liberty that has the three-acre restriction?

Anna said that was correct.

Alderman Ulledahl explained that bottle rockets were typically outlawed due to the fact that they were put together in such a cheap manner that they did not always go very far would land on a roof or in a gutter and cause a fire. He said that the aerial fireworks are designed to go up high enough that when it is falling back down to tree and house level it should have burnt out, but that is not always the case.

Mayor Boley said he had seen flaming parachutes every once in a while.

Alderman Ulledahl explained that the parachutes are put together pretty cheaply also.

Mayor Boley noted that aerals that only go up 75-100 feet typically do not have enough time to burn out. The burning lanterns are an issue also because you do not know where they will land.

Alderman Chevalier said that he feels that even if the City tried to ban them it could not be enforced. He noted the biggest challenge he sees is getting people to stop setting off the fireworks in the streets. Traffic has to stop and wait for the firework to be done. He said if there was an emergency and an ambulance or emergency vehicle needed to get through and they cannot because people are shooting off a large firework display in the street, he sees that as an issue and what concerns him the most.

Mayor Boley noted that at his residence prior to moving to Smithville people in his neighborhood would shoot of sticks of dynamite and one year he had damage to his car because of it. They also caused potholes in the street. He noted that we have not had that issue here in Smithville.

Mayor Boley asked if any of the Board members other than Alderman Sarver would like to look at adjusting the language of the ordinance from bottle rockets to aerial fireworks?

Alderman Kobylski said she personally did not.

Alderman Atkins noted that he had not heard enough evidence about safety issues to justify changing anything.

Alderman Ulledahl explained that was why he and Alderman Hartman made the request for information from emergency services to help make a better decision of what the next move needs to be for the betterment of the City and not based on our personal opinions.

Mayor Boley asked staff to get the information from the Fire and Ambulance District and have it for the City Administrator's report. If the Board then decides to move forward it can be brought up as new business.

Alderman Chevalier asked for additional information on street damage that we have had related to fireworks.

Mayor Boley suggested to do a FaceBook poll or some sort of a one question survey email out to residents to find out opinions on the subject after we hear back from the emergency services.

Cynthia noted that after hearing the concerns for public safety suggested that as we get closer to the Fourth of July, supplying more educational information. Posting the regulations on the City website and social media posts such as "Did You Know" reminding people that it is illegal to set off fireworks in the streets and to discharge fireworks offsite of your property. To create more of an educational process to hopefully minimize some of that.

Mayor Boley suggested that Alderman Sarver bring this issue to the attention of his HOA to possibly have a designated area in the neighborhood for discharge of fireworks.

Alderman Chevalier noted that bringing it to the attention of the HOA was a good idea, that they might be able to regulate fireworks within the neighborhood.

3. Adjourn

Alderman Hartman moved to adjourn. Alderman Atkins seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:52 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

October 19, 2021, 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 via Zoom, called the meeting to order at 7:00 p.m. A quorum of the Board was present via Zoom meeting: John Chevalier, Marv Atkins, Steve Sarver, Dan Hartman, Dan Ulledahl and Kelly Kobylski.

Staff present via Zoom: Cynthia Wagner, Anna Mitchell, Chief Jason Lockridge, Jack Hendrix, Matt Denton, Linda Drummond, Gina Pate, Bob Lemley and Allan Jensen.

2. Pledge of Allegiance led by Fire Chief Dave Kline

3. Mayor Boley called the public hearing for Sewer Rates to order at 7:02 p.m.

No Public Comment.

Adjourn Public Hearing for Sewer Rates

Mayor Boley declared the public hearing adjourned at 7:02 p.m.

4. Consent Agenda

- **Minutes**

- October 5, 2021, Board of Alderman Work Session Minutes
- October 5, 2021, Board of Alderman Regular Session Minutes

- **Finance Report**

- Financial Report for August 2021

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

Mayor Boley asked the Board if they approved of moving certain Resolutions to the consent agenda, such as: Acknowledgement of Emergency Purchases, Special Events, Liquor Licenses, Surplus Property, Leak Adjustments and Fireworks Events for approval?

All of the Board members agreed.

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

REPORTS FROM OFFICERS AND STANDING COMMITTEES

5. Committee Reports

Alderman Chevalier reported on the October 12, 2021, Planning and Zoning Commission meeting. It was reported that we have 41 residential building permits to date for 2021. Burger King is completing their landscaping and Domino's construction is almost complete.

Mayor Boley noted that Smith's Fork Campground will be closing soon, and projects will begin on the electrical upgrade and on the valve box, raw water pump, copper ion combined project and campground lift station. Mayor Boley explained that the work will also help with the control of zebra mussels.

Cynthia stated the work will take approximately 18 months to complete.

6. City Administrator's Report

Cynthia noted that the overlay on East Main Street is complete and the final striping the road, cleanup and final seeding is nearing to completion.

Cynthia introduced the newly appointed executive director for the Main Street District, Alyssa Sanders and noted that their fiscal year 2022 budget was attached to the City Administrators report in the packet.

Alyssa Sanders explained that she is excited to get started with the new position. She grew up in Liberty and loves small towns and lives in downtown Smithville. She is very excited to see the downtown area grow and is looking forward to being able to support the community as well as the businesses.

Mayor Boley thanked Alyssa for joining the meeting tonight.

ORDINANCES & RESOLUTIONS

7. Bill No. 2918-21, Creation of American Rescue Plan Act Fund – 2nd Reading

Alderman Hartman moved to approve Bill No. 2918-21, approving the creation of the ARPA Fund to account for the receipt of and expenditures from that allocation separate from any other monies. 2nd reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins – Aye, Alderman Sarver – Aye, Alderman Kobylski – Aye,
Alderman Chevalier – Aye, Alderman Ulledahl – Aye, Alderman Hartman – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2918-21 approved.

8. Bill No. 2919-21, FY21 Budget Amendment No. 9 – 2nd Reading

Alderman Hartman moved to approve Bill No. 2919-21, amending the FY21 Budget to add \$1,089,138 in budgeted revenue to the newly created ARPA Fund. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

Alderman Sarver – Aye, Alderman Chevalier – Aye, Alderman Atkins – Aye,
Alderman Hartman – Aye, Alderman Ulledahl – Aye, Alderman Kobylski – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2919-21 approved.

9. Bill No. 2920-21, Adopting the Fiscal Year 2021-2022 Proposed Budget – 2nd Reading

Alderman Hartman moved to approve Bill No. 2920-21, adopting the Fiscal Year 2021-2022 proposed budget. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

Alderman Kobylski – Aye, Alderman Sarver – Aye, Alderman Ulledahl – Aye.
Alderman Atkins – Aye, Alderman Hartman – Aye, Alderman Chevalier – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2920-21 approved.

10. Bill No. 2921-21, Destruction of Records – 2nd Reading

Alderman Chevalier moved to approve 2921-21, authorizing staff to proceed with the destruction of certain finance records and police records as authorized by the retention and destruction schedule approved by the Secretary of State's Office. 2nd reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Upon roll call vote:

Alderman Chevalier – Aye, Alderman Atkins – Aye, Alderman Kobylski – Aye,
Alderman Ulledahl – Aye, Alderman Sarver – Aye, Alderman Hartman – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2921-21 approved.

11. Bill No. 2922-21, Amending Section 115.020 Realigning the City Election Wards – 2nd Reading

Alderman Hartman moved to approve Bill No. 2922-21, amending Section 115.020 of the Code of Ordinances realigning the City election wards. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Alderman Ulledahl – Aye, Alderman Chevalier – Aye, Alderman Hartman – Aye,

Alderman Atkins – Aye, Alderman Kobylski – Aye, Alderman Sarver – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2922-21 approved.

12. Bill No. 2923-21, Initial Zoning Lot 8, Lakeside Crossing – 1st Reading

Alderman Hartman moved to approve Bill No. 2923-21, setting the initial zoning for Lot 8, Lakeside Crossing. 1st reading by title only. Alderman Kobylski seconded the motion.

No discussion.

Alderman Hartman – Aye, Alderman Sarver – Aye, Alderman Kobylski – Aye,
Alderman Chevalier – Aye, Alderman Ulledahl – Aye, Alderman Atkins – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2923-21 approved first reading.

13. Resolution 979, Amending the Schedule of Fees

Alderman Ulledahl moved to approve Resolution 979, amending the Schedule of Fees for water, sewer and trash rates, parks and recreation fees and police records. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 979 approved.

14. Resolution 980, Agreement with ETC Institute

Alderman Hartman moved to approve Resolution 980, authorizing and directing the Mayor to enter into agreement with ETC Institute to conduct a citizen satisfaction survey. Alderman Sarver seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 980 approved.

15. Resolution 981, Agreement with Main Street District

Alderman Hartman moved to approve Resolution 981, authorizing and directing the Mayor to enter into an agreement with the Main Street District. Alderman Sarver seconded the motion.

Alderman Atkins is this was to be a separate entity from the City management or does the Board control this group?

Mayor Boley explained that as Mayor he will appoint one non-voting member to their board. This agreement is for four years, and the City is funding the director's position for the first year. After the first year the City's funding will be reduced each year thereafter. The funding from the City is to help them get started.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 981 approved.

16. Resolution 982, Director Successors for Smithville Commons CID

Alderman Ulledahl moved to approve Resolution 982, approving the nomination for the Director for the Smithville Commons CID. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 982 approved.

17. Resolution 983, Support of the SAFPD Smoke Detector Recycling Program

Alderman Ulledahl moved to approve Resolution 983, offering support of the Smithville Area Fire Protection District's application for the smoke detector recycling program. Alderman Kobylski seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 983 approved.

18. Resolution 984, Financial Advisor Agreement

Alderman Sarver moved to approve Resolution 984, authorizing and directing the Mayor to enter into an agreement with Piper Sandler & Co. to provide the City's financial services. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 984 approved.

19. Resolution 985, Employee COVID Policy

Alderman Hartman moved to approve Resolution 985, approving a policy implementing an employee leave policy related to COVID related illness. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 985 approved.

20. Resolution 986, Special Event Permit and Sponsor Request

Alderman Chevalier moved to approve Resolution 986, approving a special event permit and sponsorship request (waving fees) for the Wine Walk event to be held November 13, 2021. Alderman Atkins seconded the motion.

No discussion.

Ayes – 5, Noes – 0, Abstained – 1 (Ulledahl) motion carries. Mayor Boley declared Resolution 986 approved.

21. Resolution 987, Authorization No. 94, West Force Main Bypass Project

Alderman Ulledahl moved to approve Resolution 987, authorizing HDR to design the 144th Street West Force Main Bypass Sewer Project in an amount not to exceed \$346,050. Alderman Kobylski seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 987 approved.

22. Resolution 988, Fireworks Event White Iron Ridge

Alderman Hartman moved to approve Resolution 988, approving a fireworks event at White Iron Ridge on November 6, 9:45–10:00 p.m. to last approximately seven to ten minutes. Alderman Atkins seconded the motion.

Mayor Boley noted that staff received notice earlier today that the time of the fireworks would be moved up to 8:15-8:25.

Alderman Sarver moved to amend Resolution 988 to change the time of the fireworks display from 9:45-10:00 p.m. to 8:15-8:25 p.m. Alderman Ulledahl seconded the motion.

Alderman Ulledahl asked Becky Hofmeister, White Iron Ridge owner and Amanda Ready, White Iron Ridge manager, if there was a possibility of having the fireworks displays scheduled for a little bit earlier in the evenings maybe just shortly after dark to help from getting citizen complaints?

Amanda Ready said absolutely. She explained that they could honestly at this point do whatever they need to do to keep everyone happy. Amanda said there are some couples that really want to have the fireworks displays so they are willing to move the time earlier in the evening. She said that this will just be the rule moving forward.

Alderman Ulledahl suggested that they schedule the fireworks within an hour and a half of sunset. He explained that it would probably make a lot of people quite a bit happier.

Becky Hofmeister noted that the last couple of events they had the fireworks were done right at dusk and said she think they have definitely been moving that direction. She said that she believes it was maybe just the first couple events when the fireworks were at the very end of the event.

Amanda noted that they have been moving them to an earlier time.

Becky said that she did not think 8:15 on a Saturday evening is unreasonable and asked if the Board agreed?

The Board agreed that was more than reasonable.

Alderman Ulledahl said he thought as long as the fireworks are done before 10:30 or earlier if possible.

Amanda explained that when she communicated with her couples last, she explained to them what kind of information the Board had requested for the event and said that the fireworks needed to be before 10:00 p.m. They are changing the fireworks to kind of a start to the party instead of the couple's send-off.

Alderman Ulledahl said that having them completed by 10:00 p.m. should help.

Becky stated that they want to be a good neighbor.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 988 approved.

23. Resolution 989, HHW Contract with MARC for 2022

Alderman Ulledahl moved to approve Resolution 989, authorizing and directing the Mayor to enter into an agreement with Mid America Regional Council for disposal of Household Hazardous Waste for 2022. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 989 approved.

24. Resolution 990, Purchase of Winter Materials

Alderman Hartman moved to approve Resolution 990, authorizing the purchase of winter materials from Central Salt, LLC in the amount of \$71.02 per ton. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 990 approved.

25. Resolution 991, Bid Award 21-19, Residential Snow Removal

Alderman Hartman moved to approve Resolution 991, awarding Bid No. 21-19, and authorize the Mayor to sign an agreement with R & S Lawn Service for residential snow and ice control services. Alderman Atkins seconded the motion.

Alderman Kobylski asked if we could send out another RFP to contract with another company for snow removal for additional subdivisions?

Cynthia explained that we had difficulty getting bids for this RFP.

Gina Pate, Management Analyst, explained that she reached out to approximately ten different local snow removal companies and had difficulty getting any to even respond.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 991 approved.

26. Resolution 992, Leak Adjustment

Alderman Hartman moved to approve Resolution 992, approving a leak adjustment for of \$399.17 for residential utility billing customer, Daniel Hoerz for his August and September 2021 utility bills. Alderman Ulledahl seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 992 approved.

OTHER MATTERS BEFORE THE BOARD

27. Public Comment

None.

28. Appointment

The Mayor made the nomination of Jason Hoyt for the Economic Development Committee.

Upon roll call vote:

Alderman Hartman – Aye, Alderman Ulledahl – Aye, Alderman Kobylski – Aye, Alderman Atkins – Aye, Alderman Chevalier – Aye, Alderman Sarver – Aye.

Ayes – 6, Noes – 0, nomination approved. Mayor Boley declared Jason Hoyt a member of the Economic Development Committee.

29. Appointment

The Mayor made the nomination of Kyle Squires for the Parks and Recreation Committee.

Upon roll call vote:

Alderman Kobylski – Aye, Alderman Sarver – Aye, Alderman Atkins – Aye, Alderman Hartman – Aye, Alderman Ulledahl – Aye, Alderman Chevalier – Aye.

Ayes – 6, Noes – 0, nomination approved. Mayor Boley declared Kyle Squires a member of the Parks and Recreation Committee.

30. New Business from the Floor

None.

31. Adjournment to Executive Session Pursuant to Section 610.021(3)RSMo.

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

Alderman Chevalier – Aye, Alderman Kobylski – Aye, Alderman Atkins – Ayes, Alderman Ulledahl – Aye, Alderman Hartman – Aye, Alderman Sarver – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:38 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor



City Administrator's Report

October 28, 2021

Marketplace TIF Bond Issuance

As previously discussed with the Board, the developers of the Marketplace have indicated a desire to issue bonds to fund the project. The attached memo provides an update on the status of that bond issuance and related discussions.

Fireworks Follow Up

Following direction from the Board at the last work session, staff has reached out to the Smithville Area Fire Protection District (SAFPD) and Northland Regional Ambulance District (NRAD) to obtain information regarding fireworks-related responses in the past several years. Information obtained is summarized below.

SAFPD

Chief Dave Cline reports that the last structure fire directly related to fireworks in recent recollection occurred in the Harbor Town subdivision in 2005 or 2006. This was a result of kids playing with fireworks in the basement. A box of fireworks caught fire causing an explosion and the fire quickly spread through the house, which was a total loss.

There have been numerous trash fires and natural cover fires which have been attributed to fireworks over the years, none that caused much property damage that Chief Cline can recall. There have also been numerous injuries; mostly minor, but two which were very serious, one was fatal.

According to Chief Cline, the district uses a combination of Fire Code requirements and state regulations to guide enforcement. They have been asked numerous times to ban certain fireworks such mortars and the floating lanterns. The district has not taken action on those because they are allowed under state law and enforcement for them as a fire district is difficult. Unless they are manufacturing explosives/fireworks (federal and state violation) or disassembling fireworks to make bigger fireworks there isn't much the district can do on the local level.

NRAD

Executive Director Jason James reports that over the years, the District has responded to several injuries. Director James looked at injury calls in the last three years and

reports that there have been no injury calls within the City limits of Smithville in this time period. He shared that the most dangerous devices as far as injuries are concerned are mortar shells (these account for the highest number of injuries as well as the most severe injuries).

He also shared that NRAD was called to a house fire in Platte City in 2020. No injuries were sustained in the fire, which was caused by the occupants making fireworks in the home.

Haunted Campground

This was a smashing success this year with an extremely large crowd (estimated at nearly 4,000 parents and trick or treaters!) Due to the success of the event and high demands for parking, staff is evaluating improvements for next year.

Household Hazardous Waste Update:

The Mid-America Regional Council (MARC) provided the Third Quarter Household Hazardous Waste (HHW) data. The HHW Mobile Event held on September 11 had a total of 195 cars participate in the collection event, which resulted in the collection of 21,197 pounds of hazardous waste. 61% of the participants were new clients, and 39% were repeat clients. Most participants were Smithville residents, but we did have participation from surrounding communities.


Throughout the year, residents of Smithville have been utilizing the permanent Kansas City drop-off facility and other mobile events. At the end of the third quarter, 281 cars have dropped off materials at a mobile event or the permanent drop-off location in Kansas City.

City of Smithville Household Participation	First Quarter	Second Quarter	Third Quarter
Kansas City Permanent Facility	31	47	63
Mobile Events	0	5	135

The renewal agreement approved by the Board on October 19 will extend the City of Smithville's participation in the regional HHW program for 2022. Next year, Smithville will not host the mobile collection event since the host sites alternate each year. Staff will advertise the 2022 Mobile Events on the website, social media, and the quarterly newsletter.

City Hall Closed – Veteran's Day

City Hall will be closed Thursday, November 11 in observation of Veteran's Day.

	<div>STAF</div> <div>REPORT</div>
Date:	October 28, 2021
Prepared By:	Cynthia Wagner, City Administrator
Subject:	Marketplace TIF Bonds

As the Board will recall, developers of the Marketplace TIF have indicated a desire to issue bonds to fund the project. The Board has previously expressed support of this request. This memo is provided as an update on the status of that bond issuance.

Last week, city staff met with financial advisors from Piper Sandler as well as City economic bond counsel from Gilmore and Bell to better understand the steps involved in this process and what, if any, exposure would fall to the city.

Issuance of TIF bonds would be completed by the City, with all costs related to the financing to be paid from the proceeds of the TIF bonds. The TIF bonds would be issued as TIF revenue bonds secured solely by TIF revenues generated by the project available after all distributions are made to the city and other taxing districts. No city obligation would exist to cover any revenue shortfall.

Issuance of TIF bonds does not affect the city's legal general obligation. Staff, financial advisors and the City's auditing firm are working to schedule a time to understand the implications for financial reporting and recording of the TIF bonds.

An additional step which would be required in TIF bond issuance is completion of a TIF revenue study. This study would be completed by an independent third party not associated with the project or any entities involved in the project and would review the revenue stream of the project to identify and project revenues to be available for repayment of the TIF bonds. Best practice to ensure that third party review is that the firm engaged for this review be engaged by the city, but at the expense of the developer. Staff is working with the developer, financial advisor and the bank for the developer in initiating that process. Board action to approve this review would be anticipated later this year.

Staff will continue to provide updates to the Board regarding this issuance. Please do not hesitate to contact me with questions or concerns you may have regarding this process.

Household Hazardous Waste Update:

The Mid-America Regional Council (MARC) provided the Third Quarter Household Hazardous Waste (HHW) data. The HHW Mobile Event held on September 11 had a total of 195 cars participate in the collection event, which resulted in the collection of 21,197 pounds of hazardous waste. 61% of the participants were new clients, and 39% were repeat clients. Most participants were Smithville residents, but we did have participation from surrounding communities.

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City of Smithville Household Participation	First Quarter	Second Quarter	Third Quarter
Kansas City Permanent Facility	31	47	63
Mobile Events	0	5	135

The renewal agreement was approved at the October 19th BOA meeting. This will extend the City of Smithville's participation in the regional HHW program for 2022. Next year, Smithville will not host the mobile collection event since the host sites alternate each year. Staff will advertise the 2022 Mobile Events on the website, social media, and the quarterly newsletter.



Board of Alderman Request for Action

MEETING DATE: 11/2/2021

DEPARTMENT: Development

AGENDA ITEM: Bill No. 2923-21, Initial Zoning Lot 8, Lakeside Crossing – 2nd Reading

RECOMMENDED ACTION:

A motion to approve Bill No. 2923-21, an ordinance setting the initial zoning of Lot 8 in Lakeside Crossing by title only, for second reading by title only.

SUMMARY:

The ordinance would set the initial zoning of the most recently annexed lot in Lakeside Crossing to R-1B.

BACKGROUND:

The Board authorized staff and attorneys to pursue involuntary annexations of the remaining lots in Lakeside Crossing. As a result, this property owner agreed to be annexed and newly annexed property must have its' initial zoning set by the city.

PREVIOUS ACTION:

Annexation of this lot occurred in September.

POLICY ISSUE:

FINANCIAL CONSIDERATIONS:

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 checked="" type="checkbox"/> Other: Finding of Facts | |

FINDING OF FACTS AND CONCLUSIONS OF LAW

Applicants: Angela Hutchings

Land Use Proposed: R-1B

Zoning: County Single Family

Property Locations: 2413 NE 157th Ter.

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 at a public hearing of the Planning and Zoning Commission of the City of Smithville, held on October 12, 2021, 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 family residential housing in a standard subdivision.
2. Consistency with the City's Comprehensive Plan and ordinances.
The Comprehensive Plan in effect when the homes were built was approved on October 6, 2005 and calls for low density housing. The current plan adopted in November 2020 recommends that annexations occur to clean up the borders of the city limits. It complies with the plan.
3. Adequacy of public utilities and other needed public services.
The lot is in a fully completed subdivision with all utilities and public services.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
The current use is single family residential formerly outside the city limits.
5. Length of time the property has remained vacant as zoned.
The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.
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 hearings on October 12, 2021 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 R-1B 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 R-1B.

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 of 2413 NE 157th; and

WHEREAS, after the property was annexed, the City is required to designate the initial zoning of newly annexed property, so a Public Hearing for the land was conducted before the Planning Commission on October 12, 2021; and

WHEREAS, the Planning Commission presented its' findings to the Board of Aldermen and recommended approval of the initial zoning for the property as R-1B.

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: Lot 8, Lakeside Crossing 1st Plat, a subdivision in Clay County Missouri

is hereby set as R-1B.

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 2nd DAY OF NOVEMBER, 2021.

Mayor

ATTEST:

City Clerk

First Reading: 10/19/2021

Second Reading 11/02/2021



STAFF REPORT

October 12, 2021

Rezoning of Parcel Id # 05-908-00-03-030.00

Application for a Zoning District Classification Amendment

Code Sections:

400.560.C Zoning District Classification Amendments

Property Information:

Address: 2413 NE 157th Ter. (Lot 8)
Owner: Angela Hutchings
Current Zoning: New annexation
Proposed Zoning: R-1B

Public Notice Dates:

1st Publication in Newspaper: September 23, 2021
Letters to Property Owners w/in 185': September 27, 2021

GENERAL DESCRIPTION:

The applicant recently annexed her home in the Lakeside Crossing subdivision into the City Limits. The initial zoning needs to be set by the City. This home is one of 11 homes that were not annexed into the city when the subdivision annexed over 15 years ago. The area is a single-family residential subdivision with adjacent R-1B zoning.

EXISTING ZONING:

The existing zoning predates the annexation into the city limits.

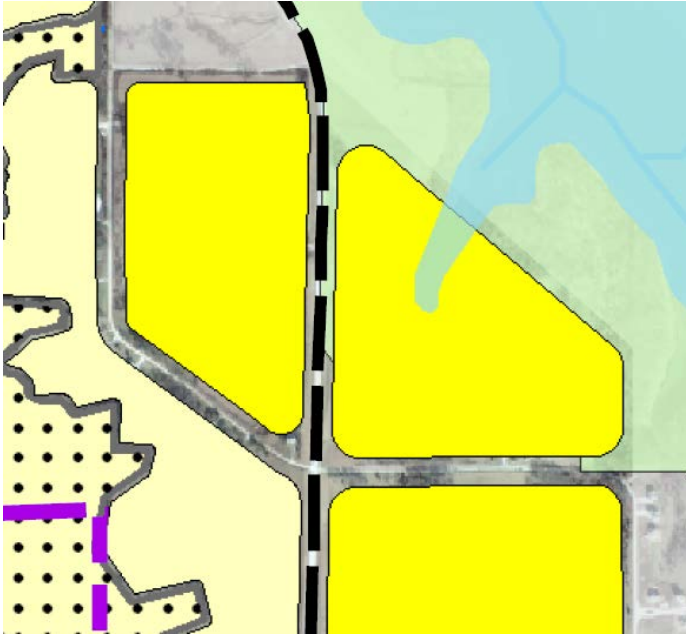
CHARACTER OF THE NEIGHBORHOOD *400.560.C.1*

The surrounding area is single family residential housing in a standard subdivision.

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

The previous Comprehensive Plan was approved on October 6, 2005, and called for low density housing. It is in compliance with the plan in place at the time of

construction. The current Plan adopted in in November 2020 calls for annexations to clear up the city boundaries.



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

The lot is in a fully completed subdivision with all utilities and public services.
Streets and Sidewalks:

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

The current use is single family residential formerly outside the city limits.

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

The property was constructed in the county but had never previously annexed while the bulk of the lots in the subdivision were annexed over 15 years ago.

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



Board of Alderman Request for Action

MEETING DATE: 11/2/2021

DEPARTMENT: Parks and Recreation

AGENDA ITEM: Resolution 993 – Agreement with Missouri Department of Conservation

REQUESTED BOARD ACTION:

Motion to approve Resolution 993, authorizing and directing the Mayor to enter into an agreement with the Missouri Department of Conservation to implement the Missouri Department of Conservation Community Assistance Program which will provide general management plans for the fishery resources of Helvey Park Lake and Lake Remote.

SUMMARY:

Under the proposed agreement the Missouri Department of Conservation will be preparing and providing a general management plan for the fishery resources of the lakes. This will include providing periodic fish community surveys and analysis, and manage the fisheries through proper regulations, fish stocking, manipulation of the fish populations and other fisheries management actions as determined by the Department; enacting and enforcing appropriate fishing rules and regulations and assisting the City in enforcement of the laws of the State of Missouri and the Wildlife Code of Missouri.

PREVIOUS ACTION:

N/A

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 checked="" type="checkbox"/> Other: Agreement | |

RESOLUTION 993

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF CONSERVATION

WHEREAS, preservation of natural resources is a priority to residents and governmental entities at all levels; and

WHEREAS, the Department of Conservation and the City of Smithville realize the importance and need for close-to-home fishing and associated outdoor activities associated with Remote Lake and Helvey Park Lake; and

WHEREAS, the Department of Conservation and the City of Smithville wish to take advantage of the qualities of these areas and maximize the recreational values associated with their proper management and use; and

WHEREAS, the City of Smithville desires to enter into an agreement with the Missouri Department of Conservation to implement a Community Assistance Program;

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

THAT, the Mayor is hereby authorized and directed to execute an agreement with the Missouri Department of Conservation to implement a Community Assistance Program for the term of twenty-five years.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 2nd day of November 2021.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

**AGREEMENT BETWEEN THE
CITY OF SMITHVILLE
AND THE
MISSOURI DEPARTMENT OF CONSERVATION**

THIS AGREEMENT is to implement the MISSOURI DEPARTMENT OF CONSERVATION COMMUNITY ASSISTANCE PROGRAM, and is made and entered into this 2nd day of November 2021, by and between the CITY OF SMITHVILLE (City) and the MISSOURI DEPARTMENT OF CONSERVATION (Department).

WHEREAS, the City owns tracts of land in Clay County with a 3.9-acre lake known as Lake Remote and a 11.3-acre lake known as Helvey Park Lake that is used by the City for public fishing, general recreation and enjoyment of the outdoors, and is referred to here as the “Area” and is described in attached Exhibit A; and

WHEREAS, the Department and City realize the importance and need for close-to-home fishing and associated outdoor activities; and

WHEREAS, the Department and City wish to take advantage of the qualities of this Area and maximize the recreational values associated with its proper management and use.

NOW, THEREFORE, in consideration of the mutual covenants of the parties contained herein, the parties hereto do mutually agree as follows:

1. CITY RESPONSIBILITIES. The City agrees to:

- A. Allow free public access and full use of the Area for fishing and related recreational activities by the general public consistent with the Wildlife Code of Missouri and during hours established by mutual agreement of the City and the Department.
- B. Provide Area maintenance as specified in attached Exhibit B.
- C. Monitor the condition of the Area’s facilities and take actions necessary to ensure that they are clean, safe and usable, including but not limited to closing facilities to public access until any dangerous conditions that may have arisen have been corrected.
- D. Provide adequate law enforcement and protective services, as much as City jurisdiction permits, for the safety and well-being of the Area’s users and facilities.
- E. Give proper recognition to the Department in all brochures, advertisements or other publications concerning the Area.

- F. Prohibit fish stocking other than that recommended in writing by a Department fisheries management biologist.
- G. Manage its property within the watersheds of Lake Remote and Helvey Park Lake to maintain the lakes' good water quality, and take no actions that will lead to the deterioration of the lakes' water quality, habitat or aquatic community.
- H. Comply with all local, state, and federal laws and regulations related to the performance of this Agreement to the extent that the same may be applicable to the City. The City agrees to assume all risks associated with the activities performed under this Agreement. Nothing in this Agreement shall constitute a waiver of sovereign immunity.

2. DEPARTMENT RESPONSIBILITIES. The Department agrees to:

- A. Prepare and provide a general management plans for the fishery resources of the lakes.
- B. Provide periodic fish community surveys and analysis, and manage the fisheries through proper regulations, fish stocking, manipulation of the fish populations and other fisheries management actions as determined by the Department.
- C. Enact and enforce appropriate fishing rules and regulations, and assist the City in enforcing the laws of the State of Missouri and the Wildlife Code of Missouri.
- D. Provide and maintain informational and entrance signs recognizing the City and the Department for their roles in this cooperative project.

3. JOINT RESPONSIBILITIES AND ACKNOWLEDGEMENTS. Both parties agree that:

- A. This Agreement is for the purpose of capitalizing on the value of the Area for public fishing and related outdoor activities.
- B. The Department may fund its obligations under this Agreement with any combination of state and federal monies.
- C. The required fishing permit as defined by the Wildlife Code of Missouri and the effective regulations pertaining to the taking of fish and use of the Area will be jointly publicized whenever possible.
- D. This Agreement shall become effective upon execution by both parties. It shall expire twenty-five years from the effective date; provided, however, that it shall renew automatically for successive terms of one year each if neither party has advised the other in writing of its intention to terminate the same at least one

hundred and twenty days prior to any applicable termination date.

- E. Any electronic signatures affixed to this document are intended to authenticate this writing and to have the same force and effect as manual signatures, pursuant to the Missouri Uniform Electronic Transactions Act (§432.200 et seq., RSMo).
- F. This Agreement may be amended as desired by the mutual written agreement of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

**MISSOURI DEPARTMENT OF
CONSERVATION**

FISHERIES SECTION CHIEF

CITY OF SMITHVILLE

DAMIEN BOLEY, MAYOR

Attest:

Linda Drummond, City Clerk

EXHIBIT A

[Attach documentation that the lakes are owned (copy of deeds) or will be legally under the control (copy of leases, easements or agreements) of the cooperating entity during the entire term of this Agreement.]

EXHIBIT B

AREA MAINTENANCE STANDARDS

The City agrees to provide routine maintenance of the Area and facilities sufficient to keep the public use facilities in a clean, safe and usable condition. In accomplishment of this, the City agrees to:

- 1) Provide routine cleaning of the boat ramp (if present).
- 2) Clean up trash and litter at least once each week from May 1st through September 15th, and as needed during the rest of the year.
- 3) Clean and deodorize privies (if present) at least once a week from May 1st through September 15th, and as needed during the rest of the year.
- 4) Pump privies (if present) when liquid levels reach 75% of pit capacity or before when conditions warrant, and to make repairs to Area privies as needed.
- 5) Mow grass within 10 feet of roads, parking lots, and other public use facilities often enough to ensure that it does not exceed a height of 6 inches; and mow a 20-foot semi-circle around the cantilever directional sign (if provided) often enough to ensure that vegetation does not obstruct the visibility of the sign from both directions.
- 6) Control grass on roads and parking areas and around traffic control barriers (if present).
- 7) Provide and install rock (rip rap), as needed, to maintain any protective rocked slopes or banks in the vicinity of the provided facilities.
- 8) Maintain asphalt roads and parking areas according to American Association of State Highway and Transportation Officials (AASHTO) standards. Routine preventative maintenance shall include the regular application of asphalt seal-coats to prevent or delay costly corrective measures. Any cracks larger than 0.5 inches shall be filled with a crack sealer, prior to the application of a seal-coat. A slurry seal coat, which is a mixture of quick setting asphalt emulsion, fine aggregate, mineral filler, additive, and water shall be applied to the surface once every five years. In places where cracks are more severe, but limited to specific areas of pumping subgrade (resulting in potholes, tire tread lanes, etc.), the old asphalt shall be removed, and any soft pumping subgrade shall be excavated and replaced with a sufficient depth of clean aggregate to stabilize the subgrade prior to asphalt replacement.
- 9) Provide the normal, routine maintenance of Area roads, parking lots, boat ramp, floating fishing dock, privy, sidewalks and any other facilities needed to keep these items fully functional and to present a positive image of the City and Department to the public.



Board of Alderman Request for Action

MEETING DATE: 11/2/2021

DEPARTMENT: Police

AGENDA ITEM: Resolution 994, Surplus of City Property

REQUESTED BOARD ACTION:

Motion to approve Resolution 994, declaring certain items surplus.

SUMMARY:

From time to time, departments have equipment that is broken, has been replaced by new equipment, or is not used any longer. In order to be disposed of, property must be identified by the Board as surplus.

The Police Department has identified six Stalker Dual SL radar units, one Stalker DSR 2X radar unit and some miscellaneous parts for disposal. The department has obtained seven new updated radar units via grants and no longer need these units or the miscellaneous parts. City staff recommends sellable items be listed through GovDeals.com.

PREVIOUS ACTION:

Board approve Ordinance 2916-15, directing the City purchasing agent to dispose of such property.

POLICY OBJECTIVE:

Click or tap here to enter text.

FINANCIAL CONSIDERATIONS:

Click or tap here to enter text.

ATTACHMENTS:

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

- ☐ Contract
- ☐ Plans
- ☐ Minutes

RESOLUTION 994

A RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS EQUIPMENT.

WHEREAS, from time to time, departments identify equipment that has been replaced by new equipment, is no longer used or doesn't work as it originally did; and,

WHEREAS, the City of Smithville has identified six Stalker Dual SL radar units, one Stalker DSR 2X radar unit and miscellaneous parts in its possession as surplus and no longer of value.

WHEREAS, the items are being presented to the Board of Aldermen of the City of Smithville as surplus equipment or to be disposed of.

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

THAT the identified property is declared as surplus equipment and the City purchasing agent is directed to dispose of such property in accordance with City Ordinance 2916-15.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 2nd day of November 2021.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk



Board of Alderman Request for Action

MEETING DATE: 11/2/2021

DEPARTMENT: Public Works

AGENDA ITEM: Approve Resolution 995 - Change order to the Downtown Streetscape Phase II Project

RECOMMENDED ACTION:

Approve Resolution 995, approving a change order in the amount of \$16,050 to the Downtown Streetscape Project, Phase II.

SUMMARY:

At the August 17 meeting, the approved a change order to the Streetscape Phase II – East Project which included the clearing and grading of the drainage channel on the north side of Main Street to the pedestrian crossing. The City received a cost for this additional work from Sands Construction and Menke Excavating, LLC. Menke Excavating, LLC provided the lowest cost for this work at \$17,300.

The drainage ditch on the south side is now completed and the rip-rap that was installed is doing a great job with directing the water flow and preventing erosion. The addition of rip-rap on the north side is desirable for a similar purpose, improving drainage through the watercourse and preventing erosion. Menke Excavating, LLC has provided a proposal of \$16,050 to add the rip-rap.

The work only includes going to the pedestrian crossing. The pedestrian crossing will be replaced (lowered) to improve the slope for drainage. North of the pedestrian crossing has a good slope.

PREVIOUS ACTION:

The Board approved Resolution 254 on August 17, 2021, approving a change order to the project to complete work on the south side of Main Street.

POLICY ISSUE:

Stormwater management and maintaining infrastructure.

FINANCIAL CONSIDERATIONS:

Funds are available in the project 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: Proposal | |

RESOLUTION 995

A RESOLUTION APPROVING A CHANGE ORDER TO THE DOWNTOWN STREETScape PHASE II – EAST PROJECT IN AN AMOUNT NOT TO EXCEED \$16,050

WHEREAS, on August 17, 2021, the Board approved Resolution 854 approving a change order to the Downtown Streetscape Phase II - East Project including the cleaning and regrading of the drainage ditch on the north side of Main Street adjacent to Heritage Park by Menke Excavating, LLC; and

WHEREAS, completion of the drainage ditch work on the south side of Main Street along Smith Street has been very successful including the addition of the riprap; and

WHEREAS, it is necessary to add the riprap to the drainage ditch on the north side of Main Street to prevent erosion and improve the watercourse.

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

THAT the Change Order in the amount of \$16,050 to include the riprap in the drainage ditch on the North side of Main Street by Menke Excavating, LLC is approved.

PASSED AND ADOPTED by the Board of Aldermen and approved by the Mayor of the City of Smithville, Missouri, this 2nd day of November 2021.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Menke Excavating LLC
P.O. Box 53
Camden Point, MO 64018
Office 816-450-3230

Menke Excavating LLC

10/28/2021



TO: City of Smithville

LOCATION: Heritage Park

Rip Rap Creek between Main and creek crossing 336' +/- \$16,050.00

Over dig and haul off included in this price.

Rip Rap Rock will come from Norris Quarries in Agency Missouri.

Filter fabric is additional cost.