



**City of Smithville, Missouri**  
**Board of Aldermen – Regular Session Agenda**  
**May 18, 2021**

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

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**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**
    - May 4, 2021 Board of Alderman Work Session Minutes
    - May 4, 2021 Board of Alderman Regular Session Minutes
  - **Finance Report**
    - March 2021 Financial Report

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**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

4. **Committee Reports**
5. **City Administrator's Report**

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**ORDINANCES & RESOLUTIONS**

6. **Bill No. 2904-21, Quitclaim Deed, MoDOT 188<sup>th</sup> Street – Emergency Ordinance Sponsored by Mayor Boley – 1<sup>st</sup> and 2<sup>nd</sup> Reading**

An Ordinance authorizing and directing the Mayor to execute a Quitclaim Deed with the Missouri Highways and Transportation Commission for improvements to Highway 169 and 188th Street. 1<sup>st</sup> and 2<sup>nd</sup> readings by title only.
7. **Bill No. 2905-21, Initial Zoning for Certain Lots in Lakeside Crossing – 1<sup>st</sup> Reading**

An Ordinance setting the initial zoning of Lots 4, 12, 34 and 36 in Lakeside Crossing. 1<sup>st</sup> reading by title only.

**8. Bill No. 2906-21, Dwelling and Lot Size – 1<sup>st</sup> Reading**

An Ordinance repealing Sections 400.090 thru 400.150 Of the Smithville Municipal Code And re-enacting new Sections 400.090 to 400.150. 1<sup>st</sup> reading by title only.

**9. Resolution 915, Purchase Utility Meter Equipment**

A Resolution acknowledging the purchase and expenditure of funds for water meter replacement units from Kansas City Winnelson Company in an amount of \$20,407.

**10. Resolution 916, Accepting Right of Way Acquisitions**

A Resolution accepting certain Deeds of Public Right of Way for streets in the Coulter Addition.

**11. Resolution 917, Agreement with Clay County for Tax Collection**

A Resolution authorizing and directing the Mayor to execute an agreement with Clay County, Missouri for the collection of City Property Taxes.

**12. Resolution 918, Residential Leak Adjustment**

A Resolution approving a leak adjustment of \$42.75 for residential utility billing customer, Sherry Breckenridge for her February and March 2021 utility bill.

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**OTHER MATTERS BEFORE THE BOARD**

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**13. 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.

**14. Appointment**

The Mayor will make an appointment for the Economic Development Committee and the Board will vote.

- Steve Langley

**15. HDR Presentation and Discussion for South Sewer Project**

**16. 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.

**17. Adjourn**



## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Administration

**AGENDA ITEM:** Consent Agenda

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**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**
  - May 4, 2021 Board of Alderman Work Session Minutes
  - May 4, 2021 Board of Alderman Regular Session Minutes
- **Finance Report**
  - Financial Report of March 2021

**SUMMARY:**

Voting to approve would approve the Board of Alderman minutes and finance report.

**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: Finance Report |   |

**SMITHVILLE BOARD OF ALDERMAN**  
**WORK SESSION**

May 4, 2021 6:00 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 6:00 p.m. A quorum of the Board was present via Zoom meeting: Steve Sarver, Marv Atkins, Kelly Kobylski, Dan Ulledahl, John Chevalier and Dan Hartman.

Staff present via Zoom: Cynthia Wagner, Anna Mitchell, Chuck Soules, Captain Tony Roetman, Matt Denton, Stephen Larson, Jack Hendrix and Linda Drummond.

**2. Discussion of Proposals Regarding Use of City Property**

Cynthia noted that this evening she wanted to discuss a couple of proposals regarding use of city property. Staff received a proposal regarding use of the property at 169 Highway and Second Creek Road and a request with regards to the outdoor space by the Courtyard Park. There is information relating to each proposal included in the packet. The individuals who brought those requests forward are also present tonight. The individuals for the 169 Highway and Second Creek Road property Jamie and Brian Dodrill for A Meal that Counts, and the request relating to space by Courtyard Park is Shane Crees.

Cynthia explained that last week Mr. Crees reached out to Jack, Anna and her to discuss the use the property at the corner of Bridge Street and West Meadow Street, the vacant gravel lot behind City Hall. All these areas are land owned by the city and for use by a private entity we need to go through a public process to ensure fairness in allocation of those land uses. Staff is also seeking an understanding of what the Board wants for the uses of these spaces and what stipulations May be associated. Cynthia noted that the memo in the packet does outlines the use of land should be consistent with City goals and desires. There are number of questions that staff needs to have addressed, such as: including what is the best use of each of those lands? We have a lot of discussion going on in the community with regard to Parks and Recreation, the downtown area open spaces, we have a Main Street group that is meeting and looking at things as well. We have other opportunities for private investment throughout the community that may be coming forward as well.



Staff is asking for direction from the Board with regard to use of these particular pieces of property and if the Board would like to include requirements in each of those areas.

Cynthia explained that she wanted to start with the item that is not on the agenda right now because we have new Board members that were not present when we first discussed the vacant lot at the corner of West Meadow Street and South Bridge Street. A request for proposals for development of that lot was developed and distributed a couple of years ago. The City solicited a proposal for a multi-level, mixed-use facility to include residential and commercial use. The request for proposal issued two different times in 2019 with one response received. That response did not result in a follow-up from negotiations. Staff would like to confirm with the Board, since we do have renewed interest in that area, that there is still a desire to develop that area and issue an RFP. She noted that would be a pretty easy process and we could ensure that the anticipation would be for the same type of use a multi-level mixed-use development. Staff is looking for direction from the Board on how to proceed with this property.

Alderman Hartman said that he thought the RFP that the City put out originally was very good, but that maybe the timing was not right. He said that if the Board all agrees he would certainly recommend that we move forward with it. In fact, it would be great to have more retail and apartments whatever the developer has in mind to add to the downtown. He said he thinks it is great that we have the RFP available, and it would be very easy to put that back out there.

Alderman Chevalier said that anything that is going to bring traffic, housing and retail to the downtown area is good in his book and he is for it whatever we can do to generate that a growth.

Alderman Ulledahl said he is fine with putting the RFP back out there.

Alderman Sarver said he agrees with Alderman Hartman and Alderman Chevalier.

Alderman Atkins agreed with everyone and said that having the RFP is a great start.

Alderman Kobylski agreed as well and said we should move forward.

Cynthia noted that with this direction from the Board, staff should be able to get the RFP posted this week and have information and a timeline to bring back to the Board.

**a. Corner of Highway 169 and Second Creek Road**

Cynthia referenced a letter of request regarding this property.

*Please review this proposal for A Meal That Counts (AMTC) non-for profit to lease the land on the corner of Second creek road and 169 Hwy – North west side of intersection.*

*AMTC would like to lease the land to park a trailer or an Easy up stand (not permanent and will be moved after each Sunday) on Fridays to Sunday from May 1 – November 30th. We will be selling local farm fresh produce, meat, dairy and goods from our local farmers and vendors of Smithville to support the community for our cause. We will also use this location to help drive traffic to our downtown businesses.*

*Background - A Meal That Counts is a local non-for profit that helps feed Seniors, Homebound, Veterans and children via the Maple Elementary pantry and Warrior Closet. In order for AMTC to keep moving forward, we need to help drive more awareness in the community. Adding another location on the 169 Highway through Smithville will bring more awareness to our Community, Campers, Lake Traffic and others that pass through our community.*

*AMTC realizes that by leasing this land we may incur a fee for the signage and lease but ask that you consider the cause and that we are a non-for profit to keep a fee fair for the few days a month we may use the property.*

*Thank you for your consideration and support!*

*A Meal That Counts, AMTC Market*

*Jamie and Brian Dodrill*

Mr. Dodrill was present and said based on their proposal they are trying to help drive more awareness of what they are doing here in the community with A Meal that Counts as well as their farmers market. He stated that by using space on the corner will help in driving a more folks to the downtown area. He said that being a part of the Main Street community they would have products and services out there for sale to help direct folks into the downtown as well as drive more awareness with their products that they have fresh in market. He said that is really what they are trying to accomplish from Friday through Sunday and that is really all the time that they would ask for use of that land. He said having this on the weekends should help drive some of the lake traffic into the downtown area.

Alderman Sarver said if it is empty if we are not using it for anything he thinks it would be fine for now. Hopefully, we can build something on it or do something with it but until then we might as well use it for that.

Alderman Chevalier said his main concern with using that land for it for this purpose is the Board has already denied other people access to use that land to sell things. He said he just does not know if this is consistent with our previous message and what that land is really identified for. Alderman Chevalier said he is not necessarily in favor of doing that. He said he is curious if the farmers market could work in conjunction with some of the other plans that we are discussing today. Maybe that is not the right location for it, maybe it should go somewhere else.

Cynthia noted that she also wants to ensure staff has an understanding of how Board members would like staff to proceed with a process. What type of information would they want included in a proposal? What uses would they like to see? What requirements would they like to have? What questions do they have so that staff

can think through a process of what we would need to bring forward for further Board review.

Mayor Boley explained that we had request for use of that land from fireworks vendors that used it prior to the City purchasing the lot and the Board denied them.

Alderman Atkins said that since we have denied other people in the past, we need to come up with a procedure on how to go forward with that land until we build on it. He does like the idea of bringing some food vendor there and this is basically a Farmers Market. He stated he would be cautious about in the process of making the contract on cleanliness maintenance. He also noted that we should be cautious of that area due to the Second Creek Road traffic light which is extremely short that it could create traffic issues. He said that he is for it.

Alderman Kobylski said that she does not feel that this may be the best place for a Farmer's Market, but she would like to continue discussion. She has several questions such as who will be responsible for maintaining the land? Would there be a lease? What would the structure look like?

Alderman Hartman said he really likes the idea of having vendors there specific to what the Dodrills are doing and maybe even other opportunities. He did have concern in not having anything in place that would open the opportunity up for others have. The opportunity to request for proposal on that is something that would need to happen, and he would not say no indefinitely but thinks the Board needs time to look at it a little bit closer and make sure that we have the proper procedures and process in place.

Alderman Ulledahl said he agrees with pretty much everything that has been said, we do need to have something in place for that property until the time that it is built on. He said he does like the concept of what they are proposing. If we do have an agreement with someone to use that land, he would want whatever is put there to look good. He does not want to see semi-trailer or something like that parked on that property, especially since we just got rid of the old bridge. He said that we should be doing something with the land because it would help grab attention that there is more going on in the town than what is on the highway and help point people into the downtown area. He said if this area did not work out for them, we should be able to help find some other location for them.

Mayor Boley asked the Board if they would like to bring this to another work session or maybe even cover it during the Board retreat, so they can discuss the long-term strategy for that land? He would like to not make this staff priority right now.

The Board all agreed.

Mayor Boley thanked Mr. Dodrill for bringing this to the Board and agrees it is a good concept. He explained that we have a lot on our plates this year and on the

schedule and with a limited number of staff, so the Board needs to have time to work through the proper process for the use of the land.

**b. Outdoor Space at Courtyard Park**

**111 N. Bridge St./Courtyard Park Outdoor space concept**

Shane Crees submitted a proposal for outdoor space at Courtyard Park.

*Per preliminary conversations with the Mayor, we would like to explore the opportunity of*

*creating an outdoor, covered dining area adjacent to Humphrey's Bar and Grill. The proposed structure would be approximately 20' wide by 75' long with a covered dining area on the ground level and an upper deck dining level that would overlook the park. This would allow us to add much needed outdoor dining space. We would propose the structure be built in the existing paved "alley" area, that runs East to West on the North side of the park, adjacent to the Humphrey's building. Additionally, we have discussed building a free standing, single level structure, directly to the East of the outdoor dining structure that would be home to a local farmer's market. This structure would be very similar in size to the outdoor dining area.*

*Given the current situation with the pandemic, many potential customers are still reluctant to patronize indoor dining establishments. This would allow a much-needed alternative to indoor dining. Additionally, this would bring more visitors to downtown Smithville, which in turn would generate more sales tax revenue. The proposed area, in its current state, with the parking stalls on the North side of the park, also has some potential downfalls. Many times, when the public parks in these spaces, they come very close to hitting the building given the tight turning radius of these parking spots in relationship to the building. We feel that adding the outdoor dining area along with a farmer's market would allow this area to be better utilized in a manner that provides more benefit to residents and visitors of Smithville.*



*The below satellite aerial image shows the proposed location of the structures. Below are examples of design elements and details that would be similar to the proposed structures:*



*In closing, we feel this is a great opportunity to create an excellent partnership that would bring a very unique and creative feature to downtown Smithville.*

Mr. Crees stated that the idea that he is proposing is to create an outdoor dining space adjacent to Humphrey's in the area that is the alley portion of Courtyard Park that is also part of the park. There are some photos of some concepts of what they are looking for. It would be a two-story outdoor dining space with an open roof deck covered first floor. It would create a great option for outdoor dining downtown.



They would take the alley that is in need of some maintenance and they would kind of create an area that would be cohesive with the Streetscape theme and an overall architectural design of the downtown area.

Cynthia noted that this information has been presented Parks and Recreation Committee and the downtown Missouri Main Street program. She said that staff did have some questions about the concept in regard to the Courtyard Park with Parks and Recreation Master Plan. She thinks that longer term in the Parks Master Plan some of these concepts apply. It is determining what makes sense, how long and when.

Mayor Boley also mentioned any amenity we add to a park would have to go to the Planning and Zoning Commission for approval, so this is just staff looking for direction to pursue. If the Board wants to pursue this it would go to the Planning and Zoning Commission, then an RFP would go out before it would come back to the Board.

Alderman Atkins said that he likes the concept presented so far with the additional eating area as well as the Farmers Market. He really does like the idea of converting what we call the alley back to a Parks and Recreation area. His concern is we have a whole lot of agenda already with the Parks Master Plan that will need to be looked at and monitored. He suggested to bring this project back a little bit later in time with assistance of the downtown merchants as well as Parks and Recreation Committee to see what fits. He thinks it is probably premature now to consider this since we are just starting our Parks Master Plan.

Alderman Ulledahl said he liked the concept, and he likes new things like this. He has had discussions with a couple of Board members and staff about concerns he has. He said it is a great idea. He would like to see what it could turn into, see more concept, more planning and things like that. He thinks that this is the way we are going with outdoor dining downtown and trying to add life during the nice weather. He thinks it would be something cool for downtown, so for the most part he is on board.

Alderman Chevalier said he echoed Alderman Ulledahl comments. He said to him it is just going to be a welcome addition to downtown. He feels that downtown is a place for this type of on feature outdoor for everybody to listen to music while dining out there. He definitely wants to see this move forward to more of a planning phase.

Alderman Hartman thanked Mr. Crees for presenting this proposal and asked if he has a projection of approximately how many tables and extra seating he would gain from the outside addition for his restaurant?



Mr. Crees stated in their preliminary numbers it would probably increase the dining capacity from somewhere between sixty and seventy-five percent. In terms of the number of tables he is not quite sure what that translates to but square footage of the building for the lower dining area and the roof or the upper dining areas would be about three thousand square feet.

Alderman Hartman said that he really likes the concept and know that the workload for City staff is heavy but feels that we could issue an RFP. He noted that he was not sure on what the timeline would look like and would look to staff for that, but if the Board was in agreement, he would like to move forward with this. He said he thinks it is a great concept and it would add to the downtown significantly.

Alderman Kobylski said she agreed and would like to move forward with the RFP. She noted that the timing is of the essence for everybody but feels it would be a great addition to the downtown and would just tie into the Streetscape and make it another great place for people to want to be. She said she would like to discussion and move forward with it.

Alderman Sarver said that he likes the idea of this, but his concern is if a big concert was held at the Courtyard, he does not see a way for the band to get to the stage very easily to step up their equipment. He said that it might not be an issue but assumed it would have to be worked out.

Mayor Boley said that is something would have to be worked out as part of the process. He noted the main thing the Board needed to decide on tonight was if this is something they want staff spending time on. He said that from the discussion tonight is sounded as though the consensus of the Board is for staff to prepare something for review and discussion. He asked the Board if he was correct that they wished staff to begin working on the RFP for this?

The Board all agreed.

Mayor Boley asked the Board what they would like to see included in the RFP? He noted that Alderman Sarver mentioned access for bands what else would they like to add?

Alderman Atkins asked if we would be dedicating this park space to just one restaurant or who is going to maintain it and keep it clean? Would we be playing favorites downtown? Will this stay as part of the Parks Department?

Alderman Chevalier noted he was understanding it would be a lease. That was how it was explained when it was presented to the Parks and Recreation Committee.

Mayor Boley noted that according to the downtown guidelines for outdoor dining spaces the adjacent property is the only one able to lease it. This property is adjacent to Humphreys so they would be the only restaurant to be able to lease it,

plus they do not have a space in front of their building like the other eating establishments do.

Cynthia said we would need to see what the lease looks like or clarify if it would be a lease or a sale of the property. The Board will need to consider if they want to look at selling that property or if they would want to have it be a long-term lease. She noted that there are design guidelines that were developed as we finalized Streetscape and a significant amount of time has passed since then. The pandemic has also had some impact on this, and we should review those guidelines again.

Mayor Boley asked if the Board would like to do a work session dedicated to this or continue the discussion tonight since there was still time?

Alderman Ulledahl said he feels it should be postponed giving the Board time to think about what they would want in the RFP before they start just naming off items. A lease or a sale is a big decision to throw together in a half hour. He does think a future work session is needed in regard to this topic, also this concerns the outdoor dining downtown and feels those guidelines need to be followed or if new guidelines are set, they should be set in stone as to how we are going to operate outdoor dining.

Alderman Hartman noted he is really interested in discussing the need to have this in a future work session in the near future. He would like to hear more from Mr. Crees on specifically on what it has been like to operate a restaurant. He noted that Mr. Crees has spent a significant amount of time investing in downtown like others have so he would like to hear his thoughts and what exactly he has in mind for the area besides the upper and lower level and kind of how he wants to operate it and how he envisions the flow for it.

Alderman Atkins said he hates to tie it down to just to one or two people. Maybe it does not have to be a food court area, but maybe other vendors downtown can use it for special events.

Mayor Boley asked Mr. Crees if in looking at the proposal, if what is the farmers market overhang area was for Parks for vendor use?

Mr. Crees said yes absolutely and added for clarification in his original concept and proposal this would be 100% privately funded so all maintenance, all upkeep, construction and everything associated would be taking care of by himself. He said he is open to either purchasing the property or a long-term lease. The cost of the project would have zero impact to the City.

Alderman Kobylski said she would definitely like to look at the lease side versus the purchase side and to have more discussion about it in a work session.

Alderman Chevalier agreed he sees more of a lease scenario than a sale, to be able to have some control over that space. He said he would also like to have some of

the downtown Main Street merchant representation at the work session to get some of opinions and what their thoughts are on it as well.

Mayor Boley said that he had reached out to a few of them to join the meeting this evening, but none had. He noted that we will definitely make sure they get the invite to the work session. Mayor Boley asked if staff thought the Parks Master Plan would be ready for the June 15 work session?

Matt Denton said he thought they would be ready for the June 15 meeting.

Mayor Boley asked if the Board would be opposed to starting the June 15 work session early so we could add this to that agenda?

Cynthia added that the schedule also includes discussion of the Capital Improvement Plan so there would be a significant amount of discussion on it also. She noted that it could be added to the end of the regular session since it has a light agenda.

Mayor Boley said he would like to see the Parks Master Plan before we discuss this item further, so he would like to add this discussion to the end of the June 15 regular session. He noted that after the Board's discussion on June 15 it could possibly go to the Planning and Zoning Commission for the July or August meeting at the earliest.

Cynthia said that staff will prepare and bring something forward for the Board to discuss on June 15.

### **3. Adjourn**

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:39 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN  
REGULAR SESSION**

May 4, 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 7:03 p.m. A quorum of the Board was present via Zoom meeting: Steve Sarver, Marv Atkins, Kelly Kobylski, Dan Ulledahl, John Chevalier and Dan Hartman.

Staff present via Zoom: Cynthia Wagner, Anna Mitchell, Chuck Soules, Captain Tony Roetman, Matt Denton, Stephen Larson, Jack Hendrix and Linda Drummond.

**2. Pledge of Allegiance lead by Chuck Soules**

**3. Consent Agenda**

- **Minutes**

- April 20, 2021 Board of Alderman Regular Session Minutes

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

No discussion.

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

**REPORTS FROM OFFICERS AND STANDING COMMITTEES**

**4. Committee Reports**

Anna Mitchell, Assistant City Administrator, reported on the April 27 Economic Development Committee meeting. They had a discussion regarding the 2030 Comprehensive Plan action items that were focused on the Economic Development Committee. The discussion mainly focused on the action items that were listed as important as well as ongoing or near term. From that discussion, the committee was able to identify several next steps that staff is able work on as we move forward trying to accomplish those next action items. The Committee will be having another meeting next month and will be going back to monthly meetings to accomplish the action items identified in the Comprehensive Plan.

Mayor Boley asked the Board to encourage Chamber members, residents or business owners to go to the City website and apply for the vacancies on the Economic Development Committee.

## **5. City Administrator's Report**

Cynthia reported on a few items that have come up in the interim following her report included in the packet.

Staff received word this morning from our fireworks supplier that he now has the inventory and feels he would be able to respond to a request for proposal for display. Staff posted that bid and it will close on May 12. Staff should be able to bring forward for the Board to award at either the May 18 or June 1 meeting.

Cynthia noted that over the course of the last couple weeks Stephan, Anna and she met with representatives from the School District, the Fire Protection District and the Northland Regional Ambulance District to discuss the Smithville Marketplace TIF. 2020 was the first year of any sizable amount of collections that would go into the TIF fund. Anna and Stephen have spent a significant amount of time ensuring that they understand the TIF agreement and allocations. They have been working with the City's Economic Development Attorneys ensuring their understanding of the mechanisms for collection and redistribution to the taxing entities. They have outlined that information to each of the three local entities in meetings over the last couple of weeks. This past week, staff was able to issue checks to the School District, the Fire Protection District and Northland Regional Ambulance District for the amount that they are due from collections within the TIF district. The remaining funds that have been collected are being deposited to a TIF fund, so the funds are available and collected and deposited on the monthly basis.

The checks amounts issued to each entity:

School District - \$5,600

Fire Protection District - \$1,400

Northland Regional Ambulance District - \$1,400

Cynthia noted a couple of updates to personnel. Today, staff interviewed and extended an offer for the Finance Analyst position. We are hopeful to have news on that position this week and, if the candidate accepts the offer, they have indicated they would be able to start mid-June.

Staff has an interview on Thursday for the Public Works Analyst position, and we are very hopeful about that one as well. If they accept the position, we would be looking at a similar if not sooner time frame on a starting date.

The Police Department continues to recruit for the two vacant Police Officer positions. We are recruiting for both candidates who are certified and non-certified Police Officers.

Captain Tony Roetman said that they have two that started the academy today and one new officer currently in field training.

Cynthia reminded the Board that May 27 is the Board of Alderman goal setting retreat. The retreat will be held at Paradise Point. She explained that the Board should have been contacted to set up appointment to have a conversation with Patty Gentrup who is facilitating the retreat. Cynthia encouraged those of the Board who have not yet had the opportunity to set up a time for a conversation with Patty to please do so. She explained that Patty sent out emails with her contact information, but if anyone needed it to let her know.

Mayor Boley noted that he saw the RFP for the Fireworks Display was posted and that the RFP for the Parks and Public Works building closed. He said he understood we received a few proposals.

Chuck explained that we had received twelve proposals for the Parks and Public Works building and staff will be reviewing those in the next few days. Staff will then set up interviews and bring a recommendation back to the Board for approval.

Mayor Boley asked if he was correct that the RFP was for engineering only?

Chuck said that he was correct.

Alderman Chevalier asked if there is any type of analytics for the TIF funds yet such as where we are projection wise?

Cynthia explained that we do not at this point because we do not have enough history on the Fund. This is something that she and Stephen have talked about the need to start putting together some information on the performance. She said that in working on the budget staff, will put something together for the Board.

Mayor Boley noted that for the property tax piece of the TIF, some of the buildings have not yet been complete so we would not collect on them until next year.

Cynthia said that we collect both the property tax and sales tax.

## **ORDINANCES & RESOLUTIONS**

### **6. Bill No. 2903-21, Annexation Lot 36, Lakeside Crossing – 2<sup>nd</sup> Reading**

Alderman Chevalier moved to approve Bill No. 2903-21, approving the annexation of Lot 36, 2402 Northeast 158th Street, Lakeside Crossing. 2<sup>nd</sup> reading by title only. Alderman Atkins seconded the motion.

Alderman Chevalier asked how many properties were left in Lakeside Crossing to be annexed?

Mayor Boley stated only two.

By roll call vote.

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

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2903-21 approved.

## **OTHER MATTERS BEFORE THE BOARD**

### **7. Public Comment**

None

### **8. Proclamations**

- Public Works Week
- Law Enforcement Week
- Older American's Month

### **9. Appointments**

#### **• The Fire District Liaison Committee**

**Mayor Boley nominated Alderman Kobylski.**

By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman Kobylski  
Fire District Liaison Committee Representative.

**Mayor Boley nominated Alderman Ulledahl.**

By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman Ulledahl  
Fire District Liaison Committee Representative.

#### **• The School District Liaison Committee**

**Mayor Boley nominated Alderman Chevalier.**

By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman  
Chevalier School District Liaison Committee Representative.

**Mayor Boley nominated Alderman Hartman.**



By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman Hartman  
School District Liaison Committee Representative.

- **The Northland Regional Ambulance District Liaison Committee**

**Mayor Boley nominated Alderman Atkins.**

By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman  
Atkins as Northland Regional Ambulance District Liaison Committee Representative.

**Mayor Boley nominated Alderman Sarver.**

By roll call vote.

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

Ayes – 5, Noes – 0, Abstained – 1, motion carries. The Mayor declared Alderman  
Sarver as Northland Regional Ambulance District Liaison Committee Representative.

**10. New Business from the Floor**

None

**11. Adjourn**

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

Ayes – 5, Noes – 1, motion carries via teleconference. Mayor Boley declared the  
regular session adjourned at 7:29 p.m.

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Linda Drummond, City Clerk

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Damien Boley, Mayor



## City Administrator's Report

May 13, 2021

### **RFP for Downtown Development Posted**

The RFP for development of the lot at the corner of South Bridge Street and West Meadow was posted last Friday. Responses are due May 28.

### **Streetscape Project Update**

Sands Construction continues to make progress on this project. The retaining wall on the north side of Main Street is going up and curb on the south side has been poured. Work on light bases and conduit for electric is also complete. Weather has been and will continue to be an issue over the next week, with rain in the forecast several days.



## City Hall Renovation

Staff, the architects and contractors met for a progress meeting on Thursday. The contractor continues to indicate they remain on target for early June completion of the project. The men's restroom is substantially complete (and is open for use) and work on the women's restroom began this week. Paint continues throughout. Carpet is scheduled for installation next week.



Men's Restroom



Women's restroom.



Work for conduit in conference room.

**Slip Line Sewer**

Work on the contract for sewer line maintenance began last week. The contractor has been cleaning and videoing condition and service line locations. Measurements are also taken so that the liner can be manufactured for installation.

**Board of Aldermen Retreat and Member Orientation Meetings**

A reminder that the goal setting retreat is scheduled for Thursday, May 27 at Paradise Point Golf Course. The session will begin at 8:30 a.m.

In the weeks following the retreat, I will be scheduling meetings for Aldermen to be able to a tour of city facilities and learn about city operations. I have invited Aldermen Hartman and Kobylski as they are newly elected, but would happy to include any Governing Body member interested. If you would like to be included in these orientation tours, please contact me and I will include you in the scheduling discussions. All meeting times and dates will be posted.

**Fourth of July**

Mayor Boley has indicated his intent to close City Hall in observance of the July 4 Holiday on Friday, July 2 in addition to Monday, July 5. Additionally, the Tuesday, July 6 Board meeting will be cancelled.





## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Public Works

**AGENDA ITEM:** Bill No. 2904-21, Authorizing the Mayor to sign a Quitclaim deed for property rights with the Missouri Highways and Transportation Commission for improvements to Highway 169 and 188th Street – Emergency Ordinance sponsored by Mayor Boley – 1st and 2nd Readings

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### **RECOMMENDED ACTION:**

Approve Bill No. 2904-21, Authorizing the Mayor to sign a Quitclaim deed for property rights with the Missouri Highways and Transportation Commission for improvements to Highway 169 and 188th Street 1st and 2nd readings.

### **SUMMARY:**

The Missouri Department of Transportation (MoDOT) is planning to reconstruct the intersection of Highway 169 and 188<sup>th</sup> Street. The improvements will include improving the sight distance by cutting down the hill, adding left turn lanes for northbound and southbound Highway 169, adding a northbound offset right turn lane on Highway 169 and realignment of 188<sup>th</sup> Street. The project is planned to bid in October of 2021 with construction in 2022. The City has a 12-inch watermain that parallels 188<sup>th</sup> Street, crossing Highway 169 and supplies the northwest water tower. This line will be in conflict with the road improvements proposed by MoDOT and will need to be relocated / lowered. The City hired HDR in 2020 to provide the plans for this project, the design cost was \$31,520. The cost for the waterline relocation was estimated in the 2021 budget at \$270,000.

Coordination with MoDOT plans for the highway project has increased the scope and associated costs for the project, however MoDOT is going to pay for the entire cost of the relocation of the waterline (the City has already paid for the engineering).

The Board previously approved two agreements on April 5 with the MoDOT, Bill Number 2896-21

- Municipal Agreement – which allows the Transportation Commission to make improvements to the roads and use the City's right of way
- Utility Agreement – which sets out the obligations of the City and Transportation Commission with respect to utility relocations and costs. in this case MoDOT is paying for all costs to relocate the watermain.

The Quitclaim deed provides MoDOT with the Right-of-Way to make the improvements on 188<sup>th</sup> Street

**PREVIOUS ACTION:**

The City hired HDR in 2020 to develop plans for the watermain project. The cost was \$31,520. At the April 5, Board Meeting the Board approved Bill Number 2896-21, entering into an agreement with MoDOT to complete the improvements.

**POLICY ISSUE:**

Infrastructure Improvement

**FINANCIAL CONSIDERATIONS:**

The City had budgeted for the watermain relocation, which is now being paid for by MoDOT, saving the City \$188,000.

**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: Quitclaim Deed and exhibits |                                   |

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A QUITCLAIM DEED WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR IMPROVEMENTS TO HIGHWAY 169 AND 188<sup>th</sup> STREET IN THE CITY OF SMITHVILLE CONSISTING OF PAVEMENT IMPROVEMENTS, SHOULDER ADDITIONS, LANE WIDENING, TURN LANES, SIGHT DISTANCE DRAINAGE IMPROVEMENTS AND RELOCATION OF THE CITY'S WATERMAIN**

**WHEREAS**, the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Smithville (hereinafter, "City") desire public improvements to be completed on Highway 169 and 188<sup>th</sup> Street; and

**WHEREAS**, The Commission will complete the improvements consisting of pavement improvements, shoulder additions, lane widening, turn lane additions, sight distance, drainage improvements and the relocation of the City's water main; and

**WHEREAS**, in order to complete the improvements along 188<sup>th</sup> Street the Commission desires to have ownership of the Right-of-Way necessary for the construction of the public improvements.

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

Section 1. That the Mayor is authorized and directed to execute a Quitclaim Deed for property interests with the Missouri Highways and Transportation Commission Municipal Agreement for public improvements to be completed on Highway 169 and 188<sup>th</sup> Street, in the City of Smithville.

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

PASSED THIS 18<sup>th</sup> DAY OF May 2021

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

ATTEST:

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

First Reading: 05/18/2021  
Second Reading: 05/18/2021



CCO FORM: RW02  
Approved: 06/93 (TLP)  
Revised: 07/20 (BDG)  
Modified:

COUNTY: CLAY  
ROUTE: 169  
PROJECT: J4P3295  
PARCEL: 4

### QUITCLAIM DEED

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 2021, between **THE CITY OF SMITHVILLE, a municipal corporation**, of the County of Clay, State of Missouri, (hereinafter, "Grantor"), and the **STATE OF MISSOURI, acting by and through the MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**, (hereinafter, "Grantee").

Grantor(s)' Address: 107 W. Main Street, Smithville, MO 64089

Grantee's Address: 600 NE Colbern Road, Lee's Summit, MO, 64086

WITNESSETH:

The said Grantor, in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), to it paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto said Grantee, its successors and assigns, the real estate and interests in real estate in the County of Clay, State of Missouri, and described in **Exhibit A-Legal Description**, attached hereto and made part hereof:

### **2 Tracts of Permanent Land; Hereinafter, designated as Tracts A & B:**

#### **Tract A (WEST SIDE of US Route 169)**

All that part of Grantor's real property and real property rights and interest in a normal access tract of land located in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 3, the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 3, the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 2, and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 2, all being in T53N

of the Baseline, R33W of the Fifth Principal Meridian, in the city of Smithville, Clay County, Missouri; Containing 17,123 square feet, more or less of land.

**Tract B (EAST SIDE of US Route 169)**

All that part of Grantor's real property and real property rights and interest in a normal access tract of land located in the SW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 2 and the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 2, all in T53N of the Baseline, R33W of the Fifth Principal Meridian, in the city of Smithville, Clay County, Missouri; containing 17,576 square feet, more or less, of land

This conveyance includes all the realty and realty rights described in the attached Exhibit A.

TO HAVE AND TO HOLD THE SAME, with all and singular rights, immunities, privileges, and appurtenances thereunto belonging, unto the said Grantee, its heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first written above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type

ATTEST:

\_\_\_\_\_

**ACKNOWLEDGMENT BY CITY**

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )      ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_, personally known to me, who being by me duly sworn, did say that he/she is the \_\_\_\_\_ (title) of the City of \_\_\_\_\_ and that the foregoing instrument was signed and sealed on behalf of the City of \_\_\_\_\_ and that he/she acknowledged said instrument to be the free act and deed of the City of \_\_\_\_\_ and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.




\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Missouri Highways & Transportation Commission

# Legal Description

## Exhibit A

County CLAY	Route 169	Project Number J4P3295	Date Prepared 4/12/2021
Legal description contained on pages			
Professional Land Surveyor			
Print Name Christopher S Spears		MO PLS Number 2000148659	
Signature 		Date 4/12/2021	
		Missouri Highways and Transportation Commission 105 West Capital, Jefferson City, MO 65102 888-ASK MODOT (888)275-6636	
			
		Only the following legal descriptions contained in this "EXHIBIT A" are authenticated by this seal:	

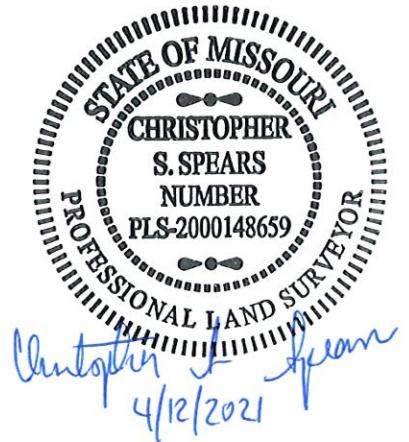
Parcel 4 – City of Smithville

Missouri Highways & Transportation Commission

Legal Description

Exhibit A

COUNTY: CLAY  
ROUTE: 169  
PROJECT: J4P3295  
PARCEL NO: 4  
OWNER: CITY OF SMITHVILLE



**Existing US Route 169 Surveyed Centerline**

The Existing US Route 169 Survey Centerline is located and described as follows: Commencing at a found 5/8" Iron Bar w/2" Aluminum Cap Stamped KVE 214F at the SW Corner of Section 2, T53N of the Baseline, R33W of the Fifth Principal Meridian; thence North 01° 33' 46" West a distance of 1,735.33 feet to a Point on the Existing Route 169 Survey Centerline at POC Station 98+94.27, said point being the Point of Beginning of the following described Existing US Route 169 Survey Centerline; thence along said Survey Centerline on a curve to the right, having a radius of 2864.93 feet, thru a central angle of 23°23'08", an arc distance of 1169.23 feet to Existing US Route 169 Survey Centerline PC Station 87+25.04; thence North 33° 01' 13" East a distance of 593.95 feet to Existing U.S. Route 169 Survey Centerline Station 81+31.09, said point being North 38°50'16" East a distance of 1225.86 feet from a 5/8" Iron Bar at the West Quarter Corner of Said Section 2, T53N, R33W.

**2 Tracts of Permanent Land; Hereinafter, designated as Tracts A & B:**

**Tract A (WEST SIDE of US Route 169)**

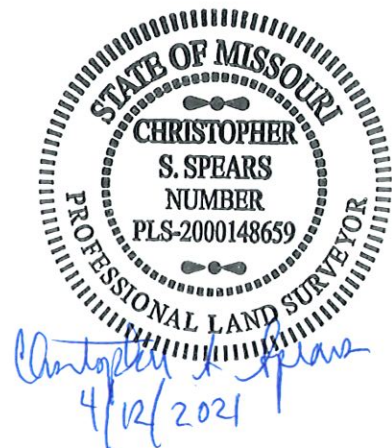
All that part of Grantor's real property and real property rights and interest in a normal access tract of land located in the NE¼ of the SE¼ of Section 3, the SE¼ of the NE¼ of Section 3, the NW¼ of the SW¼ of Section 2, and the SW¼ of the NW¼ of Section 2, all being in T53N of the Baseline, R33W of the Fifth Principal Meridian, in the city of Smithville, Clay County, Missouri, lying on the right or westerly side of the above-described Existing US Route 169 Survey Centerline at 188<sup>th</sup> Street, to wit: Beginning at a point 315.85 feet right of Centerline Station 93+31.91, said point being on the northerly boundary of 188<sup>th</sup> Street; thence easterly along said northerly boundary of 188<sup>th</sup> Street, to a point 40.00 feet right of Centerline Station 92+25.77, said point being on the existing westerly boundary of US Route 169; thence Southwesterly along said westerly boundary of US Route 169 on a curve to the left, having a radius of 2904.93, thru a central angle of 01°16'57", an arc distance of 65.03 feet to a point 40.00 feet right of Centerline Station



92+89.90, said point being on the southerly boundary of 188<sup>th</sup> Street; thence westerly along said southerly boundary of 188<sup>th</sup> Street to a point 294.53 feet right of Centerline Station 93+82.72; thence northerly to the Point of Beginning, containing 17,123 square feet, more or less, of land.

**Tract B (EAST SIDE of US Route 169)**

All that part of Grantor's real property and real property rights and interest in a normal access tract of land located in the SW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 2 and the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 2, all in T53N of the Baseline, R33W of the Fifth Principal Meridian, in the city of Smithville, Clay County, Missouri, lying on the left or easterly side of the above-described Existing Route 169 Survey Centerline, to wit: Beginning at a point 40.00 feet left of Centerline Station 91+90.71, said point being on the existing easterly boundary of US Route 169 and a point on the northerly boundary of 188<sup>th</sup> Street; thence easterly along said northerly boundary of 188<sup>th</sup> Street to a point 293.15 feet left of Centerline Station 90+63.74; thence southerly to a point 319.52 feet left of Centerline Station 91+24.09, said point being on the southerly boundary of 188<sup>th</sup> Street; thence westerly along said southerly boundary of 188<sup>th</sup> Street to a point 40.00 feet left of Centerline Station 92+56.98, said point being on the existing easterly boundary of US Route 169; thence northeasterly along said existing easterly boundary of US Route 169 on a curve to the right, having a radius of 2824.93, thru a central angle of 01°19'32", an arc distance of 65.35 feet to the Point of Beginning, containing 17,576 square feet, more or less, of land.





CURVE DATA								
CURVE NUMBER	DESCRIPTION	TAN. BEARING	DELTA	L (FT.)	T (FT.)	R (FT.)	CHORD	DEGREE OF CURVATURE
C1	PERM. ESM'T (GAS) NW	S 34°55'51" W	11°45'47" LT	600.5	301.309	2924.9	599.44	1°57'32"
C12	PERM. ESM'T (GAS) SW	S 21°01'29" W	7°04'33" LT	362.05	181.25	2931.67	361.82	1°57'16"
C2	EXIST. R/W, W	S 33°01'13" W	32°03'00" LT	1624.96	834.348	2904.9	1603.8536	1°58'20"
C6	EXIST. R/W, E	S 33°01'13" W	32°03'00" LT	1580.21	811.37	2824.9	1559.68	2°01'42"
C3	EXIST. ESM'T (GAS), NW	S 33°01'14" W	10°11'00" LT	519.858	260.615	2924.9	519.1741	1°57'32"
C11	EXIST. ESM'T (GAS), SW	S 21°33'53" W	9°55'53" LT	506.99	254.13	2924.93	506.36	1°57'32"
C4	NEW. R/W, NW	S 28°07'56" W	4°43'42" LT	242.04	121.09	2932.82	241.97	1°57'13"
C9	NEW. R/W, SW	S 20°43'29" W	6°50'07" LT	347.90	174.16	2916.19	347.69	1°57'53"
C5	TEMP CONST. ESM'T NW	S 28°08'22" W	4°40'36" LT	239.80	119.97	2937.82	239.73	1°57'01"
C10	TEMP CONST. ESM'T SW	S 20°40'07" W	6°52'38" LT	350.63	175.53	2921.19	350.42	1°57'41"
C7	EXIST. ESM'T, NE, E	S 33°01'14" W	9°10'37" LT	450.06	225.51	2809.93	449.58	2°02'21"
C8	EXIST. ESM'T, SE, E	S 22°10'41" W	10°52'07" LT	533.03	267.32	2809.93	532.23	2°02'21"

ROCK DITCH LINER  
(1) RT. DITCH STA. 9+15.14 TO 14+30.00  
(2) LT. DITCH STA. 9+15.14 TO 15+15.00

### GRAVES, TODD P. & TRACY B.

RIGHT (WEST) OF US 169, NORTH OF 188TH ST.  
27559 SQ.FT. (0.63 AC) NEW R/W  
INCL. 16550 SQ.FT. (0.38 AC) IN EXIST. PERM. ESM'T  
25366 SQ.FT. (0.58 AC) PERM. ESM'T (GAS)  
4370 SQ.FT. (0.10 AC) PERM. ESM'T (WATER)  
39667 SQ.FT. (0.91 AC) TEMP. ESM'T  
31639255 SQ.FT. (726.34 AC) REMAINING

RIGHT (WEST) OF US 169, SOUTH OF 188TH ST.  
7767 SQ.FT. (0.18 AC) NEW R/W  
INCL. 4826 SQ.FT. (0.11 AC) IN EXIST. PERM. ESM'T  
4709 SQ.FT. (0.11 AC) PERM. ESM'T  
3246 SQ.FT. (0.07 AC) TEMP. ESM'T  
2932969 SQ.FT. (67.33 AC) REMAINING

LEFT (EAST) OF US 169, NORTH OF 188TH ST.  
30096 SQ.FT. (0.69 AC) NEW R/W  
INCL. 1371 SQ.FT. (0.03 AC) IN EXIST. PERM. ESM'T  
14732 SQ.FT. (0.34 AC) PERM. ESM'T (WATER LINE)  
3121 SQ.FT. (0.07 AC) PERM. ESM'T (DRAINAGE)  
5568 SQ.FT. (0.13 AC) TEMP. ESM'T  
10088021 SQ.FT. (231.59 AC) REMAINING

SE 1/4 NE 1/4  
SECTION 3, T53N, R33W

SW 1/4 NW 1/4  
SECTION 2, T53N, R33W

SW 1/4 NW 1/4  
SECTION 2, T53N, R33W

CURVE RTENT1\_6  
PI 1+54.23  
PC 1+46.65  
PT 1+61.80  
Δ 4° 20' 29.0" (RT)  
D 28° 38' 52.4"  
L 15.15'  
T 7.58'  
R 200.00'

CURVE RTENT1\_3  
PI 0+69.57  
PC 0+38.40  
PT 1+00.25  
Δ 17° 43' 02.3" (RT)  
D 28° 38' 52.4"  
L 15.15'  
T 7.58'  
R 200.00'

CURVE MAIN LINE US 169  
PI 95+26.29  
PC 87+25.04  
PT 103+27.54  
Δ 32° 03' 00.0" (LT)  
D 2° 00' 00.0"  
L 15.15'  
T 7.58'  
R 200.00'

### RW COLORED PLANS LEGEND

NEW R/W  
NEW R/W (FROM CITY)  
NEW PERM UTILITY EASEMENT  
NEW PERM DRAINAGE EASEMENT  
TEMPORARY CONSTRUCTION EASEMENT



90+07.06  
302.89 RT  
SC  
Q PERM.  
P.E.  
90+59.04  
324.34 RT

NEW EOS  
NEW EOP  
EXIST. R/W (C2)  
PERM. ESM'T (GAS) (C1)  
88+80.73  
60.00 RT  
TEMP. 5' CONST. ESM'T (C5)  
EXIST. 20' GAS ESM'T (C3)

PC STA 87+25.04

EXIST. FIBEROPTIC LINE

85+29.48  
60.00 RT  
85+59.94  
60.00 RT  
86+36.30  
42.22 RT  
86+35.14  
89.72 RT  
86+36.58  
47.25 RT

PC STA 87+25.04

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
60.00 RT

86+36.30  
42.22 RT

86+35.14  
89.72 RT

86+36.58  
47.25 RT

86+36.30  
42.22 RT

85+59.94  
60.00 RT

85+29.48  
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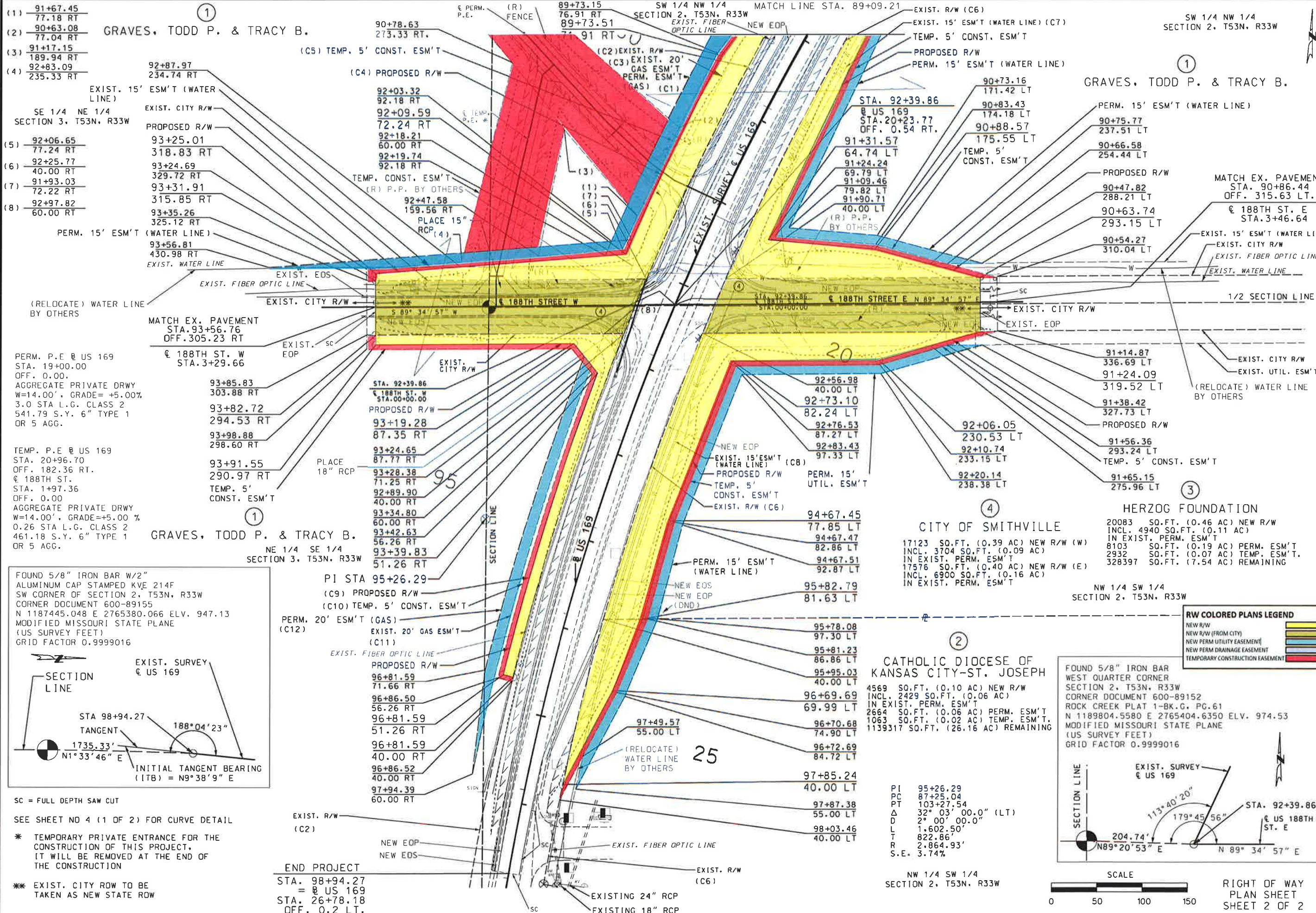
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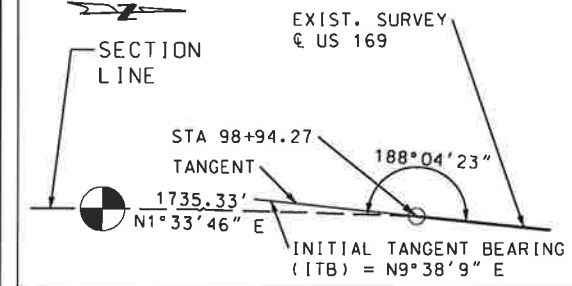
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PERM. P.E. @ US 169  
STA. 19+00.00  
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AGGREGATE PRIVATE DRWY  
W=14.00', GRADE=+5.00%  
3.0 STA L.G. CLASS 2  
541.79 S.Y. 6" TYPE 1  
OR 5 AGG.

TEMP. P.E. @ US 169  
STA. 20+96.70  
OFF. 182.36 RT.  
@ 188TH ST.  
STA. 1+97.36  
OFF. 0.00  
AGGREGATE PRIVATE DRWY  
W=14.00', GRADE=+5.00 %  
0.26 STA L.G. CLASS 2  
461.18 S.Y. 6" TYPE 1  
OR 5 AGG.

FOUND 5/8" IRON BAR W/2"  
ALUMINUM CAP STAMPED KVE 214F  
SW CORNER OF SECTION 2, T53N, R33W  
CORNER DOCUMENT 600-89155  
N 1187445.048 E 2765380.066 ELV. 947.13  
MODIFIED MISSOURI STATE PLANE  
(US SURVEY FEET)  
GRID FACTOR 0.9999016



SC = FULL DEPTH SAW CUT

SEE SHEET NO 4 (1 OF 2) FOR CURVE DETAIL

\* TEMPORARY PRIVATE ENTRANCE FOR THE  
CONSTRUCTION OF THIS PROJECT.  
IT WILL BE REMOVED AT THE END OF  
THE CONSTRUCTION

\*\* EXIST. CITY ROW TO BE  
TAKEN AS NEW STATE ROW

END PROJECT  
STA. 98+94.27  
= @ US 169  
STA. 26+78.18  
OFF. 0.2 LT.

"THIS MEDIA SHOULD  
NOT BE CONSIDERED  
A CERTIFIED  
DOCUMENT."

DATE PREPARED  
3/25/2021

ROUTE	STATE
169	MO

DISTRICT  
KC

SHEET NO.  
5

COUNTY  
CLAY

JOB NO.  
J4P3295

CONTRACT ID.

PROJECT NO.

BRIDGE NO.

DESCRIPTION

DATE

WAYS AND TRANSPORTATION  
COMMISSION

105 WEST CAPITOL  
JEFFERSON CITY, MO 65102  
1-888-ASK-MODOT (1-888-275-6636)

SCALE

0 50 100 150

RIGHT OF WAY  
PLAN SHEET  
SHEET 2 OF 2

33





## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2905-21, Initial Zoning Certain Lots in Lakeside Crossing – 1st Reading

---

**RECOMMENDED ACTION:**

A motion to approve Bill No. 2905-21, Initial zoning of certain lots in Lakeside Crossing by title only, for first reading.

**SUMMARY:**

The ordinance would set the initial zoning of the four most recently annexed lots 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, these 4 property owners agreed to be annexed and newly annexed property must have its' initial zoning set by the city.

**PREVIOUS ACTION:**

Annexations of each lot occurred in previous meetings in April.

**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: Gary and Lisa Duddy; Alan and Nicole Bibler; Russell and Betty Woollums; Kevin and Regina O'Brien

Land Use Proposed: R-1B

Zoning: County Single Family

Property Locations: 15719 N. Chestnut St.; 2416 NE 157<sup>th</sup> Ter.; 2224 NE 158<sup>th</sup> St.; 2402 NE 158<sup>th</sup> St..

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 four public hearings of the Planning and Zoning Commission of the City of Smithville, held on May 11, 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 May 11, 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 these properties 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 properties to R-1B.

**BILL NO. 2905-21**

**ORDINANCE NO. \_\_\_\_\_**

**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 each of the properties identified as 15719 N. Chestnut St.; 2416 NE 157th Ter.; 2224 NE 158th St.; 2402 NE 158th St.; and

**WHEREAS**, after the properties were annexed, the City is required to designate the initial zoning of newly annexed property, so a Public Hearing for each lot was conducted before the Planning Commission on May 11, 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 4, Lot 12, Lot 34 and Lot 36, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

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Mayor

ATTEST:

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City Clerk

First Reading: 05/18/2021

Second Reading / /

## Exhibit A

All that part of the North one half of Section 36, Township 54, 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.





## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Development

**AGENDA ITEM:** Bill No. 2906-21 Dwelling and Lot Sizes

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**RECOMMENDED ACTION:**

A motion to approve Bill No. 2906-21 amending dwelling unit and lot sizes in various zoning districts on first reading.

**SUMMARY:**

The 2030 Comprehensive Plan recommended adjusting some of the dwelling and lot sizes to improve housing affordability, and this ordinance implements those changes.

**BACKGROUND:**

One of the greatest code-related obstacles to creating housing that is affordable for more people is the current dwelling unit size requirement. The proposed Ordinance adds two new single family zoning districts that have small lot sizes. This change allows the development costs to be spread across more lots and reduce the overall lot cost. The Ordinance also changes the minimum size of the dwelling units allowed in each residential district. The primary impact is in the R-3 multifamily district, which will now be able to include studio and 1 bedroom units with a 400 square foot minimum instead of the current 900 square feet.

**PREVIOUS ACTION:**

No specific action preceded this change.

**POLICY ISSUE:**

Increase the number of dwelling units that are affordable to a wider mix of citizens.

**FINANCIAL CONSIDERATIONS:**

**No impact anticipated.**

**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: <a href="#">Click or tap here to enter text.</a> |                                   |

**AN ORDINANCE REPEALING SECTIONS 400.090 THRU 400.150 OF THE SMITHVILLE MUNICIPAL CODE AND RE-ENACTING NEW SECTIONS 400.090 TO 400.150**

**WHEREAS**, on March 9, 2021, the Planning and Zoning Commission discussed potential changes to the dwelling unit and lot size changes recommended in the 2030 Comprehensive Plan; and

**WHEREAS**, the Planning and Zoning Commission held a Public Hearing on a draft of the new Zoning Code on May 11, 2021 and recommended the approval of this ordinance; and

**WHEREAS**, the Planning Commission believes that these changes are consistent with the intent and purpose of the zoning regulations; and

**WHEREAS**, the Planning Commission believes that these changes are necessary due to changed and changing conditions of the real estate market and the specific provision of the 2030 Comprehensive Plan; and

**WHEREAS**, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said code.

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

Section 1. Sections 400.090 to 400.150 of the Smithville Municipal Code of Ordinances are hereby repealed in their entirety and new sections to be read and numbered as follows are enacted:

**SECTION 400.090: A-1 AGRICULTURAL DISTRICT**

**USE REGULATIONS**

A. Intent. It is the intent of this district to preserve and protect agricultural resources. The district is not intended to serve the homeowner who lives on a small suburban lot but is designed to accommodate agricultural operations on substantial acreages. Uses that might have nuisance characteristics, if intermingled in developed residential areas, are permitted on the premise that they are no more offensive than normal agricultural uses. In A-1 districts, no

building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses. The following uses shall be permitted in A-1 districts:

1. Agricultural operations, including, livestock farms; apiary farms; chicken and poultry farms; dairies and dairy farms; nursery and forestry farms; grain, hay, fiber, fruit, nut, and vegetable farms; vineyards and wineries; pastures for grassland and livestock grazing. Nothing contained herein should be construed to authorize the use of land for Confined Animal Feeding Operations as defined by the State of Missouri or at a density that generates animal waste in an amount that requires waste containment structures to comply with any state regulation.

2. Single-family dwellings.

3. Public parks, playgrounds, tot lots or play lots.

4. In-home daycares with 5 or fewer children.

5. Signs, as provided in Sections 400.470 – 400.520 of this Code.

6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Recreational and entertainment uses, including amphitheaters, athletic fields, campgrounds, country clubs, golf courses and driving ranges, fairgrounds, recreation centers, resorts, riding stables, swimming clubs, tennis clubs and zoos.

2. Residential uses, including beds and breakfast; childcare centers for more than five (5) children.

3. Religious, educational and social facilities, including museums; charities; houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocation and higher education.

4. Public health and safety facilities, including armed forces installations, armories, clinics, firehouses, health centers, hospitals and police stations.

5. Transportation, communication and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.

6. Other service uses including cemeteries, pet cemeteries, funeral houses; sawmills and planing mills; storage units for indoor storage rental.

D. Density regulations.

1. Minimum lot area is 10 acres.

2. Minimum lot width is three hundred (300) feet.

3. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations.

The Maximum structure height is thirty-five (35) feet for dwellings; farm structures have no height limitations.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured

from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than Ten (10) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.095: A-R AGRICULTURAL-RESIDENTIAL DISTRICT

USE REGULATIONS

A. Intent. The intent of the A-R district is to permit a combination of rural residential living with animal husbandry as defined in this section. In A-R districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses. The following uses shall be permitted in A-R districts:

- 1. Pastures for grassland and livestock grazing.
- 2. Single-family dwellings.
- 3. Animal Husbandry in conjunction with a single-family dwelling and with the following

limitations:

a. Animal husbandry in conjunction with a dwelling shall include the maintenance of no more than the following number of animals per acre: one horse or one cow; or five hogs; or seven sheep; or one hundred poultry, rabbits, chinchillas, guinea pigs, or pigeons. For purposes of this calculation, only the acreage above and beyond one acre for any residence shall be included.

b. The slaughter of animals, such as poultry, rabbits, or beef cattle is permitted only where intended for consumption by the resident family or to be gifted.

c. Animals other than household pets shall not be kept within a residence, or within one hundred (100) feet of a residence or within sixty (60) feet of the front property line of the building site.

d. Housing or caging of animals shall be adequate and sanitary, and subject to all State health requirements for health and sanitation. All animal food except for hay and straw shall be stored in rodent-proof containers.

e. Should any A-R property rezoned to another use where animal husbandry is not a permitted use, any such use therein shall cease within one year from the effective date of the rezoning.

4. Public parks, playgrounds, tot lots or play lots.

5. In-home daycares with five (5) or fewer children.

6. Signs, as provided in Sections 400.470 – 400.520 of this Code.

7. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Recreational and entertainment uses, including athletic fields, campgrounds, golf courses and driving ranges, riding stables, and zoos.

2. Residential uses, including beds and breakfast; in-home daycare/childcare centers for not more than 10 children.

3. Religious, educational, and social facilities, including museums; charities; accessory buildings associated with houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocational and higher education.

4. Public health and safety facilities, including armed forces installations, armories, clinics, firehouses, health centers, hospitals, and police stations.

5. Transportation, communication, and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.

6. Other service uses including cemeteries, pet cemeteries, funeral houses;

D. Density regulations.

1. The minimum lot area shall be not less than two (2) acres, if public sanitary sewer services are available to serve the lot, otherwise, three (3) acres.

2. The minimum lot width shall be not less than two hundred (200) feet.

3. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.

E. Height regulations.

The maximum height for any structure is thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet

measured from the edge of the right-of-way.

b. Where lots have a double frontage, the required front yard shall be provided on each street.

c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than Ten (10) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

SECTION 400.100: R-1A SINGLE-FAMILY SUBURBAN DWELLING DISTRICT

USE REGULATIONS

A. Intent. The intent of this district is to provide for areas of single-family suburban residential development at a low density. In R-1A districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses. The following uses shall be permitted in the R-1A district:

1. Detached, single family dwellings.
2. Fire and Police Protection and related activities.
3. Historic sites and monuments.
4. Parks, Playgrounds, Primary and Secondary Schools.
5. Signs, as provided in Sections 400.470 – 400.520 of this Code.

6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.
- C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:
  1. Cemeteries and Mausoleums.
  2. Museums, Libraries, accessory buildings associated with religious worship facilities, in home daycare/childcare centers with not more than ten (10) children.
  3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.
- D. Density regulations.
  1. The minimum lot area shall be ten thousand (10,000) square feet.
  2. The minimum lot width shall be one hundred (100) feet.
  3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
  4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.
- E. Height regulations. The maximum structure height shall be thirty-five (35) feet.
- F. Yard regulations.
  1. Front Yard Area:
    - a. The front yard area shall be in accordance with the following road classifications:
      - i. Local: Fifty-five (55) feet measured from the centerline of the street.
      - ii. Collector: Sixty (60) feet measured from the centerline of the street.
      - iii. Arterial: Seventy (70) feet measured from the centerline of the street.
      - iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
    - b. Where lots have a double frontage, the required front yard shall be provided on each street.
    - c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
    - d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.



2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.
3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

## SECTION 400.110: R-1B SINGLE-FAMILY DWELLING DISTRICT

### USE REGULATIONS

- A. Intent. The intent of this district is to provide for areas of single-family suburban residential development at a moderate density. In R-1B districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- B. Permitted uses.
  1. Detached, single family dwellings.
  2. Fire and Police Protection and related activities.
  3. Historic sites and monuments.
  4. Parks, Playgrounds, Primary and Secondary Schools.
  5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
  6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.
- C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:
  1. Cemeteries and Mausoleums.
  2. Museums, Libraries, accessory buildings associated with religious worship facilities.
  3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.
- D. Density regulations.
  1. The minimum lot area shall be seven thousand five hundred (7,500) square feet.
  2. The minimum lot width shall be seventy-five (75) feet.
  3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
  4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.
- E. Height regulations. The maximum height shall be thirty-five (35) feet.
- F. Yard regulations.
  1. Front Yard Area:
    - a. The front yard area shall be in accordance with the following road classifications:
      - i. Local: Fifty-five (55) feet measured from the centerline of the street.
      - ii. Collector: Sixty (60) feet measured from the centerline of the street.

- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
    - iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
  - b. Where lots have a double frontage, the required front yard shall be provided on each street.
  - c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
  - d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.
- 2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.
  - 3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

## SECTION 400.115: R-1C SINGLE-FAMILY URBAN DWELLING DISTRICT

### USE REGULATIONS

- A. Intent. The intent of this district is to provide for areas of single-family residential development at a medium density. In R-1C districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- B. Permitted uses.
  - 1. Detached, single family dwellings.
    - 2. Fire and Police Protection and related activities.
    - 3. Historic sites and monuments.
    - 4. Parks, Playgrounds, Primary and Secondary Schools.
    - 5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
    - 6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.
- C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:
  - 1. Cemeteries and Mausoleums.
  - 2. Museums, Libraries, accessory buildings associated with religious worship facilities.
  - 3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be six thousand (6,000) square feet.
2. The minimum lot width shall be sixty (60) feet.
3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics, and other areas not designed for living space.

E. Height regulations. The maximum height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

- a. The front yard area shall be in accordance with the following road classifications:

- i. Local: Fifty-five (55) feet measured from the centerline of the street.
- ii. Collector: Sixty (60) feet measured from the centerline of the street.
- iii. Arterial: Seventy (70) feet measured from the centerline of the street.
- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.

- b. Where lots have a double frontage, the required front yard shall be provided on each street unless the subdivision plat indicates otherwise.

- c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.

- d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than six (6) feet.

3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

## SECTION 400.120: R-1D SINGLE-FAMILY SMALL LOT DWELLING DISTRICT

### USE REGULATIONS

- A. Intent. The intent of this district is to provide for areas of single-family residential development at a medium density. In R-1D districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected,

constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.

B. Permitted uses.

1. Detached, single family dwellings.
  2. Fire and Police Protection and related activities.
  3. Historic sites and monuments.
  4. Parks, Playgrounds, Primary and Secondary Schools.
  5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
  6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.

C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:

1. Cemeteries and Mausoleums.
2. Museums, Libraries, accessory buildings associated with religious worship facilities.
3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.

D. Density regulations.

1. The minimum lot area shall be five thousand (5,000) square feet.
2. The minimum lot width shall be fifty (50) feet.
3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
4. Single family dwellings shall have a minimum of one thousand one hundred (1,100) square feet of habitable floor area, excluding basements, garages, attics, and other areas not designed for living space.

E. Height regulations. The maximum height shall be thirty-five (35) feet.

F. Yard regulations.

1. Front Yard Area:

- a. The front yard area shall be in accordance with the following road classifications:
  - i. Local: Fifty-five (55) feet measured from the centerline of the street.
  - ii. Collector: Sixty (60) feet measured from the centerline of the street.
  - iii. Arterial: Seventy (70) feet measured from the centerline of the street.
  - iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
- b. Where lots have a double frontage, the required front yard shall be provided on each street unless the subdivision plat indicates otherwise.
- c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
- d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where

necessary to provide a yard along the side street with a depth of not less than six (6) feet.

2. Side Yard Area: The side yard area shall be not less than five (5) feet.
3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

#### SECTION 400.125: R-1M MOBILE OR MANUFACTURED DWELLING DISTRICT USE REGULATIONS

- A. Intent. The intent of this district is to provide low to moderate density developments for mobile and manufactured dwelling units which are compatible with the character of the surrounding neighborhood in which they are located. In R-1M districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- B. Permitted uses.
  1. Mobile or Manufactured homes.
  2. Fire and Police Protection and related activities.
  3. Historic sites and monuments.
  4. Parks, Playgrounds, Primary and Secondary Schools.
  5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
  6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.
- C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:
  1. Cemeteries and Mausoleums.
  2. Museums, Libraries, accessory buildings associated with religious worship facilities, daycares with less than ten (10) children.
  3. Athletic fields, golf courses, tennis, handball, squash and basketball courts.
- D. Density regulations.
  1. The minimum lot area shall be seven thousand five hundred (7,500) square feet, included within a zoning district of ten (10) acres or more.
  2. The minimum lot width shall be seventy-five (75) feet.
  3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
- E. Height regulations. The maximum building height shall be thirty-five (35) feet.
- F. Yard regulations.
  1. Front Yard Area:
    - a. The front yard area shall be in accordance with the following road classifications:
      - i. Local: Fifty-five (55) feet measured from the centerline of the street.
      - ii. Collector: Sixty (60) feet measured from the centerline of the street.
      - iii. Arterial: Seventy (70) feet measured from the centerline of the street.

- iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
  - b. Where lots have a double frontage, the required front yard shall be provided on each street.
  - c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
  - d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.
- 2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.
- 3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.

#### SECTION 400.130: R-2 TWO-FAMILY DWELLING DISTRICT USE REGULATIONS

- A. Intent. The intent of this district is to provide for areas of single-family and two-family development and related residential activities at a moderate density. In R-2 districts, no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- B. Permitted uses.
  - 1. Detached single family and attached two family dwellings.
    - 2. Fire and Police Protection and related activities.
    - 3. Historic sites and monuments.
    - 4. Parks, Playgrounds, Primary and Secondary Schools, daycares with less than ten (10) children.
    - 5. Signs, as provided in Sections 400.470 – 400.520 of this Code.
    - 6. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.
- C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:
  - 1. Cemeteries and Mausoleums.
  - 2. Museums, Libraries, accessory buildings associated with religious worship facilities, daycares with ten (10) or more children.
  - 3. Amphitheaters, athletic fields, golf courses, tennis, handball, squash and basketball courts.

- D. Density regulations.
1. The minimum lot area shall be seven thousand five hundred (7,500) square feet if the building constructed is for single family; three thousand seven hundred fifty (3,750) square feet for each unit in a two-family dwelling.
  2. The minimum lot width shall be seventy-five (75) feet if the building constructed is for single family; thirty-seven and one-half (37.5) feet on each side of the common boundary line on lots with a two-family dwelling.
  3. The maximum lot coverage shall be thirty percent (30%) of the total lot area.
  4. Each side of a Two-family dwelling or a Single-family dwelling shall have a minimum of nine hundred (900) square feet of habitable floor area, excluding basements, garages, attics and other areas not designed for living space.
- E. Height regulations. The maximum building height shall be thirty-five (35) feet.
- F. Yard regulations.
1. Front Yard Area:
    - a. The front yard area shall be in accordance with the following road classifications:
      - i. Local: Fifty-five (55) feet measured from the centerline of the street.
      - ii. Collector: Sixty (60) feet measured from the centerline of the street.
      - iii. Arterial: Seventy (70) feet measured from the centerline of the street.
      - iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
    - b. Where lots have a double frontage, the required front yard shall be provided on each street.
    - c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
    - d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than seven and one-half (7.5) feet.
  2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.
  3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.
  4. All existing R-2 district lots may be subdivided along the common boundary of the lot(s) so platted by the Lot Line adjustment process contained in Section 425,295;



and all lots rezoned to this district shall be created to allow separate ownership of each unit on such lot.

#### SECTION 400.150: R-3 MULTIPLE-FAMILY DWELLING DISTRICT USE REGULATIONS

- A. Intent. The intent of this district is to provide for areas of multiple-family or apartment development which is at a higher density, as well as single and two-family dwellings at a higher density. In R-3 districts, no building, structure, land, or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- B. Permitted uses.
  - 1. Single, two and multi-family dwellings.
  - 2. Fire and Police Protection and related activities.
  - 3. Historic sites and monuments.
  - 4. Parks, Playgrounds, Primary and Secondary Schools.
  - 5. Retirement, convalescent, nursing, and rest homes; convents, monasteries, orphanages, dormitories, fraternity, and sorority houses; boarding and rooming houses.
  - 6. Signs, as provided in Sections 400.470 – 400.520 of this Code.
- 7. Accessory uses customarily incidental to permitted uses and otherwise conforming to the provisions contained in Section 400.370.
- C. Conditionally permitted uses. The following uses may be conditionally permitted provided they obtain a Conditional Use Permit in accordance with Section 400.570 of this Code:
  - 1. Recreational and entertainment uses, including amphitheaters, athletic fields, campgrounds, country clubs, golf courses and driving ranges, fairgrounds, recreation centers, resorts, riding stables, swimming clubs, tennis clubs and zoos.
  - 2. Religious, educational, and social facilities, including museums; charities; accessory uses associated with houses of worship; colleges and universities (public and private); educational and scientific research services; libraries; schools for primary, secondary, vocation and higher education, daycares with more than five (5) children.
  - 3. Public health and safety facilities, including, clinics, health centers, hospitals and counseling, treatment, and correctional centers.
  - 4. Transportation, communication, and utility facilities, including electrical power stations and substations; railroad stations, depots and maintenance facilities, so long as adjacent to an existing railroad line; postal services; sewage treatment plants; telephone exchange stations and relay towers; and towers for communications transmission.
- D. Density regulations.
  - 1. The minimum lot area shall be not less than five thousand (5,000) square feet for a single-family detached dwelling; two thousand five hundred (2,500) square feet for each one-half of a two-family dwelling or each single family attached dwelling; one

- thousand (1,000) square feet for each dwelling unit in multifamily dwellings. Other uses shall have not less than ten thousand (10,000) square feet of lot area.
2. The minimum lot width shall be fifty (50) feet.
  3. The maximum lot coverage area shall be thirty percent (30%).
  4. The minimum floor area for single-family attached and detached dwellings shall be eight hundred (800) square feet and four hundred (400) square feet for each dwelling unit in multifamily dwellings.
- E. Height regulations. The maximum structure height shall be five (5) stories.
- F. Yard regulations.
1. Front Yard Area:
    - a. The front yard area shall be in accordance with the following road classifications:
      - i. Local: Fifty-five (55) feet measured from the centerline of the street.
      - ii. Collector: Sixty (60) feet measured from the centerline of the street.
      - iii. Arterial: Seventy (70) feet measured from the centerline of the street.
      - iv. Arterial with more than three traffic lanes: Thirty (30) feet measured from the edge of the right-of-way.
    - b. Where lots have a double frontage, the required front yard shall be provided on each street.
    - c. Corner lots shall maintain a front yard setback along both abutting streets. However, in those instances where lots front on only one (1) of the intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in 1. above on that street upon which other lots front, and the setback on the other intersecting street may be reduced by not more than fifteen (15) feet.
    - d. The buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet.
  2. Side Yard Area: The side yard area shall be not less than seven and one-half (7.5) feet.
  3. Rear Yard Area: The rear yard area shall be not less than Twenty (20) feet.
  4. All Single-family attached dwelling units so created shall be subdivided so that each unit may be sold separately without further subdivision and shall include pro-rata yard areas in accordance with this section, unless such individual units are to be sold as a part of a maintenance provided complex, and then only if such common areas are to be perpetually maintained by an association or the developer.

Section 2. 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:                      05/18/2021

Second Reading                      /        /

**Date:** May 12, 2021  
**Prepared By:** Jack Hendrix  
**Subject:** Dwelling Unit and Lot sizes ordinance

The 2030 Comprehensive Plan identified several barriers to creating housing that is affordable to a broader range of citizens. With new home prices exceeding \$300,000.00, it was a concern that new teachers, police officers and fire fighters would effectively not be able to afford to live in Smithville. Some of the barriers identified were the minimum dwelling unit sizes in the multifamily districts, as well as the general land and development costs in Smithville, given the minimum lot sizes. One of the priorities in the Diverse Housing and Neighborhood Options Pillar is to address these items in the near term.

To address these barriers, the first item was to create options that allow for denser housing in the standard residential single-family developments by reducing the lot size requirements. Currently, the minimum lot size is 75' in the R-1B district. The proposed ordinance would create two new districts, R-1C (60') and R-1D (50') which will allow more lots to be created on the same size of parcel. There are no changes to the minimum dwelling unit size (1,100 ft<sup>2</sup>) so the houses will still be the same size as current housing stock in the R-1B districts, there will just be smaller yards. The intent is to create base options for developers to be able to spread development and land costs across more total lots to reduce the buildable lot cost.

The second item to address these barriers began with adjusting the minimum dwelling unit size required for multi-family developments. It was identified that the R-3 district included a minimum dwelling unit size of 900 ft<sup>2</sup>. That size was compared across multiple jurisdictions offerings and it was determined that the 900 ft<sup>2</sup> size was generally a two- or three-bedroom apartment. In order to create the option of studio and one-

bedroom apartments, these same offerings were evaluated. Based on the other complexes in the region, a studio unit is offered as small as 400 ft<sup>2</sup> and the Planning Commission decided that this size would work best to create multiple options for apartment developers to consider. Most complexes have Studio, One- and Two-Bedroom apartments available, and several had three-bedroom units as well. The commission felt that giving developers the option to create buildings with a more diverse apartment selection would best address our needs.

A secondary aspect of addressing the dwelling unit offerings in the multi-family district included evaluating the dwelling unit requirements in all districts where housing could be constructed. That revealed an inconsistent treatment of dwelling size across the districts. For example, the agricultural districts, as well as the two-family districts had no dwelling unit size restrictions, while the single-family and multi-family districts had a minimum size of 1,100 ft<sup>2</sup> for a detached single-family home. The commission worked through several discussion points and recommended a minimum dwelling unit size of 1,100 ft<sup>2</sup> in the agricultural districts and all single-family districts.

The Planning Commission decided on a distinction in the R-2 and R-3 districts. In both districts, it is allowable to construct a detached, single-family home or the multiple family option. In these districts, the detached (and attached) single-family home size is reduced. In the R-2 district, the minimum size for all options (single or two-family) is 900 ft<sup>2</sup>. In the R-3 district, those same options can be 800ft<sup>2</sup>, with a further reduction to 400 ft<sup>2</sup> in multi-family buildings.



## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Public Works

**AGENDA ITEM** Resolution 915 – A Resolution acknowledging the purchase and expenditure of funds for water meter replacement units from Kansas City Winnelson Company in an amount of \$20,407.

**RECOMMENDED ACTION:**

A motion to approve Resolution 915.

**SUMMARY:**

The City reads approximately 3,600 meters monthly. The meters are read through radio transmission. Kansas City Winnelson is the sole supplier of these parts that are compatible with our system. The meter dial and transmitter are hard wired and read remotely. In April, staff discovered that only 91% were reading correctly.

Staff ordered 150 replacement units (dials and electronic radio transmitters, ERTS) to begin a replacement process for all meters. Each unit costs \$66.70 / dial and \$69.35 / ERT. The order was placed without recognizing that the cumulative total cost for all units is \$20,407, which exceeds staff's authorization.

Staff requests acknowledgment of this purchase. Future replacement of meters in this magnitude of cost will come to the Board of Aldermen for approval.

**PREVIOUS ACTION:**

None

**POLICY ISSUE:**

Infrastructure Maintenance

**FINANCIAL CONSIDERATIONS:**

There are sufficient funds available in the water line repair budget for this expenditure

**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: invoice / Correspondence Utilities Superintendent |                                   |



## RESOLUTION 915

### **A RESOLUTION ACKNOWLEDGING THE PURCHASE AND EXPENDITURE OF FUNDS FOR WATER METER REPLACEMENT UNITS FROM KANSAS CITY WINNELSON COMPANY IN AN AMOUNT OF \$20,407.50**

**WHEREAS**, the City provides drinking water to the residents of Smithville; and

**WHEREAS**, the City reads approximately 3,600 residential meters monthly and meter maintenance and accuracy is imperative to the utility's accounting and revenue; and

**WHEREAS**, Kansas City Winnelson Company is the sole source vendor for the City's meters and electronic radio transmitters (ERTs).

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

**THAT** the purchase and expenditure of \$20,407.50 for the replacement of water meter dials and erts from Kansas City Winnelson Company is approved.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, this 18th day of May, 2021.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

Remit To:

KANSAS CITY WINNELSON CO.  
PO BOX 3359  
KANSAS CITY, KS 66103-3359

Original Invoice 6052 / 5104

Page	Date Printed	Invoice No.
1	4/15/21	649682 00

To Reorder Contact Us At

Phone No. : (913) 262-6868

Fax No .. : (913) 262-6843 DB# 11

Sold To:

CITY OF SMITHVILLE  
1 HELVY PARK DR  
SMITHVILLE, MO 64089-8376

Ship To:

CITY OF SMITHVILLE  
16401 LOWMAN ROAD  
SMITHVILLE, MO 64089  
AMR REG AND NODES

Customer Number	Customer Purchase Order	Salesman	Type Shipment	Ship VIA	Date Shipped
00240-002862	BRIAN	070-JOHN CROSS	Stock		4/15/21

\*\*\*\*\* THANK YOU FOR YOUR BUSINESS \*\*\*\*\*

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
150	EA	MSW-NODE5-1P-05 MNET-M W/5' NICOR CONN	150		66.7000		.00	10,005.00	N
150	EA	GWESG3NO-420 5/8 420 SG ME8 REG W/5'NICOR CONN	150		69.3500		.00	10,402.50	N

\*\*KANSAS CITY WINNELSON COMPANY--LOCALLY OWNED AND OPERATED\*\*THANK YOU

\*\*\*OUR REMIT ADDRESS HAS CHANGED. EFFECTIVE IMMEDIATELY PLEASE REMIT  
ALL PAYMENTS TO: PO BOX 3359 Kansas City, KS 66103\*\*\*

Terms: Monthly Service Charge May Be Applied To Past Due Accounts.

NET 30 DAYS

Pay full balance by 5/15/21

Tax Area ID:	Net Sales	20,407.50
MO - 260473351	Freight	.00
State Tax % .000	State Tax	.00
Local Tax % .000	Local Tax	.00
	Invoice Amount	20,407.50

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please call (913) 262-6868.

T&amp;C: You agree that the sale of these products/services is subject to all of our standard terms and conditions of sale located at 61

www.winsupplyinc.com/tcsale.

INVOICE LSP : Laser Invoice



To: Chuck Soules  
Public Works Director.

From: Robert Lemley  
Utilities Superintendent.

Ref: Water Meter Dials and ERTs.

When we read meters in April 2021 91% of the meters read, we usually get a 96%. Our meter read and Utilities Manger got together and ordered 150 new erts and dials. This cost \$20,407.50 they did not know that they cost so much. I told them in the future they need to talk to me first before making a purchase like this we have a purchasing policy that we need follow.

Having said that we do need the dials and the erts. Last year we replaced 60 erts and dials. The erts and dials are hard wired together but the company now has it where you can either replace the ert or the dial. This is another reason they ordered them. This will save us money in the future if the ert is bad we just replace it same with the dail.

This invoice comes out of water line repairs we have \$44,740.00 left in this line item as of March 31 2021. This will leave us \$24,000.00 left in that line item. We have a lot of bench stock for water line repairs so I think we will be good.

Now having said that there are 372 meters that are not reading right now either because of the dial or the ert. We will use the 150 they just bought but we will still have 150 that do not read. We will need to order more in the future. I think during 2021-2022 budget review we need to add \$30,000.00 for the meter replacement program.

Thank you,  
Utilities Superintendent.  
Robert J. Lemley



## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Development

**AGENDA ITEM:** Resolution 916 – Accepting Right-of-Way Easements

---

**RECOMMENDED ACTION:**

Approve Resolution 916 accepting Right-of-Way (ROW) easements for streets near the Coulter Addition Subdivision

**SUMMARY:**

Several property owners in the land adjacent to and east of the Coulter Addition granted ROW easements to the city in 1988, but the City never formally accepted those dedications. This Resolution accepts those dedications.

**BACKGROUND:**

This issue is a follow up action to the recent ROW acceptance presented by the Public Works Department as Resolution 886. That Resolution accepted ROW granted to the City on areas of Raintree and Hillcrest where no street dedications occurred. It was discovered during that process that all of the lots east of Hill Drive were never properly subdivided when it developed. This lack of subdivision approval meant that no formal street dedications occurred in the subdivision plat. Notwithstanding this oversight, the city accepted maintenance of the streets created for the houses after they were constructed in 1998 by Ordinance 1763-98. The County GIS maps showed various street ROW's, but the City's records did not include any record of how this ROW was created. Staff discovered all of these deeds as a result of the Resolution 886 recording and research. The easements involved in this Resolution were executed and recorded with the County recorder in June of 1988, but never presented to the Board of Aldermen for acceptance. In order to be complete, these easement should be accepted by the Board of Aldermen by Resolution. By accepting these previously recorded documents, all of the street ROW in the Coulter Addition and the lots east of it will be formally recognized as City streets.

**PREVIOUS ACTION:**

Resolution 886 accepting deeds for streets, Ord. 1763-98 agreeing to maintain streets

**POLICY ISSUE:**

Correcting past oversights and clarifying ownership and control of city streets.

**FINANCIAL CONSIDERATIONS:**

The City of Smithville has formally maintained these streets since Ord. 1763-98 was approved, so no NEW expenses.

**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: <a href="#">Click or tap here to enter text.</a> |                                   |

## **RESOLUTION 916**

### **A RESOLUTION ACCEPTING CERTAIN DEEDS OF PUBLIC RIGHT OF WAY FOR STREETS IN THE COULTER ADDITION**

**WHEREAS**, in June 1988, several property owners east of the Coulter Subdivision executed and recorded documents with the Clay County Recorder of Deeds titled "Right-of-Way Easements" for streets in favor of the City of Smithville, and;

**WHEREAS**, there is no record that the City of Smithville accepted those dedications as required by law, and;

**WHEREAS**, the City of Smithville has maintained those streets for many years, and;

**WHEREAS**, it is in the best interests of the City of Smithville to accept those dedications in conformance with the law.

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

**THAT THE RIGHT-OF-WAY EASEMENTS DEDICATED TO THE CITY OF SMITHVILLE AND RECORDED IN BOOK 1849, PAGE(S) 697; 698; 699; 701; 703; 705; 707; AND 709 AT THE CLAY COUNTY RECORDER OF DEEDS BE AND HEREBY ARE ACCEPTED BY THE CITY OF SMTIHVILLE.**

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18<sup>th</sup> day of May 2021.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Administration

**AGENDA ITEM:** Resolution 917, A Resolution Authorizing and Directing the Mayor to Execute an Agreement with Clay County, Missouri for the Collection of City Property Taxes

---

**RECOMMENDED ACTION:**

A motion to approve Resolution 917, A Resolution authorizing and directing the Mayor to Execute an Agreement with Clay County, Missouri for the Collection of City Property Taxes

**SUMMARY:**

In January 2021, Clay County changed its form of government with the approval of a new constitution by voters, and following this change, a recent state audit of the Office of the Collector was performed and indicated a need for Clay County to update the contract for the collection of city taxes on county tax bills. The tax collection services currently provided to cities will be provided in the same manner, and on the same time schedule, as they have been in the past, with minor adjustments. Apart from a small revision to the fee structure, there is essentially no change to the contract as it pertains to most cities in Clay County, including Smithville.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

N/A

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**ATTACHMENTS:**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinance             | <input checked="" 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 917

### **A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH CLAY COUNTY, MISSOURI FOR THE COLLECTION OF CITY PROPERTY TAXES**

**WHEREAS**, the City of Smithville has incorporated property located in Clay County in which property taxes are levied upon such property; and

**WHEREAS**, the Smithville Board of Alderman have previously approved a contract with Clay County for collection of said property taxes; and

**WHEREAS**, staff recommends that the Board of Alderman of the City of Smithville approve a contract with Clay County for the collection of city property taxes.

### **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 the agreement attached hereto, with Clay County for collection of property taxes.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18<sup>th</sup> day of May 2021.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk

AGREEMENT FOR COLLECTION OF  
CITY OF \_\_\_\_\_  
PROPERTY TAXES  
BEGINNING WITH THE TAX YEAR 2021, PERPETUAL

WHEREAS, Clay County is a first class county and a political subdivision in the State of Missouri; and

WHEREAS, the City of \_\_\_\_\_, is a city located, in whole or in part, within the boundaries of Clay County; and

WHEREAS, property taxes of various taxing authorities are collected and disbursed by the Office of Clay County Collector; and

WHEREAS, the City of \_\_\_\_\_ would benefit from the collection of property taxes of the City by the County Collector; and

WHEREAS, there are mutual benefits, obligations, and risks applicable to all parties when City taxes are collected on County tax bills, and thus negotiation of all rights and obligations affecting the collection of any money pertaining to a City or its programs on County tax bills is negotiable and subject to a bargained-for exchange; and

WHEREAS, this agreement shall serve as legal and proper notice that the Office of Clay County Collector hereby cancels any current contracts or agreements with the above referenced city, pertaining to the collection of City taxes on County tax bills, and seeks to replace such current contracts or agreements with this agreement in time to have City taxes appear on County tax bills in December 2021;

BE IT THEREFORE RESOLVED that this agreement be and is hereby entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the current duly elected or appointed Clay County Collector, hereinafter "Collector"; the County of Clay, Missouri, hereinafter "County"; and the City of \_\_\_\_\_, Missouri, hereinafter "City" as follows:

1. PURPOSE: This contract is for the purpose of the collection of City real and personal ad valorem property taxes by the County Collector, and disbursement of those funds to City.
2. AUTHORITY: This contract is authorized by Section 52.320 R.S.Mo. and is voluntarily entered into by the governing body of the County, the City, and the duly elected or appointed County Collector.

3. **TERM OF AGREEMENT AND CANCELLATION:** The agreement shall be in effect from execution of this agreement for taxes to be collected for the tax year 2021, due December 31, including all past due taxes or other amounts attributable to the City currently appearing in the tax records of the Clay County Collector. Unless breached or cancelled by any party, this agreement shall perpetually renew without need for any action or agreement of any party thereto so long as the statutes, ordinances, resolutions, and regulations pertaining to such collections remain materially consistent. Any party to this agreement may cancel this agreement, applicable to subsequent tax years only, by giving written notice of cancellation to all other parties to the agreement on or before July 1 of any tax year. Beginning with the 2023 tax year, the office of Clay County Collector shall no longer be a separate entity, and all rights and obligations individually pertaining to the current duly elected Collector shall merge with the rights and obligations of the County itself, without need for renegotiation of this agreement. No cancellation will be effective for any line item, charge, assessment, fee, or tax existing in the tax records of the Clay County Collector at the time of cancellation.
4. **AUTOMATIC RENEWAL:** This agreement shall renew automatically and perpetually unless cancelled by any of the three parties (either party beginning in 2023) on or before July 1 of a tax year. Any such cancellation shall not be retroactive, and all amounts certified by the City to the Clay County Collector for tax years prior to the cancellation year shall remain collectible and enforceable on the Clay County tax bills until abated or compromised by operation of laws applicable to county taxes.
5. **SCOPE:** This contract applies to the collection of ad valorem property taxes related to Clay County properties, residents, and businesses only. Said taxes are commonly referred to as real estate taxes, personal property taxes, and business personal property taxes. Unless specifically described in Exhibit A, (check if attached \_\_\_\_\_ ) no fines, fees, license fees, special assessments, or new categories of taxes will be accepted for collection. Nothing in this paragraph shall prevent City from using other methods to collect delinquent fees, assessments, or other items that could be included on property tax bills, provided however, the Collector shall be the exclusive collector of all amounts and categories of billing certified to the Collector for each tax year in which this agreement applies, and for three years thereafter. Because this agreement effectively cancels and replaces any pre-existing contract for collections of city taxes, the following tax bill line items, included on 2020 county tax bills, will be maintained on county tax bills until paid, abated, or compromised by operation of laws applicable to county taxes, using as a base amount the amount certified to the Collector in 2020, without any addition or modification by the City, for a period of three years. All such tax bill line items, listed below, will then be returned to the City for collection, effective January 1, 2024:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. **REPRESENTATIONS OF CITY:** Notwithstanding any City ordinance or resolution,

- a. Cities wanting their taxes to be collected by the Collector shall certify their annual levy to the County Clerk on or before October 1 of each year. Failure to certify a levy to the Clerk by this date shall be considered breach of this contract.
- b. Cities wanting their taxes to be collected by the Collector shall notify the County Assessor of the boundaries and legal description of any special benefit district, community improvement district, tax increment financing district, or other special property tax district on or before August 1 of each year, using a form promulgated by the County Assessor. All such notifications shall include a precise list of county tax parcels affected by the special district, and no district boundaries that do not precisely coincide with a county tax parcel shall be collectible on county tax bills. For each such district, the City shall annually pay a fee to the County Assessor of 1% of the total tax revenue affected by the establishment of the district, not to exceed \$1,500. This fee shall be due and payable every month as tax revenue is collected, but shall be deducted from the monthly distribution of taxes to the City one time, on February 15 of each year. A separate receipt detailing such deductions shall be provided to the City when such a deduction is made.
- c. The City will designate a single account into which tax disbursements will be deposited electronically by the Collector. City will provide such other information and coordination as may reasonably be requested.
- d. City agrees to require a paid business personal property tax receipt before renewing business permits or licenses where applicable.
- e. For each category of special assessment noted on Exhibit A, the City agrees to certify to the Collector the principal amount ONLY of each assessment. If the City has engaged in collection efforts on its own prior to certifying the assessment to the Collector, any interest, penalty, or fee charged by the City, over and above the principal amount of the assessment, shall be removed from the amount given to the Collector at certification. Furthermore, only assessments for which the activity giving rise to the assessment occurred within 3 years prior to December 31 of the year in which the assessment is certified shall be collectible on county tax bills. For example, a mowing assessment for mowing that occurred in 2018 is no longer collectible on 2021 tax bills, but a mowing assessment for mowing that occurred in 2019, 2020, or 2021 may be collected on a 2021 county tax bill.
- f. No new line items shall be added to any county tax bill unless Exhibit A is amended in a writing approved by all parties to this agreement.
- g. There are certain categories of taxes or assessments that do not apply to all cities and counties, but that can apply if a city or county enters into an agreement with specific parties or entities for limited purposes allowed by law. State statutes often contemplate that such categories of taxes or assessments will be collected on tax bills. While state law may require the Collector to collect such items when they exist, state statute does not require county collectors to collect ad valorem taxes billed by cities. Therefore, in exchange for the Collector's agreement to collect ad valorem taxes billed by the City, the City agrees that either:
  - a. City will not enter into any agreement with any party or entity that might create a new obligation for the Collector to collect an additional tax or assessment not listed in Exhibit A; or

- b. If City enters into any agreement with any party or entity that might create a new obligation for the Collector to collect an additional tax or assessment not listed in Exhibit A, the City agrees to retain sole responsibility to collect such additional tax or assessment on a separate City tax bill with no obligation on the part of the Collector to collect same, and to absorb any liability on the part of the Collector to collect such additional tax or assessment.
    - c. Entering into any agreement with any party or entity that creates a new obligation for the Collector to collect an additional tax or assessment not listed in Exhibit A without first obtaining consent of the Collector, or without complying with the requirements of section (b) above, shall be considered a material breach of this contract.
  - h. For all categories of collection described in Exhibit A, the exact amounts to be collected and the parcels to which the collection apply shall be delivered in an electronic format acceptable to Collector on or before July 1 of each tax year. City represents that the taxes to be collected, including any set out in Exhibit A are properly collectible and agrees to defend and hold Collector and County harmless as to any claim associated with the collection of the tax. Any amount not certified to the Collector by July 1 shall not be collectible through the county tax sale conducted that year. Through September 15, cities may update amounts certified to the Collector by July 1. However, no new amounts, not previously certified to the Collector, may be added to the annual tax roll after July 1.
7. REPRESENTATIONS OF COLLECTOR: The County Clerk and Collector will add the City taxes to be collected to the County tax bill for other taxing authorities, to be collected in the same manner as for any other taxing entity. The Collector will disburse City taxes on the same basis and at approximately the same time that it disburses taxes to other taxing authorities. Collector will issue to City a written report monthly, stating the amount collected for each tax district within the city, and the amount withheld for fees with each deposit of disbursement of City taxes. The disbursement and report will be sent on or about the 15<sup>th</sup> of each month. County and Collector will maintain a web site on which the public, including city personnel, may check the payment status of any taxpayer account. Collector will issue a collection report on or about March 31 showing the total amount collected through December 31 of each tax year, the amount of delinquent taxes collected, and the amount remaining delinquent. The monthly report or annual settlement will show the amount disbursed, the year of the taxes, the amount of interest, if any, and any special districts within the City.

Collector does not guarantee the collection of property taxes. Collection of taxes is subject to various factors and problems, including, but not limited to taxpayer bankruptcy, relocation, change of address, etc. Real estate taxes due may be collected through sale pursuant to Chapter 140 R.S.Mo. in the same manner and subject to the same procedures as the real property taxes for schools and other taxing entities. Collector relies on taxpayer's need for a paid tax receipt to license vehicles as a primary personal property tax enforcement mechanism. Collector occasionally uses other methods to enforce collection, but is under no obligation to do so. If personal property taxes to be

collected are more than three years past due, Collector may, at Collector's option, cease collection efforts, and issue a report of the same to the City.

8. **DELINQUENT TAXES :** Delinquent taxes will accrue an interest/penalty due from the taxpayer at the rate of 1.5% per month which will be added to the bill, and, when collected, will be disbursed with the principal amount to the City. Any partial payment will be prorated to principal, interest and fees. A one-time 9% penalty shall also apply to all delinquent taxes (RSMO 52.290), but no portion of this penalty is payable to the City. The Collector and/or the County shall have sole discretion to interpret statutes pertaining to waiver of interest and penalty. The City shall receive the same disbursement of taxes, interest, and penalty as paid to every other taxing jurisdiction appearing on a tax bill, less fees and costs specifically referenced in this contract.
9. **REPRESENTATIONS OF COUNTY:** The County will assist in authorizing such equipment, space and staffing as needed and agreed upon, to accomplish the additional responsibilities envisioned by this agreement.
10. **PAYMENT FOR COLLECTION SERVICES:** In consideration of the foregoing, the City will pay compensation as a percentage of the taxes and any fees or assessments collected, as follows:

A total of 2%, allocated as follows:

- a.) To the County general fund, one percent (1%) of the sums collected pursuant to Section 52.260 RSMo
- b.) To the County Assessment Fund, 0.625% (five eighths of 1%) of the sums collected pursuant to Section 137.720 RSMo
- c.) To the Collector Tax Maintenance Fund, 0.375% (three eighths of 1%) of the sums collected pursuant to Section 52.320 RSMo, and
- d.) To the County Collector, a pro rata share of \$3,000 pursuant to Section 52.320 R.S.Mo.

City authorizes Collector to deduct the above sums, together with such additional charges as are set out in Exhibit A, if any, from the amounts disbursed to the City. Collector shall have the option of billing and deducting the payments described in this section monthly, quarterly, or annually, at the option of the Collector, provided the Collector give the City a detailed receipt for each such deduction. The Collector is unable to offer differing deduction schedules to different cities.

11. **OFFICIAL AND GOVERNMENTAL IMMUNITY:** Nothing in the agreement is intended to waive or does waive, official and/or governmental immunity.
12. **BREACH:** In the event any of the parties believe there has been a breach of this agreement, the aggrieved party will give 30 days notice of the problem or issue, and the other party shall have the right to cure within the 30 days so provided. However, time is of the essence regarding any item referenced in this agreement that is to be included on

an annual tax bill, or as part of the annual tax sale, and the deadlines pertaining thereto, and regarding any obligation of the City to notify the Clerk of the levy to be applied. Failure to give timely notice of the levy, or of any item to be included on the annual tax bill could result in the City levy and/or the applicable item being excluded from the annual county tax bill.

13. **BOND:** The City may, at the City's expense, provide a bond securing performance of the County Collector under this Agreement, in an amount to be determined by the City.
14. **STATE STATUTES / LOCAL ORDINANCES:** If any state statute or local ordinance is in conflict with this agreement, now, or in the future, this agreement will be modified only to the extent necessary to comply with such law or ordinance, and the remainder of the provisions shall remain in effect for the tax year indicated above and any subsequent years to which this agreement applies.
15. **RECORDS RETENTION:** The County agrees to retain records related to tax collections in accordance with the standards for record retention described in state law, and as promulgated by the Attorney General for the State of Missouri. Requests for detailed or assembled information may result in additional charges consistent with state law.
16. **WRITTEN AGREEMENT:** This contract constitutes the complete agreement of the parties relating to the collection of taxes for the City, and supersedes all previous contracts, agreements and understandings of the parties, either oral or written, relating to the subject of this agreement. This contract cannot be modified, or any of the terms waived, except by an instrument in writing signed by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

**CITY OF \_\_\_\_\_, MISSOURI**

BY: \_\_\_\_\_  
Mayor or authorized representative

ATTEST:

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

Approved as to form and content:

\_\_\_\_\_  
Clay County Counselor



**CLAY COUNTY, MISSOURI**

BY: \_\_\_\_\_  
Commissioner voting in the affirmative to approve  
this contract

ATTEST:

\_\_\_\_\_  
County Clerk

**CLAY COUNTY COLLECTOR**

\_\_\_\_\_  
Lydia McEvoy, Clay County Collector



## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Finance / Utilities

**AGENDA ITEM:** Resolution 918, Leak Adjustment for Sherry Breckenridge

---

**RECOMMENDED ACTION:**

A motion approving Resolution 918, authorizing a credit of \$42.75.

**SUMMARY:**

The City has received notice from Sherry Breckenridge, a residential utility billing customer, of a water leak and is requesting a leak adjustment. All requirements set forth in Ordinance 2989-18 have been met.

On or about March 25, 2021 the Utilities Department obtained electronic reads of water usage for the month of March. Those reads were uploaded to the billing system later the same day which provides warnings for customers with no, little, or high usage. Ms. Breckenridge had a read of 1,343, with a consumption of 24,200 gallons. In addition, Ms. Breckenridge experienced high consumption for the month of February, with a read of 1,101 and consumption of 11,100 gallons.

The Board of Alderman approved utility rate changes that took effect on March 1, 2021. To accurately reflect these changes in utility rates, the leak adjustment calculation accounts for those changes for the credit applicable to the month of March 2021. As seen in the leak adjustment calculation, the water user charge per 1,000 gallons increases in February 2021 from a rate of \$7.43 per 1,000 gallons used to a new rate of \$7.89 per 1,000 gallons used (effective March 2021). Similarly, the wastewater user charge per 1,000 gallons was increased from \$4.85 per 1,000 gallons (February 2021) to \$5.84 per 1,000 gallons used (effective March 2021). However, these changes in wastewater rates do not affect the credit amount to be issued in the leak adjustment because the leak was inside the home and the water would have drained into the sanitary sewer system and not leaked in/outside the property.

Ms. Breckenridge submitted the necessary documentation (attached) satisfying the requirements of the policy. Staff is bringing forward a two-month leak adjustment request according to the policy and recommends its approval.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

Click or tap here to enter text.

**FINANCIAL CONSIDERATIONS:**

Click or tap here to enter text.

**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: Signed Request, Repair documentation,<br>and Adjustment Calculation |                                   |

## **RESOLUTION 918**

### **A RESOLUTION APPROVING A WATER AND WASTEWATER LEAK ADJUSTMENT REQUEST.**

**WHEREAS**, the City approved Ordinance No. 2989-18 amending Section 705.110 of the Code of Ordinances on February 6, 2018; and,

**WHEREAS**, Sherry Breckenridge, a residential utility billing customer with account 03-003050-04, has notified the City of a water leak and is requesting a leak adjustment; and,

**WHEREAS**, the conditions set forth in Section 705.110 of the Code of Ordinances as amended have been met; and,

**WHEREAS**, the adjustment calculation set forth in 705.110 of the Code of Ordinances as amended has been determined to be \$42.75;

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

A water and wastewater leak adjustment in the amount of \$42.75 shall be credited to account 03-003050-04 of residential utility billing customer Sherry Breckenridge.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 18<sup>th</sup> day of May, 2021.

---

Damien Boley, Mayor

ATTEST:

---

Linda Drummond, City Clerk



### Water and Wastewater Leak Adjustment Request

Utility Customer Name: Sherry Breckenridge

Utility Service Address: 106 N Smith Smithville, MO 64089

Utility Account Number: 03-003050-04

The residential utility billing customer referenced above has notified City staff of a water leak and is requesting a leak adjustment. City staff has verified the water consumption of the month(s) in question is more than two (2) times the monthly average for this property, no other leak adjustment has occurred in the previous thirty-six (36) month period, covers a single event and repair receipts have been provided.

In accordance with the Leak Adjustment Ordinance No. 705.110, the Board of Alderman may consider a leak adjustment calculated to be \$42.75 at the Board of Alderman meeting on 5/18/2021.

I, Sherry Breckenridge, agree to attend the Board of Alderman meeting referenced above, and understand that my failure to be present is cause for the Board of Alderman to deny my request.

Upon resolution by the Board of Alderman, I, Sherry Breckenridge, shall make payment in full or make formal payment arrangements with City staff no later than ten days (10) following the Board of Alderman consideration. I understand that failure to do so will result in imposition of late fees and/or disconnection of service.

Sherry Breckenridge 5/13/2021  
Customer's Signature Date

987844

DATE		4-20-21		TERMS	
TO		Carolyn Major			
		106 N Smith Apt. #2			
IN ACCOUNT WITH		Ken Westpfahl			
		Replaced Dishwasher			
		that had leaking system			
		Replaced toilet fill valve			
		that malfunctioned			
		Repaired leak on			
		shutoff valve to water			
		heater			
		All done on 4-20-21			
		Ken Westpfahl			
CURRENT		OVER 30 DAYS		OVER 60 DAYS	
TOTAL AMOUNT					



## Water and Wastewater Leak Adjustment Calculation

Utility Customer Name: **Sherry Breckenridge**

Utility Service Address: **106 Smith Street**

Utility Account Number: **03-003050-04**

### Breaking down key figures in Ordinance 2989-18(C), Adjustment Calculations

1. The adjusted bill(s) shall charge the City's normal water rate on all water volume used up to two (2) times the average monthly water use for this property.

City's normal water rate (per 1,000 gallons): **\$7.43**  
 Average monthly water usage for this property: **5,400 gallons**

2. Adjusted bill(s) shall also charge the City's wholesale water rate on all water volume used greater than two (2) times the average monthly water use for this property.

City's wholesale water rate (per 1,000 gallons): **\$4.76**

3. If the leak is inside the home, the wastewater bill(s) shall not be adjusted because the water volume used will have drained into the sanitary system of the home.

If the leak is outside the home, the wastewater bill(s) will be adjusted to reflect the average monthly wastewater usage for this property.

City's normal wastewater rate (per 1,000 gallons): **\$4.85**  
 Average monthly wastewater usage for this property: **5,400 gallons**  
 Was the leak inside or outside the home: **inside**  
 Was the wastewater billed winter average or actual usage: **actual usage**

### Calculating the adjustment amount using Ordinance 705.110(C), Adjustment Calculations

MONTH 1		
Original Water Bill Amount		
<b>11,100</b> gallons @ 7.43 per 1,000 gallons =		82.47
Adjusted Water Bill Amount		
10,800 gallons @ 7.43 per 1,000 gallons =		80.24
+ 300 gallons @ 4.76 per 1,000 gallons =		1.43
		81.67
Water Discount =		0.80
Original Wastewater Bill Amount		
11,100 gallons @ 4.85 per 1,000 gallons =		53.84
Adjusted Wastewater Bill Amount		
11,100 gallons @ 4.85 per 1,000 gallons =		53.84
Wastewater Discount =		0.00

MONTH 2 (if applicable)		
Original Water Bill Amount		
<b>24,200</b> gallons @ 7.89 per 1,000 gallons =		190.94
Adjusted Water Bill Amount		
10,800 gallons @ \$7.89 per 1,000 gallons =		85.21
+ 13,400 gallons @ 4.76 per 1,000 gallons =		63.78
		148.99
Water Discount =		41.95
Original Wastewater Bill Amount		
24,200 gallons @ \$5.84 per 1,000 gallons =		117.37
Adjusted Wastewater Bill Amount		
24,200 gallons @ \$5.84 per 1,000 gallons =		117.37
Wastewater Discount =		0.00

**Total Discount = 42.75**





## Board of Alderman Request for Action

**MEETING DATE:** 5/18/2021

**DEPARTMENT:** Administration

**AGENDA ITEM:** Appointment of Economic Development Committee Member

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**RECOMMENDED ACTION:**

Motion to approve the nomination of Steve Langley to the Economic Development Committee.

**SUMMARY:**

The Board of Aldermen appoints members to the Economic Development Committee. Committee Chair Alicia Neth and Assistant City Administrator Anna Mitchell interviewed Mr. Langley and recommend appointment. This appointment replaces a vacant position with applicant Steve Langley. Mr. Langley's experience in the agricultural industry will be of great value to the Economic Development Committee.

**PREVIOUS ACTION:**

N/A

**POLICY ISSUE:**

Section 155.100 of the Code of Ordinances requires the Board of Aldermen to appoint representative to the Economic Development Committee.

**FINANCIAL CONSIDERATIONS:**

None

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input 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: Resume |                                   |

# Steve Langley

Smithville, MO 64089  
stevelangley@strategic-agribusiness.com

1-816-820-3911  
[www.linkedin.com/in/steverlangley](http://www.linkedin.com/in/steverlangley)

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Business Development | General Manager | Director of International Sales | Agribusiness | Interim Exec

Domestic and international business leader with a track record of developing new markets, driving sales growth, and owning several successful companies. Available as an interim executive to assist companies in:

- Re-focussing and expanding domestic sales
- Developing new international markets
- Strengthening and supporting management teams to enable successful ownership transition
- Coaching and mentoring leaders in privately-owned businesses
- Preparing companies for successful sale to Private Equity or strategic buyer

- 
- |                        |  |
|------------------------|--|
| • Business Development | • New Markets /International Expansion |
| • Sales Leadership     | • Private Equity Ownership             |
| • Ownership Transition | • Business Coach and Mentor            |
| • Trusted CEO and COO  | • Board Member                         |
- 

**President** – Strategic Agribusiness LLC., Smithville, MO, 2019 - Present

Working as Interim Executive with small to medium-sized Agribusiness companies:

- Growing businesses with products and services in bio-security for swine and poultry operations.
- Accelerating sales and business development for family-owned business
- Introducing cost remediation and profit enhancement to rural America small to medium sized businesses

**Executive Director – Business Development**, Ag. Property Solutions LLC., Emmetsburg, Iowa, 2018 - 2019

Appointed to assist the President integrate two very different cultures and business models, working with Sales, Purchasing, Drafting, and Estimating teams to transition them to an updated organizational structure.

- Led business development efforts to diversify the business
- Served as primary representative to the C-level key swine industry executives with the National Pork Producers Council and the layer and broiler industries.
- Developed major supplier, partner, and customer relationships in a multi-species environment.

**Senior Vice President Business Development**, Win-Win LLC., Camp Point, Illinois, 2017 - 2018

Directed operations for the Sales, Marketing, Drafting, Estimating, and Purchasing functions.

- Worked with the owners to promote and sell large-scale animal production systems.
- Closed on the sale to the strategic buyer, Standard Nutrition Co., in 10 months, completed July 2018.

## **General Manager Animal Health and Nutrition Division / Director of International Sales**

H. J. Baker & Bro, Inc., Shelton, Connecticut, 2015 - 2017

Led global sales of protein concentrates in Asia, LATAM, and Africa. Recommended strategic reorganization to transition the 167-year-old family-owned firm away from value-added protein concentrates.

- Promoted from Director of International Sales to General Manager to lead all sales and support for the U.S. and global poultry and multi-species protein concentrates.
- As General Manager for the Animal Protein division, reduced operating costs by 50% to improve competitive market position. Managed the procurement team to lower costs through better buys on ingredients and animal proteins, increase capacity utilization, and lower operating costs/ton.
- Completed a turn-around of the encapsulated sulphur fertilizer business by leading the China business and increased sales 7X in an 18-month period. Achieved the company's goal to sell the sulphur business to a P.E. firm.

## **Vice President Business Development & Strategic Planning,**

QC Supply, Inc., Schuyler, Nebraska, 2014 - 2015

Drove sales with major swine integrators reaching the C-Suite decision-makers for private equity-owned firm, a leading U.S. distributor for swine and poultry equipment.

- Hired key projects executive to lead turn-key construction business development expanding company reach as swine industry increased sow numbers.
- Partnered with multiple locations and their management to increase sales and improve operations.

## **Vice President Pig Business Unit North America, Big Dutchman, Inc., Holland, Michigan, 2011 - 2014**

Directed start-up business development for highly engineered products that addressed animal care issues, improved swine management and feeding efficiencies, and reduced costs. Closely collaborated with German leadership and all lateral U.S. support teams.

- Reorganized the U.S. swine business by hiring three regional sales managers with over 50 years of direct swine management experience. This resulted in improved credibility and penetration of the North American market.
- Redeployed previous sales director to manage Canadian sales who became a major sales driver by opening the Quebec market resulting in \$4.0 million in annual sales.
- Hired a regional sales manager to open the Mexico market which resulted in significant sales with the key swine integrators and Smithfield Foods joint ventures.

## **Feed Ingredients Director, Dasco Inc., Englewood, Colorado, 2011**

Directed sales of mainly feed ingredients in the U.S.

## **President and General Manager, Osborne Industries, Inc., Osborne, Kansas, 2007 - 2011**

Managed P&L and entire company including manufacturing, sales, engineering, HR and international operations.

- Increased export sales from 5% to 33% of total company sales at a 70% gross margin, \$1.0 million in net profits. This achievement earned the Kansas Governor's "Exporter of the Year Award" (2009) and prevented serious financial consequences.
- Rescued sales to largest thermoset plastics customer which resulted 10x increase in sales during period of declining plastics sales. Awarded the "Supplier of the Year". 5-year impact exceeded \$15.0M in sales and \$3.0M of EBITDA.
- Reduced COGS by 5.0% and decreased inventory levels by \$1.0 million.
- Rebuilt profitable relationships with large key accounts in both swine equipment and OEM plastics.
- Directed strategic planning and team building of a 100 staff employee-owned company.

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## EDUCATION AND PROFESSIONAL DEVELOPMENT

B.S. Agronomy, Agri-Business emphasis, University of Missouri – Columbia

Business competent level of spoken Mandarin Chinese

Member of The Agribusiness Council of Kansas City

Vistage Member – Kansas City

Boy Scouts – Eagle



**May 12, 2021**

**Ms. Cynthia Wagner  
City Administrator, City of Smithville  
107 W. Main Street  
Smithville, MO 64089**

**Re: 144<sup>th</sup> Street Pump Station**

Dear Ms. Wagner,

The 144<sup>th</sup> Street Pump Station has been planned for implementation since 2013. The project was put on hold for several years while other higher priority projects were completed by Smithville. It was restarted last year with the intent to go to construction after all easements were acquired. The project's original purpose was twofold:

1. Replace the aging and substandard existing Hills of Shannon subdivision pump station.
2. Allow the wastewater flows from the Forrest Oaks subdivision to be diverted from KCMO's Rocky Branch wastewater treatment plant to Smithville's wastewater treatment plant which was more economical for Smithville.

This original plan intended to connect the new pump station to the existing 8-inch force main, which serves approximately 20 existing pump stations in the southern portion of Smithville. The force main itself had the capacity to convey this additional flow. However, during final design and pump selection, it was determined that a high-pressure pump would be required. While operating, this type of pump will increase the pressure in the existing force main. A Quality Control review of the pump station plan determined that a complete analysis of the effect of the increased pressure on the overall system needed to be performed.

This analysis determined the increased pressure could prevent some of the other existing pump stations from pumping simultaneously with the new pump station at certain times. During normal dry weather the various pump stations would typically cycle on and off at different times and the system would operate satisfactorily. However, during times of prolonged wet weather, inflow and infiltration cause peak flow events to occur. During these peak flow events multiple pumps will need to operate simultaneously and operational issues may occur.

It was concluded that a second force main should be considered to avoid these issues. The second force main adds cost to the overall project but provides capacity for additional growth in the southern portion of Smithville. In addition, it will take existing flow from the Hills of Shannon subdivision off the existing force

main. This increases available capacity on that force main which could be used by future development near Highway 92.

Please see attached letter from Kent Newport on the technical analysis and corresponding maps of the alternatives considered for a new force main. Both Kent and I will be available to discuss this at the Board meeting next week.

Sincerely,  
HDR Engineering, Inc.

A handwritten signature in blue ink, appearing to read "A. J. Bresette". The signature is fluid and cursive, with the first and last names being more prominent.

Aaron J. Bresette, P.E.  
*Associate Vice President*



**May 13, 2021**

**Ms. Cynthia Wagner  
City Administrator, City of Smithville  
107 W. Main Street  
Smithville, MO 64089**

**Re: South 144<sup>th</sup> Street Pump Station**

Dear Ms. Wagner,

HDR has determined the proposed South 144<sup>th</sup> Street wastewater pump station will have operational limitations pumping into the existing 8-inch main that requires a change in design and additional costs.

The original design for the South 144<sup>th</sup> Street wastewater pump station was for the station to be constructed near the Rocky Branch of Wilkerson Creek and 144<sup>th</sup> Street as shown on Figure 1. The original intent was to construct a pump station to handle flows from the Hills of Shannon subdivision and flows from the Forest Oaks Subdivision through a newly constructed gravity sewer extension. Approximately 2,400 LF of 8-inch force main would connect the new pump station to the existing 8-inch force main that runs from 144<sup>th</sup> Street along 169 Highway to where it discharges into the new gravity sewer north of Richardson Court.

HDR determined that the proposed pump station, when operational during peak flow events, would prevent other pumps, currently pumping into the 8-inch main, from operating simultaneously. During extended periods of wet weather this may cause those pump stations to potentially back up and cause service failures due to inflow and infiltration into the existing sewers.

HDR's determination is that additional force main capacity is required for the pump station to serve the areas intended in the original plan as illustrated in Figure 2. Therefore, HDR reviewed options for a second force main that could serve the areas in Figure 2. Two alternatives were reviewed with City Staff as shown in Figure 1.



Alternative	Pipe Length (Feet)	Area Served (Acres)	Project Cost	Cost Per Acre	Notes
Original*	2,500	355	\$2.04 Million	\$5,750	Has Operational Issues and Limited Capacity
Alternative 1*	11,500	930	\$3.0 Million	\$3,225	Follows existing electrical easement
Alternative 2*	17,350	930	\$3.9 Million	\$4,195	Follows Second Creek that could be a future gravity sewer alignment

\*All Alternatives include \$1.1 Million for Pump Station

HDR recommends that Alternative 1, which includes the pump station and 11,500 LF of 12-inch diameter force main. This option will allow the City to serve the area shown in Figure 3. As indicated in the table, Alternative 1 opens more area south of the proposed pump station for development and costs less per acre of developable area. This alternative also provides additional capacity in the existing 8-inch main, by removing flow to the Hills of Shannon to serve undeveloped area in the vicinity of Missouri 92 and 169 Highway.

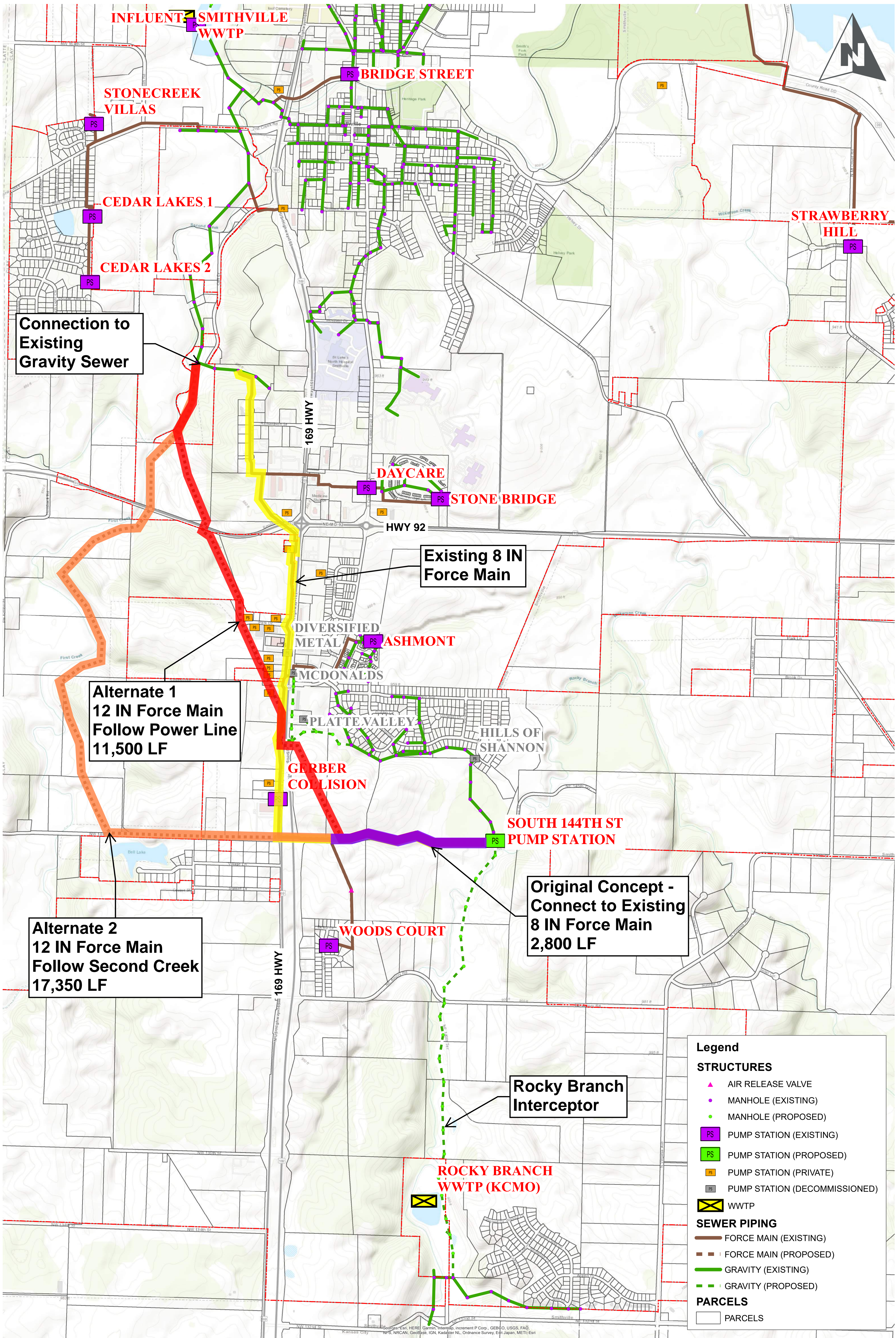
We will be more than happy to discuss this at the Work Session on Tuesday.

Sincerely,  
HDR Engineering, Inc.

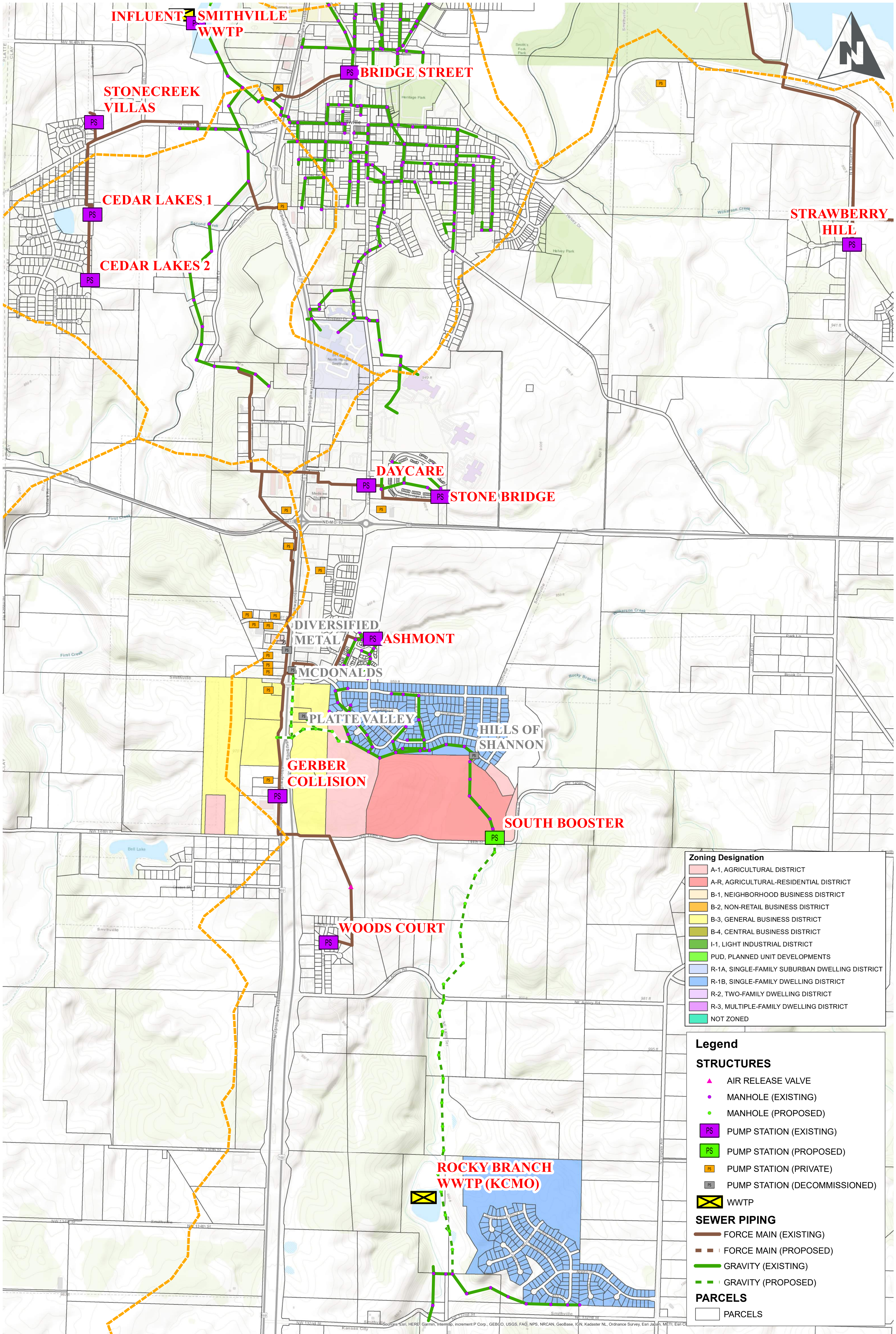


Kent Newport, P.E.  
Project Manager



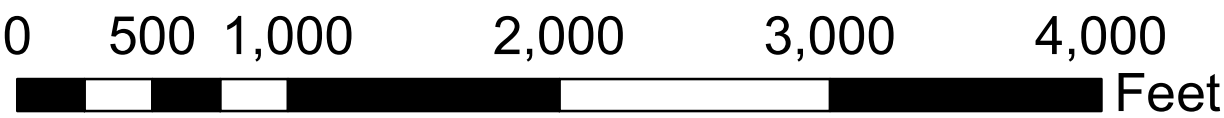
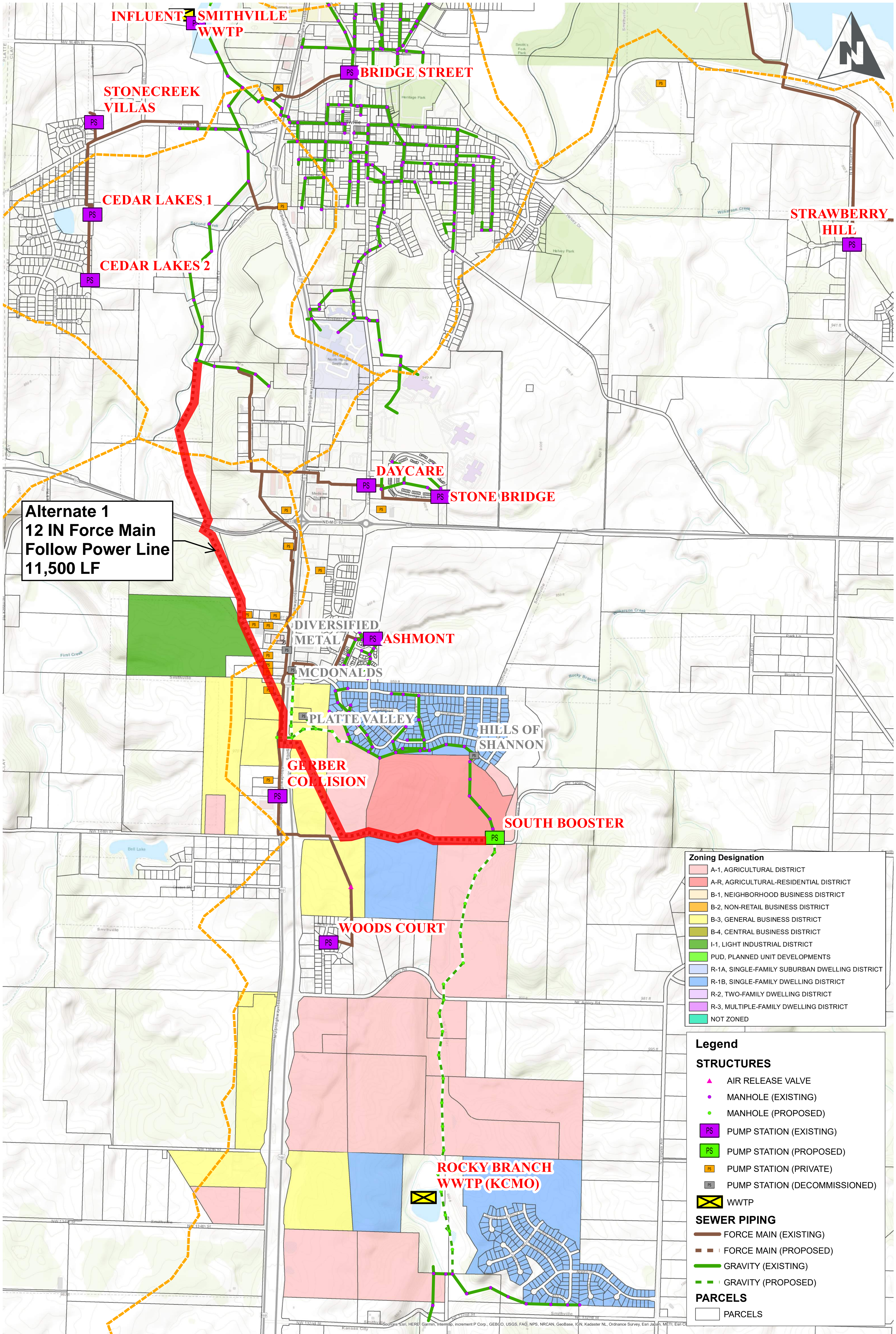






ORIGINAL SERVICE AREA, 10 YEAR  
CITY OF SMITHVILLE, MO  
FIGURE 2





ULTIMATE SERVICE AREA  
CITY OF SMITHVILLE, MO

FIGURE 3